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**STATE OF MAINE
119TH LEGISLATURE
FIRST REGULAR SESSION**

**Final Report
of the**

**COMMISSION TO STUDY
CHILDREN IN NEED OF SERVICES**

March 2000

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Executive Summary

The Commission to Study Children in Need of Services was established in the First Regular Session of the 119th Legislature by Resolve 1999, chapter 87. With 15 members broadly representing children, providers of services to children and state and nonprofit agencies, the commission had access to information and reflected many years of experience working with children, youth and young adults. The commission held a public hearing in Portland to learn first hand the experiences and needs of children at risk and living on the streets without a permanent home.

Commission members agreed upon a definition of “youth in need of services”
“Youth in need of services” means a person 12 to 20 years of age who:

- A. Has been abandoned or abused by the youth's parents, guardian or other custodian;
- B. Is without proper care or subsistence, education, a home, or medical or other care necessary for the youth's well-being;
- C. Is without or beyond the supervision of the youth's parents, guardian or other custodian; or
- D. Is in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense.

Commission members agreed upon the following findings:

- A. In general, the services available to youth and their families are far more extensive and varied than they were 10 years ago and access has improved for youth who are identified by state departments as needing protection or services. Many youth in need of services have not been identified and services to these youth have not been improved.
- B. In general, identification of the severity and volume of youths' special needs has increased during the past 10 years.
- C. Unless emancipated, youth are the legal responsibilities of their parents or legal guardians until they reach majority.
- D. Youth run away, do not attend school, become homeless and refuse treatment or services for a variety of reasons.
- E. Currently, state and federal laws and procedural guidelines regarding services for youth are largely based on categories of eligibility or funding.

- F. Barriers to service access, including lack of funding, are only one reason that some youth are not receiving services.
- G. A youth's self-assessment of needs is only a part of comprehensive needs assessment.
- H. The goal of reunification of the youth and the parent or family is one important strategy to attain adequate care for the youth.
- I. With regard to youth who are in need of mental health services from the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), DMHMRSAS is bound by the provisions of the Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment.
- J. When a parent or legal guardian is unable or cannot provide freedom from abuse, neglect or imminent risk of either, society is obligated to intercede.
- K. Service gaps still exist and must be addressed.
- L. Youth who are homeless or at risk of being homeless are in immediate need of appropriate services.
- M. The work of previous committees and studies document a need for services for youth ages 12 to 20 who are homeless or at risk of being homeless. That need continues to exist today.
- N. The State is facing a crisis situation regarding youth who are homeless or at risk of being homeless and the Governor and Legislature should focus on this crisis and provide the required services to these youths and their families.

The Commission makes the following recommendations:

- A. Youth in need of services who are not homeless or estranged from their families need:
 - 1. clear assessment of their needs; and
 - 2. identification of and access to resources to provide for those needs.
- B. With regard to youth in need of services whose parents do not or have not been able to provide for their safety and well-being, the parents need to be assisted with or required to provide for their care. Steps to accomplish this would be:
 - 1. assistance to families, including information and services, from the Department of Human Services (DHS) or other private or public agencies;
 - 2. funding for youth protective case workers adequate to ensure reasonable caseloads; and

3. Family Division proceedings to motivate families, youth and agencies to participate.
- C. With regard to youth who are in need of mental health or substance abuse services whose parents are attempting to provide for their safety and well-being, there must be a mechanism in place to assist the parents and to motivate the youth to participate and comply with an action plan developed for the family. A 2-track approach should be considered:
1. assistance to youth and their families, including information, services and mediation, from DHS, DMHMRSAS or private or public agencies and
 2. for youth under age 14, Family Division proceedings, including mediation, to provide motivation for families, youth and agencies to participate and to provide access to and funding for services.
- D. With regard to youth and young adults up through age 20 who are in need of services and whose relationships with their families have ruptured and are irreparable and who become or remain homeless, services need to be enhanced immediately. These services should include among other services a system of regional low barrier shelters and a variety of other short-term and long-term housing options.
- E. The Department of Education should work with local school superintendents to increase the capacity of school systems to provide educational options for youth who are homeless or in need of services, including but not limited to:
1. ability for attendance standards in middle schools and high schools;
 2. credit for partial or transferred work; and
 3. immediate enrollment in regular or alternative education.
- F. The Department of Education should increase its efforts with local school administrative units to provide information on the obligations of the schools to:
1. provide access to education for youth who are homeless under the Stewart B. McKinney Homeless Assistance Act and state law (20-A MRSA section 5205, subsection 7);
 2. transfer educational records under the Family Educational Rights and Privacy Act, 20 U.S. Code section 1232g(b)(1)(B) and state law (20-A MRSA section 6001-B);
 3. recognize the exceptions to the general residency rules at 20-A MRSA section 5205; and

4. identify and lower barriers to education for youth who are homeless or in need of services.

G. The Departments of Corrections, Education, Human Services, Public Safety and Mental Health, Mental Retardation and Substance Abuse Services should work together to identify and develop a plan to address the needs of youth in need of services and should sign memoranda of understanding to provide necessary services to youth ages 12 to 20. By April 1, 2001, the departments should report to the Joint Standing Committee on Health and Human Services and to the Youth in Need of Services Oversight Committee on their progress in meeting these needs.

I. INTRODUCTION

A. Enabling Legislation

The Commission to Study Children in Need of Services, hereinafter referred to as "the commission," was established in the First Regular Session of the 119th Legislature by Resolve 1999, chapter 87. A copy of Resolve 1999, chapter 87 is attached as Appendix A. The appointments to the commission were completed during the fall and meetings were held on November 10, December 2 and December 21, 1999, and January 4 and February 22, 2000. The commission was granted an extension to complete its work by March 1, 2000.

The commission was charged by Resolve 1999, chapter 87 with the duty to study truancy problems, children who runaway from their homes, emancipation of children and other factors that cause children to be in need of services. The resolve required the commission to consult with children, children's groups and organizations, schools and community-based organizations serving children and their families.

The commission held a public hearing and took testimony from youth, many of whom lived in shelters or with friends and received services from drop in centers and soup kitchens. Providers of services to youth testified to the needs of these young people and their hand to mouth existence on the street.

For the purposes of their work the commission defined youth in need of services as youth who are abandoned or abused by a parent, guardian or custodian; who lack care, subsistence, education a home or medical or other care; who are without or beyond the supervision of the parent, guardian or custodian; or who are in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense. The commission determined not to focus solely on homeless youth and not to focus on youth who are accompanied by a family member when they arrive at a shelter.

B. Membership

The Commission consisted of 4 members of the public, 6 legislators, and 5 persons designated by the of commissioners of the Department of Corrections, Department of Education, Department of Public Safety, Department of Human Services and Department of Mental Health, Mental Retardation and Substance Abuse Services. The 4 public members represented children and parents and community-based organizations working with children and their families. The 6 legislators represented the joint standing committees on education and cultural affairs, criminal justice and health and human services. A list of the commission membership is attached as Appendix B.

II. BACKGROUND INFORMATION ON YOUTH IN NEED OF SERVICES

A. Who are Maine's youth in need of services?

Youth in need of services are all different, with their family histories presenting unique combinations of personalities, strengths and challenges. They have been abused or neglected, they lack the basic necessities for living, they are beyond the supervision of their families and they are at risk of serious harm or criminal prosecution. They told their stories to the Commission at its Portland hearing and their stories had a profound sadness to them.

Youth in need of services are alone, by necessity or by choice, and they live by their wits and with the help of friends, religious, community, social service and government agencies and other concerned persons and entities. They are homeless for a variety of reasons: family conflict, family violence, abuse or neglect, running away, the particular needs of the youth, mental health problems of a youth or parent or changing family structure such as when a parent remarries, divorces or dies.

Youth who are at risk are on the brink of being homeless, experiencing stressful conflict as they and their families struggle to get along. They may be engaging in high-risk behavior, may be staying out all night or away from home for days at a time, may be asked to leave home or may be ignored in their absence from home and may be absent from school. Prevention efforts could yield great benefits for youth who are at risk and their families by stabilizing their home situations and preventing the homelessness that might otherwise result. Without the positive influence of assistance or intervention youth who are at risk are one step from homelessness, perhaps one step from arrest and entry into the juvenile justice system.

Youth in need of services testified before the commission to having immediate needs to ensure that they get through the day or week: shelter, clothing, medical care, food and a place to do laundry, make phone calls and socialize. Some expressed a desire for better communication with their families and a willingness to accept help in establishing communication. Some were attending school, some were trying to enroll but having difficulty with school transcript procedures and for some school was not a priority. Substance abuse services were requested by some and had been used very successfully by some.

B. What does the data show?

The commission embarked on a search for data on youth in need of services. National, regional and state centered data was considered. It is not possible to set numbers with certainty because data to substantiate the need are not available and youth in need of services often do not know where to go for assistance or do not trust adults or service providers to help them. These youth subsist instead on informal networks of friends and the resources that they gather through their creativity and persistence, often just a step ahead of the law.

The Maine State Housing Authority re-analyzed data from its biennial surveys of emergency youth and homeless shelters and provided a summary to the commission. During 1999 there were 7 licensed residential programs that reported to the Maine State Housing Authority that served unaccompanied youth. They offered a total of 124 beds per night, statewide. The summary is included as Appendix C.

The data from July, 1999, show 222 total admissions to youth and homeless shelters of 135 different unaccompanied youth. Thirty-four percent of the persons admitted stayed only 1 night, 39% up to a week, 26% up to a month and only 1% more than 30 nights. For half of the persons admitted the admission was the first one. Thirty-three percent had stayed at shelters 2 to 4 times in a year and 16% had stayed 5 or more times. Of the youth using shelters in July, 1999, the median age was 16 years, while 58% were male and 42% female. Twenty-seven percent listed Cumberland County as their county of primary residence, then 14% Penobscot, 11% Somerset, 9% Androscoggin, 9% Kennebec and 9% York Counties. When indicating their prior living arrangements for the last 6 months, 40% had lived with a family member, 8% in a group home, 7% in a correctional facility and 5% in a foster home. When indicating the reasons for homelessness, nearly half of the youth ages 13 to 18 identified family conflict and running away. Substance abuse and mental illness were indicated by 22% of the youth.

C. Studies and research

The commission also heard presentations and considered the February, 1999, report prepared by the Maine Interagency Task Force on Homelessness and Housing Opportunities entitled Young and Homeless: A study of Maine's homeless youth. Statistics in this report state that there are approximately 135 homeless, accompanied and unaccompanied, youth in Maine's shelters each night. Their average age is 13 years old and only 50% attend school regularly. They are served by the shelters serving families and by Maine's youth shelter system of 6 youth shelters and one group home. Some shelters operate only at night, some are open all day and some have separate day programs. Because of licensing restrictions and limitations imposed by various sources of funding, most shelters limit a youth's stay to 3 to 30 days.

Some youth shelters offer educational programs and outreach services. Some have transitional living services, assisting youth in locating suitable apartments. All operate closely with social service agencies, connect their youth to programs for which they qualify and in which they wish to participate, and report suspected abuse to the Department of Human Services. Use of some services, such as substance abuse or mental health treatment, may be limited to persons who are categorically eligible. Youth who are involved with the Department of Human Services child protective system have the broadest access to services and the funding needed to pay for those services.

The report Young and Homeless: A study of Maine's homeless youth concludes with 4 recommendations specific to homeless youth and 6 more general recommendations. They are:

1. The Legislature should fund and conduct a study of a potential Maine Runaway and Homeless System.
2. The departments of Corrections, Education, Labor, Human Services and Mental Health, Mental Retardation and Substance Abuse Services should develop additional services and plans to serve youth past their 18th birthdays.
3. The Auditing, Contracting and Licensing Services should eliminate licensing restrictions that make it difficult for youth to obtain housing and services.
4. The Department of Human Services should have a contracted program to provide outreach and services to homeless youth.
5. Funding for the Shelter Operating Subsidy should be increased to \$3,150,000 annually.
6. The Legislature should fund a study of changes in the General Assistance program.

7. Funding for the Temporary Housing Assistance Program should be increased to \$500,000 annually.
8. The Department of Human Services should convene local meetings to plan for service delivery to homeless persons.
9. All public housing authorities should establish a priority preference in the Section 8 certificate and voucher programs for homeless families with children.
10. The Department of Human Services should ensure that licensing restrictions do not separate children from adults in homeless families.

National studies enriched the discussions of the commission. A Different Kind of Smart, by Melanie Wilson and Alison Houghton, of the New England Network for Child, Youth and Family Services, provided a wealth of information on a particular segment of children in need of services, youth who are homeless. Drawing on studies done nationally and regionally, this study concluded that there is a high correlation between a child being placed in state custody in foster care and homelessness, even through succeeding generations. It cited one national survey which found 20,000 teenagers a year leaving foster care because they turn age 18, of whom 2 years later fewer than 50% had jobs or had finished high school and only 20% were self-supporting.

According to A Different Kind of Smart homelessness is just part of the problem for youth who are homeless. They are less healthy, at higher risk of substance abuse, more likely to have a major mental illness that impacts daily living skills, and have higher rates of depression and suicide. They are more likely to have a learning disability, more likely to repeat a grade in school and more likely to drop out of school.

The study cites the requirements of the federal McKinney Act that children and youth who are homeless have the same rights as others to a free, appropriate public education and that states should lower barriers to homeless youth attaining an education. These barriers include residency, guardianship and immunization requirements, transportation, school fees and supplies, access to special education testing and services, counseling services and participation in after-school activities.

Youth with Runaway, Throwaway and Homeless Experiences: Prevalence, Drug Use, and Other Risk Factors, published by the United States Department of Health and Human Services, Administration for Children and Families, reports on youth who had run away, whose parents did not care whether they were at home or who did not want them at home and youth who had spent the night away from home in a shelter, public place, abandoned building, outside, or with someone they did not know because they had no other place to stay. These youth fit securely into the commission definition of youth in need of services. Information for the report was collected from 3 groups of youth: those in shelters, those on the streets, and those in their homes.

The study and report conclude that runaway, throwaway and homeless youth need a range of services, delivered in their communities, for substance abuse, attempted suicide, victimization, violence and criminal activity, unsafe sexual practices and pregnancy. Needed services should focus on outreach, education, prevention, and intervention. Family reunification should be explored and conflict resolution and conflict management skills taught. Linkages to intensive treatment systems should be strong. Short and long-term residential placements should be available. Coordination with foster care, juvenile justice and mental health systems is critical to success.

D. Services for youth in need of services and their families

Commission members discussed the array of services that could be provided to youth and their families and considered a lengthy list which draws heavily on the report of the Commission on Children in Need of Supervision and Treatment, chaired by Representative Dale F. Thistle, from 1989. The services are listed, reading the left column top to bottom and then the right column, in ascending order of intensity, primary prevention services being first on the list and secure treatment facilities being last, and therefore the strongest intervention. These services include:

Statewide primary prevention program	Evaluation and assessment service
Statewide public awareness program	Outpatient mental health services
Early intervention	Outpatient substance abuse services
24-hour hotline	Family support services
Peer counseling and support	Home based service teams
Street outreach	Local safe homes
Drop in centers	Homeless shelters
Information and referral	Emergency shelters
Educational resources	Semi-independent living programs
Employment resources	Day treatment
Case planning	Therapeutic foster homes
Case management	Therapeutic group homes
Transportation	Residential treatment facilities
Aftercare	Psychiatric hospitals
Child protective program augmentation	Secure treatment facilities
Mediation	

III. DEFINITION AND FINDINGS

Commission members agreed upon a definition of “youth in need of services”

“Youth in need of services” means a person 12 to 20 years of age who:

- A. Has been abandoned or abused by the youth's parents, guardian or other custodian;
- B. Is without proper care or subsistence, education, a home, or medical or other care necessary for the youth's well-being;
- C. Is without or beyond the supervision of the youth's parents, guardian or other custodian; or
- D. Is in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense.

Commission members agreed upon the following findings:

- A. In general, the services available to youth and their families are far more extensive and varied than they were 10 years ago and access has improved for youth who are identified by state departments as needing protection or services. Many youth in need of services have not been identified and services to these youth have not been improved.
- B. In general, identification of the severity and volume of youths' special needs has increased during the past 10 years.
- C. Unless emancipated, youth are the legal responsibilities of their parents or legal guardians until they reach majority.
- D. Youth run away, do not attend school, become homeless and refuse treatment or services for a variety of reasons.
- E. Currently, state and federal laws and procedural guidelines are largely based on categories of eligibility or funding.
- F. Barriers to service access, including lack of funding, are only one reason that some youth are not receiving services.
- G. A youth's self-assessment of needs is only a part of comprehensive needs assessment.
- H. The goal of reunification of the youth and the parent or family is one important strategy to attain adequate care for the youth.

- I. With regard to youth who are in need of mental health services from the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), DMHMRSAS is bound by the provisions of the Rights of Recipients of Mental Health Services Who Are Children in Need of Treatment.
- J. When a parent or legal guardian is unable or cannot provide freedom from abuse, neglect or imminent risk of either, society is obligated to intercede.
- K. Service gaps still exist and must be addressed.
- L. Youth who are homeless or at risk of being homeless are in immediate need of appropriate services.
- M. The work of previous committees and studies document a need for services for youth ages 12 to 20 who are homeless or at risk of being homeless. That need continues to exist today.
- N. The State is facing a crisis situation regarding youth who are homeless or at risk of being homeless and the Governor and Legislature should focus on this crisis and provide the required services to these youths and their families.

IV. RECOMMENDATIONS

The Commission makes the following recommendations:

- A. Youth in need of services who are not homeless or estranged from their families need:
 - 1. clear assessment of their needs; and
 - 2. identification of and access to resources to provide for those needs.
- B. With regard to youth in need of services whose parents do not or have not been able to provide for their safety and well-being, the parents need to be assisted with or required to provide for their care. Steps to accomplish this would be:
 - 1.. assistance to families, including information and services, from the Department of Human Services (DHS) or private or public agencies;
 - 2. funding for youth protective case workers adequate to ensure reasonable caseloads; and
 - 3. Family Division proceedings to motivate families, youth and agencies to participate.

- C. With regard to youth who are in need of mental health or substance abuse services whose parents are attempting to provide for their safety and well-being, there must be a mechanism in place to assist the parents and to motivate the youth to participate and comply with an action plan developed for the family. A 2-track approach should be considered:
1. assistance to youth and their families, including information, services and mediation, from DHS, DMHMRSAS or private or public agencies and
 2. for youth under age 14, Family Division proceedings, including mediation, to provide motivation for families, youth and agencies to participate and to provide access to and funding for services.
- D. With regard to youth and young adults up through age 20 who are in need of services and whose relationships with their families have ruptured and are irreparable and who become or remain homeless, services need to be enhanced immediately. These services should include among other services a system of regional low barrier shelters and a variety of other short-term and long-term housing options.
- E. The Department of Education should work with local school superintendents to increase the capacity of school systems to provide educational options for youth who are homeless or in need of services, including but not limited to:
1. ability for attendance standards in middle schools and high schools;
 2. credit for partial or transferred work; and
 3. immediate enrollment in regular or alternative education.
- F. The Department of Education should increase its efforts with local school administrative units to provide information on the obligations of the schools to:
1. provide access to education for youth who are homeless under the Stewart B. McKinney Homeless Assistance Act and state law (20-A MRSA section 5205, subsection 7);
 2. transfer educational records under the Family Educational Rights and Privacy Act, 20 U.S. Code section 1232g(b)(1)(B) and state law (20-A MRSA section 6001-B);
 3. recognize the exceptions to the general residency rules at 20-A MRSA section 5205; and
 4. identify and lower barriers to education for youth who are homeless or in need of services.
- G. The Departments of Corrections, Education, Human Services, Public Safety and Mental Health, Mental Retardation and Substance Abuse Services should work

together to identify and develop a plan to address the needs of youth in need of services and should sign memoranda of understanding to provide necessary services to youth ages 12 to 20. By April 1, 2001, the departments should report to the Joint Standing Committee on Health and Human Services and to the Youth in Need of Services Oversight Committee on their progress in meeting these needs.

V. Suggested Legislation

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §152, subsection 4 is amended to read:

4. Exclusive jurisdiction. Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34, chapter 229, mental retardation certification hearings under Title 34, chapter 229, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equitable relief may be granted, youth in need of services actions under Title 22, chapter 1071, subchapter XIV and small claims actions under Title 14, chapter 738; and

Sec. 2. 22 MRSA c. 1071, sub-c. 14 is enacted to read:

SUBCHAPTER XIV

YOUTH IN NEED OF SERVICES PROGRAM

§4095. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Youth in need of services. "Youth in need of services" means a minor child who:

A. Has been abandoned or abused by the child's parents, guardian or other custodian;

B. Is without proper care or subsistence, education, a home or medical or other care necessary for the child's well-being;

C. Is without or beyond the control of the child's parents, guardian or other custodian;
or

D. Is in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense.

2. Court. "Court" means the Family Division of the District Court.

3. Outreach worker. "Outreach worker" means an agent of the department authorized to perform all outreach functions established by this subchapter for a youth alleged

to be in need of services. "Outreach worker" may include community-based agencies contracted by the department and persons employed by such an agency to provide outreach functions.

§4096. Program

1. Established. The Youth in Need of Services Program is established for any youth in need of services.

§4097. Preliminary assessment; safety plan; actions

1. Preliminary assessment. When an outreach worker is informed by a parent, law enforcement officer, school official, social service professional, mental health professional or other person that a youth may be in need of services, the outreach worker shall make a preliminary assessment within 48 hours to determine whether the youth is in need of services and whether further action should be taken under subsections 2 or 3. The time period imposed in this subsection is not lengthened because of holidays or weekends.

2. Safety plan. If a youth is determined to be in need of services, within 48 hours of the outreach worker's making that determination, the outreach worker shall develop a safety plan and arrange services for the youth consisting of housing, medical care and food and shall arrange support services for the youth and, if appropriate, for the youth's family or legal guardian, which may include the provision of voluntary mediation services.

3. Imminent danger. If a youth is determined to be in need of services, the outreach worker shall attempt to contact the family to begin support services to the youth and family or legal guardian, if appropriate, and shall promptly file a petition to commence court proceedings. If the court makes a finding that a youth is in need of services and is in imminent danger, the court shall order the provision of services to the youth or the youth's family or legal guardian, which may include voluntary mediation services.

4. Limitation on orders and enforcement. In a proceeding brought under subsection 3 if a court determines that certain services, including mediation services, may be of assistance to the youth or the youth's family or legal guardian, the court shall order that those services be provided. The court may not order any individual person to receive those services, order secure residential placement for the youth or enter an order of enforcement or contempt.

5. Reporting. The department shall report by January 15 each year to the Youth in Need of Services Oversight Committee and the joint standing committee having jurisdiction over health and human services matters on the number and nature of preliminary assessments, safety plans and court proceedings under this section. The report must include recommendations for policy, rule and legislative action for youth in need of services.

§4098. Youth in Need of Services Oversight Committee

The Youth in Need of Services Oversight Committee, hereinafter referred to as "the committee," is established to provide oversight of services provided to youth and families by the State, with the exception that the Children's Mental Health Oversight Committee established pursuant to Title 34-5 section 15004 has responsibility for oversight of children's mental health.

1. Membership. The committee consists of the following 23 members. The appointing authorities must make the initial appointments by August 1, 2000. When a vacancy occurs the appointing authority shall promptly appoint a person to fill the vacancy. The membership consists of the following:

A. Three representatives of the joint standing committee of the Legislature having jurisdiction over health and human services matters who must serve on the committee at the time of their appointments and who may continue to serve while they are Legislators until they are replaced by a new appointment. One member is appointed by the President of the Senate. Two members are appointed by the Speaker of the House, representing each major political party;

B. One representative of the joint standing committee of the Legislature having jurisdiction over criminal justice matters, appointed by the Speaker of the House;

C. One representative of the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, appointed by the President of the Senate;

D. One representative of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, appointed by the Speaker of the House;

E. The commissioner, the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Public Safety and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, or designees of the commissioners, who have authority to participate in full and to make decisions as required of committee members;

F. Three representatives of families whose children receive services from a state agency, reimbursed through a state agency or from an entity under contract with a state agency, 2 of whom are appointed by the President of the Senate and one of whom is appointed by the Speaker of the House. One of the appointments of the President of the Senate to the initial committee must be for 2 years. All other appointments are for 3 years;

G. Three representatives of providers of youth services provided by an entity under contract with a state agency or reimbursed through a state agency, one of whom is appointed by the President of the Senate and 2 of whom are appointed by the Speaker of

the House. One of the appointments of the Speaker of the House to the initial committee must be for 2 years. All other appointments are for 3 years;

H. One representative of a statewide organization that advocates for youth, appointed by the President of the Senate for a 3-year term;

I. Two representatives of statewide organizations that provide funding and support for services for youth and families, one of whom is appointed by the President of the Senate for a 3-year term and one of whom, representing the Juvenile Justice Advisory Group, established in Title 34-A, section 1209, is appointed by the Speaker of the House for a 3-year term; and

J. Three youth, 2 appointed by the President of the Senate and 1 appointed by the Speaker of the House, one from each of the 3 regions of the state designated by the Department of Human Services, appointed for 3-year terms.

2. Duties. The committee shall undertake the following responsibilities:

A. Oversight, monitoring and review responsibilities, including the responsibilities to:

(1) Receive reports and advise the Governor and the Executive Department regarding youth health and youth services, including but not limited to services for youth in need of services, the Medicaid and Cub Care programs, child welfare services, adoption, foster care and juvenile justice services;

(2) Review and comment on rules proposed by state agencies that pertain to youth;

(3) Receive reports from the departments on the Youth in Need of Services program, including its strengths and weaknesses and its administration and on other initiatives with regard to youth in need of services;

(4) Receive reports on demonstration programs and pilot projects regarding youth and families and youth health; and

(5) Gather facts regarding the needs of youth, youth services that are being provided in the State, unmet need, and services, preliminary assessments, safety plans and court action provided under this subchapter and develop and report any recommendations to improve the delivery of services to youth and families to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters and such other committees of the Legislature as are appropriate by October 1st each year beginning in 2001 and as frequently as the committee determines to be appropriate; and

B. Meet every 2 months or more often, as the committee determines necessary. The committee shall elect a secretary from among its members who shall work with staff to keep and to distribute minutes to members and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, education, criminal justice and the joint standing committee having jurisdiction over health and human services matters; and

C. Report at least twice annually on the number of youth in need of services and the status of programs and services for youth and families, service need and the capacity of state departments, agencies, community and nonprofit organizations to the Commissioner of Human Services, Commissioner of Corrections, Commissioner of Education, Commissioner of Human Services and Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and Commissioner of Public Safety.

3. Co-chairs. The President of the Senate and the Speaker of the House shall jointly select co-chairs from their legislator members to plan for and to preside over meetings.

4. Confidentiality. Committee members and staff to the committee may review in executive session information that is confidential under state law or rule. Information reviewed under this subsection retains its confidentiality and is not public information.

5. Reimbursement. Members of the committee who are Legislators and persons serving under subsection 1, paragraphs F and J, may be reimbursed for expenses and are entitled to per diem at the legislative rate for attendance at committee meetings. All other members serve voluntarily and without reimbursement.

6. Staff; resources. The department shall provide staffing assistance to the committee and resources necessary to the effective operation of the committee.

7. Public meetings and information. The committee is subject to the freedom of access laws under Title 1, chapter 13, subchapter I.

Sec. 3. Homeless Youth Demonstration Project. The Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall provide financial and staffing support to extend the operation of the of the Homeless Youth Demonstration Project created in Resolve 1999, Chapter 55, to the Department of Human Services Region II and to operate the stakeholders' groups in conjunction with and on the same timetable as the stakeholders' groups operating in Regions I and III. Demonstration projects in Region II must include a rural component.

Sec. 4. Report on Homeless Youth Demonstration Project. The Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall report on its evaluation of the demonstration projects and the recommendations of

the Homeless Youth Demonstration Project in all 3 regions of the State to the Youth in Need of Services Oversight Committee established in Title 22, section 4098, by February 1, 2001.

Sec. 5. Report on Involuntary Services for Youth in Need of Services. By January 15, 2001, the Youth in Need of Services Oversight Committee established in Title 22, section 4098, shall report to the joint standing committee having jurisdiction over health and human services matters its recommendations regarding involuntary services for youth in need of services. The report must include in one category youth through age 13 and in another category youth ages 14 and above.

In preparing its report the committee must hold public hearings in the southern, central and northern regions of the State to learn the opinions of youth, families, providers of services and other interested persons in both urban and rural areas.

The committee must address the following issues in its report:

- A. Constitutional and civil rights;
- B. The relationship of an involuntary services system to other laws regarding involuntary commitment, child abuse protection and the criminal justice system, what is the standard for involuntary service eligibility, what is the standard for returning to normal life, and what are the enforcement mechanisms;
- C. The use of involuntary commitment as a means of behavior control;
- D. Due process and the protection of rights for youth and families;
- E. The need for facilities and organizations to provide involuntary services;
- F. The administrative and judicial requirements of such a procedure, including costs;
- G. The cost of prevention services and voluntary services;
- H. Equitable distribution of services to meet the needs of youth, statewide; and
- I. Strategies for improving access to services and options in rural areas.

The committee must consider in its deliberations the following: the reports of the Homeless Youth Demonstration Project in the 3 regions of the State; the recommendations of the Maine Interagency Task Force on Homelessness and Housing Opportunities; any recommendations provided by the Department of Corrections, Department of Education, Department of Public Safety, Department of Human Services and Department of Mental Health, Mental Retardation and Substance Abuse Services and the Judicial Department; and any information provided by youth and interested parties to the committee.

Sec. 6. The Departments of Corrections, Education, Human Services, Public Safety and Mental Health, Mental Retardation and Substance Abuse Services shall work together on the needs of youth in need of services and shall begin discussions to sign memoranda of understanding to provide necessary services to youth ages 12 to 20. By March 1, 2001, the Departments of Corrections, Education, Human Services, Public Safety and Mental Health, Mental Retardation and Substance Abuse Services shall report to the joint standing committee having jurisdiction over health and human services matters and to the Youth in Need of Services Oversight Committee on their progress in meeting the needs of youth in need of services and in signing memoranda of understanding.

SUMMARY

This bill establishes the Youth in Need of Services Program. The program provides for a preliminary assessment and safety plan consisting of housing, medical care, food and education for children who have been determined to be in need of services. The bill provides for a proceeding in the Family Division of the District Court to obtain services for youth determined to be in imminent danger of serious physical, mental or emotional danger. If a court finds that certain services may be of assistance to a youth or the youth's family or legal guardian, the bill requires a court to order that those services be provided. The bill does not allow a court to order an individual to receive services, to order secure residential placement or to enter an order of enforcement or contempt.

The bill establishes the Youth in Need of Services Oversight Committee for children's issues with the exception of mental health issues. The bill requires the Youth in Need of Services Oversight Committee to report to the joint standing committee having jurisdiction over health and human services matters by January 15, 2001, on involuntary services for youth in need of services.

The bill provides for the expansion to Region II of the Homeless Youth Demonstration Project created in Resolve 1999, chapter 55, and requires the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to report on their evaluation of the project and the recommendations of the stakeholders to the Youth in Need of Services Oversight Committee by February 1, 2001.

The bill requires the Departments of Corrections, Education, Human Services, Public Safety and Mental Health, Mental Retardation and Substance Abuse Services to work together to identify and develop a plan to address the needs of youth in need of services, requires them to begin discussions to sign memoranda of understanding to provide necessary services to youth ages 12 to 20 and to report the results of their work.

APPENDIX A

Legislation authorizing the Commission: Resolve 1999, Chapter 87

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-NINE
—

S.P. 643 - L.D. 1825

**Resolve, to Establish the Commission to Study Children in
Need of Services**

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, children in need of services are difficult to identify and are sometimes resistant to accepting services and are sometimes endangered by their own behavior; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission to Study Children in Need of Services, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 15 members appointed as follows.

1. The President of the Senate shall appoint 5 members: one Senator from the joint standing committee of the Legislature

having jurisdiction over criminal justice matters, one Senator from the joint standing committee of the Legislature having jurisdiction over education matters, one Senator from the joint standing committee of the Legislature having jurisdiction over health and human services matters, one representative of community-based organizations working with children and their families and one representative of children.

2. The Speaker of the House shall appoint the following 5 members: one Representative from the joint standing committee of the Legislature having jurisdiction over criminal justice matters, one Representative from the joint standing committee of the Legislature having jurisdiction over education matters, one Representative from the joint standing committee of the Legislature having jurisdiction over health and human services matters, one representative of community-based organizations working with children and their families and one representative of parents.

3. The following commissioners or their designees are members: the Commissioner of Human Services; the Commissioner of Education; the Commissioner of Corrections; the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; and the Commissioner of Public Safety.

4. The first named Senate member is the Senate chair and the first named Representative member is the House chair; and be it further

Sec. 3. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chairs shall call and convene the first meeting of the commission no later than September 1, 1999; and be it further

Sec. 4. Duties. Resolved: That the commission shall study truancy problems, children who run away from their homes, emancipation of children and other factors that cause children to be in need of services. In examining these issues, the commission shall consult with children, children's groups and organizations, schools and community-based organizations serving children and their families; and be it further

Sec. 5. Staff assistance. Resolved: The commission may request staffing and clerical assistance from the Legislative Council; and be it further

Sec. 6. Reimbursement. Resolved: That the commission members who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses for each day's attendance at meetings of the commission. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses. The Executive Director of the Legislative Council shall administer the commission's budget; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Health and Human Services by December 1, 1999. The commission may request an extension of the reporting date from the Legislative Council if it finds that it is unable to complete its work by December 1, 1999; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1999-00

LEGISLATURE

Commission to Study Children in Need of Services

Personal Services	\$1,320
All Other	2,500

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members for 4 meetings of the Commission to Study Children in Need of Services and to print the required report.

LEGISLATURE TOTAL

\$3,820

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

APPENDIX B

List of Members

COMMISSION TO STUDY CHILDREN IN NEED OF SERVICES

Chapter 87, Resolves of 1999

Membership 1999

Appointment(s) by the President

Sen. Mary R. Cathcart **Chair**
120 Main Street
Orono, ME 04473
(207)-866-3054

Sen. Betty Lou Mitchell
P.O. Box 6
Etna, ME 04434
(207)-269-2071

Sen. Robert E. Murray, Jr.
340 Center Street
Bangor, ME 04401
(207)-947-4501

Peter Mitchell McPherson
RFD 1, Box 717
Limington, ME 04049
(207)-871-1200

Paul Vestal
St. Michael's Center
1066 Kenduskeag Avenue
Bangor, ME 04401

Appointment(s) by the Speaker

Rep. Michael W. Quint **Chair** Representing the Criminal Justice Committee
32 Grant Street
Portland, ME 04101
(207)-774-8638

Rep. Glenys P. Lovett Representing the Health and Human Services Committee
16 Cedarbrook Drive
Scarborough, ME 04074
(207)-883-3030

Rep. Elizabeth Watson Representing the Education & Cultural Affairs Committee
136 Maine Avenue, Apt. 6
Farmingdale, ME 04344
(207)-621-2871

Shannon Bonsey Representing Parents
Penquis Community Action Programs, Inc.
P.O. Box 1162
Bangor, ME 04402-1162
(207)-973-3553

Robert Rowe Representing Community Based organizations working with
New Beginnings
436 Main Street
Lewiston, ME 04240
(207)-795-6048

Ex Officio

MacKenzie Harris
Children's Services
40 State House Station
Augusta, ME 04333-0040
(207)-287-4251

Commissioner of MH, MR and Substance Abuse or designee

Roxy Hennings
Department of Corrections
111 State House Station
Augusta, ME 04333-0111
(207)-287-4378

Representing the Department of Corrections
Commissioner's Designee

Dr. Michael J. Opuda
Department of Education
23 State House Station
Augusta, ME 04333-0023
(207)-287-5974

Representing the Department of Education
Commissioner's Designee

Andrea Paul
Department of Human Services
509 Forest Avenue
Portland, ME 04101
(207)-287-2736

Commissioner of Human Services or designee

John Rogers
Department of Public Safety
104 State House Station
Augusta, ME 04333-0104
(207)-287-3042

Commissioner of Public Safety or designee

Staff: Jane Orbeton, OPLA (207)-287-1670

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APPENDIX C

**Maine State Housing Authority Testimony *Regarding Young and Homeless:*
*A Study of Maine's Homeless Youth***



Testimony of

**VALERIE IVERSON
SENIOR PLANNER
MAINE STATE HOUSING AUTHORITY**

before the

COMISSION TO STUDY CHILDREN IN NEED OF SERVICES

regarding

***Young and Homeless: A study of Maine's homeless youth*
prepared by the Maine Interagency Task Force on
Homelessness and Housing Opportunities**

DECEMBER 2, 1999

The mission of the Maine State Housing Authority is to assist Maine people to obtain and maintain decent, safe, affordable housing and services suitable to their unique housing needs.

In carrying out this mission, the Maine State Housing Authority will provide leadership, maximize resources, and promote partnerships to develop and implement sound housing policy.

Senator Cathcart, Representative Quint, members of the Commission to Study Children in Need of Services, I am Valerie Iverson, Senior Planner at Maine State Housing Authority.

Maine State Housing Authority is Maine's housing finance agency, created by the legislature in 1969 to address the problems of unsafe, unsuitable, overcrowded, unaffordable housing. We are authorized to issue bonds to finance single family and multi-family residential housing units for Maine's low-income citizens. We are authorized to act as the agent for the state in administering the federal weatherization, energy conservation, fuel assistance, and homeless grant programs. We collect and disburse federal rental subsidies, state general fund revenue for two homeless programs, and we receive a dedicated portion of the real estate transfer tax.

Maine State Housing Authority administers 4 homeless programs that provide funds for existing shelters, help prevent homelessness, and coordinate efforts to better serve the homeless population. In 1998 Maine State Housing Authority helped provide operating subsidies and support for 37 homeless shelters that provided 162,544 bednights and served 14,615 clients.

I am here today to speak to you about homeless youth in Maine and specifically about a report prepared by the Maine Interagency Task Force on Homelessness and Housing Opportunities entitled *Young and Homeless: A study of Maine's homeless youth*. A copy of the report and this testimony has been provided to the Commission.

In 1989 the Maine State Legislature created the Interagency Task Force on Homelessness and Housing Opportunities. In 1997 the Legislature reconfigured the membership on the Task Force. Membership now includes key state policy makers from the Department of Corrections, the Department of Mental Health, Mental Retardation, and Substance Abuse Services, the Department of Labor, the Department of Human Services, and Maine State Housing Authority as well as other

stakeholders in the homeless shelter system representing shelters, community action agencies and service providers.

In 1998 the Legislature charged the Task Force with studying the causes of homelessness among youth and the needs of homeless youth. The report represents the work of the Task Force in studying homeless youth.

The study identified 3 basic categories of homeless youth:

- Runaways, who are children who have chosen to leave home. It is possible that these children or adolescents could return home with the proper outreach and services;
- Accompanied youth, who are children who are homeless but are accompanied by one or more parents; and
- Unaccompanied youth, who are children who are homeless, have no home to return to, and live alone, away from parents or family surrogates.

Today I will focus on unaccompanied homeless youth. There are 7 licensed homeless shelters in Maine that serve unaccompanied youth exclusively. These shelters generally house clients ages 10-18.

Maine State Housing Authority's latest shelter survey was completed in July 1999. Based on this survey the average age of children in youth homeless shelters was 16. The youngest guest was 11. Almost 60% of kids were male. The median education level of youth shelter users was 9th grade; none had graduated from high school. Emergency youth homeless shelters served 135 youth in July 1999. The average length of stay was 6 days.

Family conflict is the primary reason for homelessness among youth. Two-thirds of sheltered homeless youth cited family conflict or running away as their reason for homelessness.

The report cited several conclusions that are key findings for this Commission.

1. The homeless youth system has difficulty matching services and funding to individual needs due to categorical funding rules, license requirements, and unique situations. A youth not connected to a state department may receive no services at all.
2. Most youth are homeless because of a family conflict. Their need for low barrier access to services and counseling is varied and dependent upon the individual and living situation.
3. The needs of homeless youth have become more complex. The continued state of homelessness among youth can lead to increased incidences of substance abuse and physical health issues.
4. There are a few, small, uncoordinated, and inadequately funded youth shelters that help unaccompanied homeless youth who are not receiving state funded services. There are few low barrier options for the unaccompanied youth who are the most needy.
5. Different rules and licenses for youth shelters restrict the development of a comprehensive, easily accessible community based system. There is a need to lower the technical barriers to receiving services.
6. Eligibility criteria and requirements have prevented many youth from getting help. However, those that do get through the intake exercise often receive extensive help.

The report cited several recommendations that are key findings for this Commission.

1. The Task Force recommends that the Legislature conduct a study of a potential Maine Runaway and Homeless Youth System. The purpose of the study is to establish a minimum level of service that assures the safety and well being of unaccompanied homeless youth.
2. The Task Force recommends that state agencies improve transitional service plans for youth aging out of the system. On their 18th birthday some youth are released from state care and services, sometimes with no preparation or support.

3. The Task Force recommends that the Auditing, Contracting, and Licensing Service Center eliminate licensing restrictions that make it difficult for youth to obtain housing and services. The Service Center, a joint working group of the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Department of Human Service should minimize licensing barriers that hamper providing assistance to youth with immediate homeless crises.
4. The Task Force recommends establishing and funding in the amount of \$500,000 an RFP program in the Department of Human Services to provide outreach and services to homeless youth.

Maine State Housing Authority supports the recommendations of the Task Force. The recommendations address the service needs of unaccompanied homeless youth. I urge you to support the recommendations of the report. Thank you.