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**REPORT OF THE  
CHILD WELFARE SERVICES OMBUDSMAN**

**March 1, 1990**

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.M2  
M365  
1990

John R. McKernan Jr  
Governor



Jane Sheehan  
Ombudsman



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# Summary of Recommendations

## 1989 - 1990

Maine's child welfare service delivery system is an array of services delivered by a variety of agencies and institutions. State agencies are but one component of the system; the federal and State Legislature, the Judiciary, private social service organizations, the health community, the education community, and law enforcement agencies comprise the system as a whole.

The autonomy of the Ombudsman's Office provides flexibility and independence needed to examine the system in its entirety. As a result, the Office's recommendations provided to the Governor, State agencies, and the Legislature are designed to improve the service delivery system not only by examining specific problems but also by identifying problems that may be System-wide.

The recommendations listed below emerge from the experience of the first year's operation of the Ombudsman's Office. The recommendations serve as a guide for the activities of the Office and for initiatives that may be undertaken by the Executive or Legislative branches of State Government. Some action has been taken (as noted) on several of these recommendations and more work is expected in the upcoming year. Finally, narratives describing the background and rationale for these proposed changes appear throughout the report.

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## PUBLIC POLICY PRIORITIES

1. Examine the implications and possibilities of developing alternative sentencing for perpetrators of child sexual abuse in order to promote family reunification and enhance treatment alternatives.
2. Establish treatment facilities for juvenile sex offenders in order to meet the increasing need.
3. Address high caseworker turnover rates by improving the recruiting, hiring, and retention practices and on-the-job safety for caseworkers.
4. Establish a multidisciplinary team approach to improve child abuse investigations (pending legislation before the 114th Second Regular Session).
5. Continue the review of Maine's special education regulations to ensure that the interests of children who are involved in the special education placement process are fully and adequately represented.
6. Review the procedure for appointing volunteers as surrogate parents to ensure that the current procedure does not encumber the special education placement process. (addressed in 1989-1990 Report of the Joint Standing Committee on Audit and Program Review).
7. Establish a Coordinated Data System to track the delivery of services to children and their families and to assist in long-range planning for the child welfare service delivery system.
8. Increase the number of treatment facilities available within Maine for children and their families by establishing a revolving fund to provide start-up and first-year operating loans to facilities providing shelter, care, and treatment to children and their families. (pending legislation before the 114th Second Regular Session).
9. Encourage a review of current State child welfare policy to ensure consistency and relevancy.

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### STATUTORY AMENDMENTS

10. Cross-reference any proposed statutes governing a multidisciplinary team approach to child abuse investigations to Maine's Hospital-Based Suspected Child Abuse and Neglect statute in order to encourage coordination and communication between the two entities.
11. Include the Child Welfare Services Ombudsman as a standing member of the Child Welfare Advisory Committee to ensure that the Advisory Committee has regular access to the resources of the Ombudsman's Office. (Pending legislation before the 114th Second Regular Session.)
12. Review the statute governing Out-of-Home Abuse and Neglect Investigating Teams to clarify the intent of the law, ensure the law's uniform application, and promote a consistent understanding of its provisions.
13. Improve awareness of physicians' and hospitals' responsibility regarding mandatory reporting of child abuse and neglect in order to ensure appropriate reporting as required by law.

### OFFICE ADMINISTRATION

14. Monitor the rate of increase in the Office's caseload and increase staff levels as needed to ensure a speedy and appropriate response in every case.
15. Augment the resources of the Ombudsman's Office in order to address complaints regarding juvenile corrections and child support enforcement.
16. Relocate the Ombudsman's Office to the State Capitol or State Office Building to provide ready access for Legislators and legislative staff to the Ombudsman's services and to improve access for the Ombudsman to the Law and Legislative Reference Library.





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# Introduction

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The Office of Child Welfare Services Ombudsman has made significant strides in addressing the goals set out for it by the Legislature. Since the Office was established in March of 1989, the Ombudsman has:

- established constructive working relationships with State child welfare agencies;
- addressed concerns about the child welfare service delivery system from every region of the State;
- submitted recommendations to improve the child welfare service delivery system to the Governor's office, the child welfare community, the Congressional delegation, and the Legislature;
- participated in formulating public policy with the Legislative and Executive branches of government;
- contacted every major child welfare organization in the State; and
- made presentations before dozens of groups.

The task of addressing and ultimately ending abuse and neglect of children is formidable. In 1989, 32,000 children suspected of being abused or neglected were referred to the Department of Human Services. Yet, Department personnel were only able to open and investigate referrals for 9,460 children. The 22,540 children whose referrals were not investigated represent a statewide screen-out rate of 70%; in some individual regions the screen-out rate may be as high as 80%. Unfortunately, many cases reviewed by the Ombudsman's Office indicate that, even though children who are screened-out may not, in fact, be victims of statutory abuse or neglect, they may be at-risk and their families could often benefit from some type of preventative intervention or support services. Early assistance or support could help many families function at a higher level and possibly avoid escalation which would require State child protective intervention at a later date and the eventual involvement of the Ombudsman's Office. However, as Maine's current child protection and family support system is chronically overwhelmed by crises, the system has fewer reserves available with which to address situations that do not pose an immediate threat of serious harm to a child's welfare.

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Furthermore, the turnover of caseworker positions in some regions averages about 20%. Cases in the Ombudsman's Office show that the rapid turnover of caseworkers may seriously undermine service delivery due to the lag effect of transmitting the case through a sequence of caseworkers. Each new caseworker must take the time to familiarize him or herself with the particulars of the case, often at a time when the disposition of the case is at a critical juncture. In practice, turnover may substantially slow progress in case management for many months.

The resources of the Ombudsman's Office have been called upon to address a number of difficult foster care placement situations. For instance, the Office has received complaints regarding placement of young sex offenders in foster homes already housing victims of sexual abuse. The Ombudsman's Office has found the problem of inappropriate placements for children particularly difficult to remedy because of the scarcity of treatment and placement alternatives in Maine. The consequences of the lack of facilities include:

- mounting stress on Maine's foster care system, which, because of the lack of other types of placements, continues to serve as the backbone of Maine's substitute care system;
- failure to help children who may be deeply traumatized and whose recovery depends on specialized treatment and support; and
- escalating costs to society when dysfunction in children and families is addressed long after initial detection.

Not only is there a need for additional facilities for children and families in need of care, treatment or shelter, there is a correlative need to improve access to existing resources. As one example, current funding restrictions may require the State to take custody of a child before treatment dollars can be made available. In some cases, parents who cannot afford an expensive treatment modality needed by their child are faced with the dire prospect of relinquishing custody in order to access State dollars for treatment costs.

And yet the picture is not all bleak. Of the 9,460 children whose cases were opened last year, only 532 children were in situations serious enough to compel the court to transfer custody to the Department of Human Services. Furthermore, in one 12 month period, 63% of the children who left custody of the Department of Human Services were successfully reunited with their biological families.

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This brief survey of Maine's child welfare system highlights the need for the Ombudsman's Office to continue its work with the Legislature, the Governor, State agencies, and social service organizations to design a child welfare service delivery system for Maine that will:

- consistently and appropriately protect children from abuse and neglect;
- provide supportive services to children and their families;
- promote family unity; and
- prevent the occurrence of child abuse and neglect by providing preventative services and effectively intervening with perpetrators.

Together, we can creatively and constructively continue to improve protection of children and preservation of families in Maine.

This report lists each of the Ombudsman's statutory mandates, followed by the Office's goals, 1989 activities in pursuit of those goals, and recommendations for future initiatives and change. Finally, budget information and recommendations are appended.



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# Enabling Legislation

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Title 22

§4087. Child welfare services ombudsman

1. **Office established.** The Office of Child Welfare Services Ombudsman is established within the Executive Department and is autonomous from any other State agency. Its purpose is to represent the best interests of individuals involved in the State's child welfare system as a class and to investigate and resolve complaints against State agencies that may be infringing on the rights of individuals involved in the State's child welfare system.

2. **Appointment of child welfare services ombudsman.** The child welfare services ombudsman shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over human resource matters and to confirmation by the Legislature and shall serve at the pleasure of the Governor. Any vacancy shall be filled by similar appointment.

3. **Powers and duties.** The ombudsman may:

A. Provide ombudsman services to individual citizens in matters relating to those child welfare services provided by and under the jurisdiction of the State;

B. Advise, consult and assist the executive and legislative branches of State Government, especially the Governor, on activities of State Government related to child welfare. The ombudsman shall be solely advisory in nature, shall not be delegated any administrative authority or responsibility nor supplant existing avenues for recourse or appeals. The ombudsman may make recommendations regarding any function intended to improve the quality of child welfare services in State Government. If findings, comments or recommendations of the ombudsman vary from, or are in addition to, those of the bureau, department or other State agency, the statements of the ombudsman shall be sent to the respective branches of State Government as attachments to those submitted by the bureau, department or other State agency. Recommendations may take the form of proposed budgetary, legislative or policy actions;

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C. Review and evaluate, on a continuing basis, State and federal policies and programs relating to the provision of child welfare services conducted or assisted by any State departments or agencies for the purpose of determining the value and impact on individuals involved in the State's welfare system;

D. Receive and address inquiries, complaints, problems or requests for information and assistance regarding the State's child welfare services;

E. Conduct research, gather facts and evaluate procedures and policies regarding the State's child welfare services;

F. Consult with and advise State agencies on operational and management issues or specific or special situations regarding child welfare services and recommend remedial actions when necessary through direct oral communication, memoranda, reports or meetings;

G. Serve as a coordinator of communication and cooperation for all components of the State's child welfare services system, especially among State agencies, whenever desirable or necessary;

H. Make referrals for service to relevant State agencies when appropriate;

I. Set priorities to effectively carry out the purposes of this subchapter; and

J. Inform the public to encourage a better public understanding of the current status of the State's child welfare system by collecting and disseminating information, conducting or commissioning studies and publishing the results, and by issuing publications and reports.

**4. Confidentiality of records.** No information or records maintained by the office relating to a complaint or investigation may be disclosed unless the ombudsman authorizes the disclosure and the disclosure is otherwise permitted pursuant to section 4008. The ombudsman shall not disclose the identity of any complainant unless:

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A. The complainant or a legal representative consents in writing to the disclosure; or

B. A court orders the disclosure.

A complainant or a legal representative, in providing the consent, may specify to whom the identity may be disclosed and for what purposes, in which event no other disclosure is authorized.

**5. Administration.** The ombudsman shall administer, in accordance with current fiscal and accounting rules of the State and in accordance with the philosophy, objectives and authority of this subchapter, any funds appropriated for expenditure by the ombudsman or any grants or gifts which may become available, accepted and received by the ombudsman; make an annual report which shall be submitted directly to the commissioner, the Governor and the joint standing committee of the Legislature having jurisdiction over human resource matters, not later than March 1st of each year, concerning its work, recommendations and interests of the previous fiscal year and future plans; and make such interim reports as the ombudsman deems advisable. Copies of these reports shall be available to all Legislators and other State agencies upon request.

**6. Expenses of ombudsman.** The ombudsman, within established budgetary limits and as allowed by law, shall authorize and approve travel, subsistence and related necessary expenses of the ombudsman or members of the office, incurred while traveling on official business.

**7. Information from State agencies.** State agencies shall provide to the ombudsman copies of all reports and other information required for the fulfillment of this chapter pursuant to section 4008, subsection 3, paragraph D.

**8. Legal services.** The Department of the Attorney General shall provide legal services as necessary to carry out the purposes of this subchapter.

**9. Location.** Office space shall be made available for the ombudsman within the Capitol Complex.

**10. Review.** This office shall be reviewed by July 1, 1989, by the joint standing committee of the Legislature having jurisdiction over human resource matters and the joint standing committee of the Legislature having jurisdiction over audit and program review matters.





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# Activities

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## OFFICE OF CHILD WELFARE SERVICES OMBUDSMAN MARCH 1989 through FEBRUARY 1990

By statute, the Ombudsman may:

- 
- A. Provide ombudsman services to individual citizens in matters relating to those child welfare services provided by and under the jurisdiction of the State.
- 

### Goal:

To objectively assist citizens in resolving complaints about the child welfare services system.

### Activities:

Between March 16, 1989 and February 28, 1990, the Office of Child Welfare Services Ombudsman received 177 complaints. Nine of these complaints were screened out as not being relevant to the Ombudsman's duties and 168 complaints were processed for investigation (see Attachment A). Referrals of complaints are from individuals, Department of Human Services and other State and local agencies, Congressional offices, the Governor's office, the Citizen's Assistance Hotline and the Child Abuse Hotline.

When a complaint is received, a questionnaire is sent to the complaining individual (see Attachment B). If the complainant is a third party, the third party is requested to ask the complainant to contact the Ombudsman directly. If the complaint requires immediate action, such action is taken and the questionnaire is returned at a later date. The Ombudsman reinvestigates the case by contacting all the parties who may have information concerning the nature of the complaint.

The Ombudsman represents complainants' interests up and until she discovers that the State acted appropriately and prudently within the statutes, rules and practice currently in place. She then represents the State's interest back to the complainant if the State acted appropriately. In many cases, however, the ombudsman may continue to assist complainants by helping them to better understand how the system works as the system pertains to their complaint. If the Ombudsman finds that the State acted inappropriately, she contacts the individuals involved and seeks a resolve of the situation.



ATTACHMENT A

1989 CASE FILE SUMMARY REPORT REGIONS I, II, III, IV, V

Types of Cases	Mar.-June	July-Sept.	Oct. - Dec.	Jan. - Feb.	1989 - 1990 Total
Sexual Abuse	31	10	17	10	68
Physical Abuse	11	6	2	2	21
Neglect	6	6	5	1	18
Emotional Abuse	0	0	4	0	4
Custodial Disputes	10	5	3	0	18
Foster Homes	4	1	0	1	6
Adoption	0	0	2	1	3
Day Care	2	0	0	0	2
Support Enforcement	2	3	1	1	7
Juvenile	1	0	2	3	6
Residential Placement	1	1	2	1	5
AFDC	0	2	0	0	2
Run-away	1	2	2	0	5
Paternity	1	0	0	0	1
Personnel Problems	1	3	2	1	7
Termination Parental Rights	0	1	0	0	1
Truancy	0	0	0	1	1
Harassment/Threatening	0	0	0	1	1
Medicaid	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
	71	40	42	24	177

\* Screen Outs 9

\* Cases that were not opened for investigation.

## 1989 CASE FILE SUMMARY REPORT REGION I SUMMARY REPORT

Types of Cases	Mar.-June	July-Sept.	Oct. - Dec.	Jan. - Feb.	1989 - 1990 Total
Sexual Abuse	4	3	4	1	12
Physical Abuse	2	1	0	1	4
Neglect	1	0	1	0	2
Emotional Abuse	0	0	1	0	1
Custodial Disputes	1	0	0	0	1
Foster Homes	1	0	0	0	1
Adoption	0	0	0	0	0
Day Care	0	0	0	0	0
Support Enforcement	0	0	0	1	1
Juvenile	0	0	1	0	1
Residential Placement	0	0	2	0	2
AFDC	0	0	0	0	0
Run-away	0	1	1	0	2
Paternity	0	0	0	0	0
Personnel Problems	1	0	2	0	3
Termination Parental Rights	0	0	0	0	0
Truancy	0	0	0	0	0
Harassment/Threatening	0	0	0	0	0
Medicaid	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	10	5	12	3	30

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1989 CASE FILE SUMMARY REPORT REGION II SUMMARY REPORT

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Types of Cases	Mar.-June	July-Sept.	Oct. - Dec.	Jan. - Feb.	1989 - 1990 Total
Sexual Abuse	2	0	1	4	7
Physical Abuse	1	1	0	0	2
Neglect	1	1	0	0	2
Emotional Abuse	0	0	0	0	0
Custodial Disputes	2	1	0	0	3
Foster Homes	1	0	0	0	1
Adoption	0	0	0	1	1
Day Care	0	0	0	0	0
Support Enforcement	1	0	0	0	1
Juvenile	0	0	0	3	3
Residential Placement	0	0	0	1	1
AFDC	0	1	0	0	1
Run-away	0	1	0	0	1
Paternity	0	0	0	0	0
Personnel Problems	0	1	0	0	1
Termination Parental Rights	0	0	0	0	0
Truancy	0	0	0	1	1
Harassment/Threatening	0	0	0	1	1
Medicaid	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	8	6	1	11	26

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 1989 CASE FILE SUMMARY REPORT REGION III SUMMARY REPORT
 

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Types of Cases	Mar.-June	July-Sept.	Oct. - Dec.	Jan. - Feb.	1989 - 1990 Total
Sexual Abuse	11	2	6	1	20
Physical Abuse	2	1	0	0	3
Neglect	1	0	1	1	3
Emotional Abuse	0	0	0	0	0
Custodial Disputes	2	2	2	0	6
Foster Homes	0	0	0	0	0
Adoption	0	0	0	0	0
Day Care	1	0	0	0	1
Support Enforcement	0	0	1	0	1
Juvenile	1	0	1	0	2
Residential Placement	1	0	0	0	1
AFDC	0	1	0	0	1
Run-away	0	0	0	0	0
Paternity	0	0	0	0	0
Personnel Problems	0	1	0	0	1
Termination Parental Rights	0	0	0	0	0
Truancy	0	0	0	0	0
Harassment/Threatening	0	0	0	0	0
Medicaid	0	0	0	0	0
	19	7	11	2	39

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1989 CASE FILE SUMMARY REPORT REGION IV SUMMARY REPORT

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Types of Cases	Mar.-June	July-Sept.	Oct. - Dec.	Jan. - Feb.	1989 - 1990 Total
Sexual Abuse	12	4	6	3	25
Physical Abuse	6	3	2	1	12
Neglect	3	3	2	0	8
Emotional Abuse	0	0	3	0	3
Custodial Disputes	5	2	1	0	8
Foster Homes	2	1	0	1	4
Adoption	0	0	2	0	2
Day Care	1	0	0	0	1
Support Enforcement	1	1	0	0	2
Juvenile	0	0	0	0	0
Residential Placement	0	1	0	0	1
AFDC	0	0	0	0	0
Run-away	1	0	0	0	1
Paternity	1	0	0	0	1
Personnel Problems	0	1	0	1	2
Termination Parental Rights	0	1	0	0	1
Truancy	0	0	0	0	0
Harassment/Threatening	0	0	0	0	0
Medicaid	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
	32	17	16	7	72

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 1989 CASE FILE SUMMARY REPORT REGION V SUMMARY REPORT
 

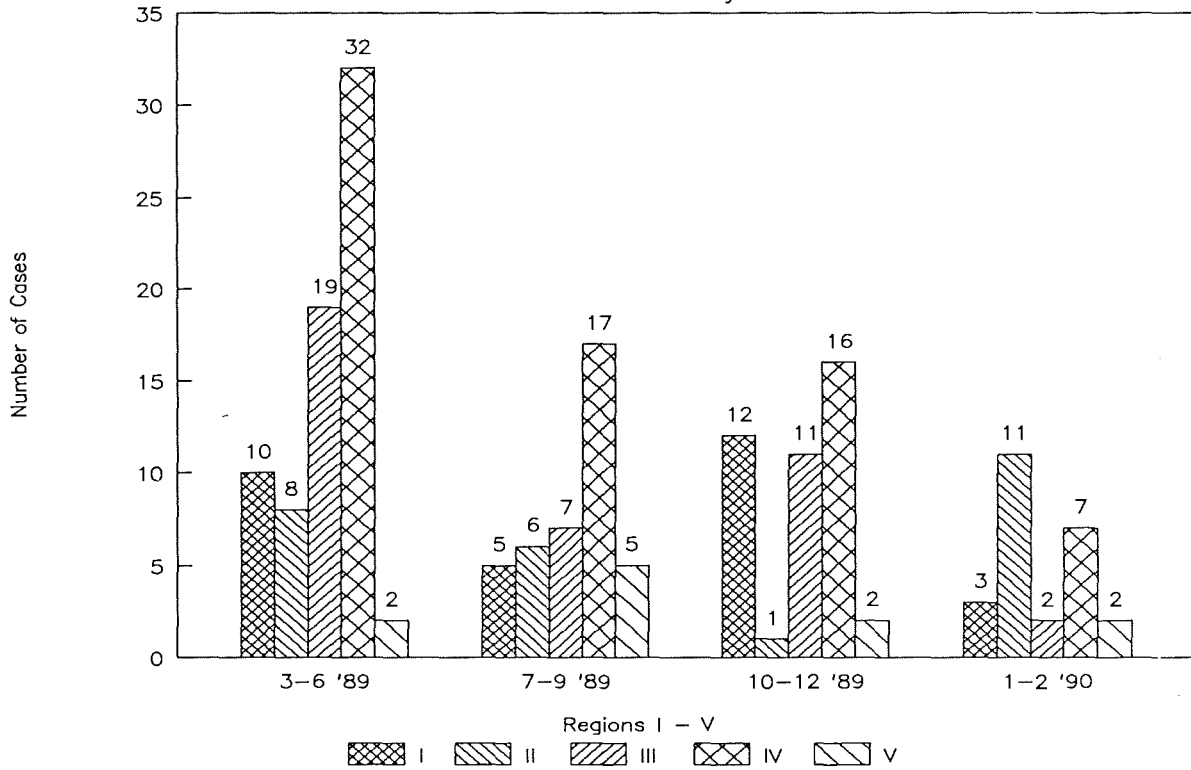
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Types of Cases	Mar.-June	July-Sept.	Oct. - Dec.	Jan. - Feb.	1989 - 1990 Total
Sexual Abuse	2	1	0	1	4
Physical Abuse	0	0	0	0	0
Neglect	0	2	1	0	3
Emotional Abuse	0	0	0	0	0
Custodial Disputes	0	0	0	0	0
Foster Homes	0	0	0	0	0
Adoption	0	0	0	0	0
Day Care	0	0	0	0	0
Support Enforcement	0	2	0	0	2
Juvenile	0	0	0	0	0
Residential Placement	0	0	0	0	0
AFDC	0	0	0	0	0
Run-away	0	0	1	0	1
Paternity	0	0	0	0	0
Personnel Problems	0	0	0	0	0
Termination Parental Rights	0	0	0	0	0
Truancy	0	0	0	0	0
Harassment/Threatening	0	0	0	0	0
Medicaid	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
	2	5	2	2	11

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# 1989-1990 Case Summary Report by Region

March 1989 - February 1990







John R. McKernan, Jr.  
Governor

Jane Sheehan  
Child Welfare Services Ombudsman

Executive Department  
Office of Child Welfare Services Ombudsman

Telephone (207) 289-6540

COMPLAINT FORM

Your Name: \_\_\_\_\_ Name/birthdates of children involved \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Referred by: \_\_\_\_\_

List all parties involved and relationship to child  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of DHS office or State agency involved and city or town where located:  
\_\_\_\_\_

Social worker, if any: \_\_\_\_\_

Supervisor, if any: \_\_\_\_\_

Please explain your complaint against the Child Welfare Services System by answering the following questions:

1. What is your complaint?  
(Please describe as briefly as possible. Use other side or attach additional sheets, if necessary.)

2. How long has this problem existed? \_\_\_\_\_

a. Date you became involved with the State agency regarding this complaint:  
\_\_\_\_\_

3. What name(s) have you used when filing with the State?  
\_\_\_\_\_

4. If you are not the child's parent/guardian, does this person know you are filing this complaint?  
\_\_\_\_\_

5. Please state name(s) of individuals we may contact concerning this complaint.  
(Attorneys, teachers, doctors, other relatives, friends)  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_



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The Ombudsman's case files are confidential under the provision of 22 M.R.S.A. §4008 and the contents may not be revealed unless the complainant consents in writing to the disclosure or a court orders such disclosure.

Case management is a very time consuming process for the Ombudsman. To better understand the methodology of the Department of Human Services's casework, the Ombudsman job shadowed Department of Human Services's caseworkers and supervisors in the five Department of Human Services's regions:

Region III	Augusta, Rockland	March 1989
Region II	Lewiston	April 1989
Region I	Portland, Biddeford	April-May 1989
Region IV	Bangor, Machias	June, August, September 1989
Region V	Houlton, Caribou, Ft. Kent	September 1989

She also attended new caseworker staff orientation and met with management personnel in the central office of Child and Family Services.

The cases average 8-10 telephone calls and 4-6 pieces of correspondence and in some cases may require much more communication. Many cases have remained active since intake, including some that date back to March, 1989. In most cases, the Ombudsman experiences complete cooperation from the Department of Human Services, other State and local agencies, district attorneys offices, attorneys general, private attorneys, physicians, psychologists and other professionals. A few individuals make appointments to talk directly to the Ombudsman and these requests are honored. Some individuals who do not have complaints, but wish to share some information with the Ombudsman, also contact the office.

**Recommendations:**

- Monitor the rate of increase in the Office's caseload and increase staff levels as needed to ensure a speedy and appropriate response in every case.

- 
- B. Advise, consult and assist the executive and legislative branches of State Government, especially the Governor, on activities of State Government related to child welfare.
- 

**Goal:**

To establish communication and a working relationship with the Executive and Legislative Branches of Maine State Government.

**Activities:**

**Governor's office.** The Ombudsman consults with the Governor's office through an individual legal counsel for the Governor. The Ombudsman also advises the Governor personally, when necessary. The methods of communication include written memos, discussion meetings and frequent telephone communication. The Governor's legal counsel is responsive to the comments of the Ombudsman and contacts necessary agencies or individuals when direct contact is helpful to resolving a complaint. The Ombudsman also meets with the Deputy Commissioners through the Interdepartmental Council and is a member of the Child Sex Abuse Committee of the IDC. She participated in this committee's 1989 fall workshop in Bethel.

**Legislature.** The Ombudsman works very closely with the legislature, including the Joint Standing Committee on Audit and Program Review. The Co-Chairs of that committee met with the Ombudsman in July, 1989 to discuss the trends of the complaints being received. As a result of that meeting, the Committee proposed to the Legislative Council that the study of the Department of Human Services be reopened. They decided to study the issues of a multidisciplinary team approach to child abuse investigations and sub-care placement. The Ombudsman assisted the Committee in conducting their research of these issues and related issues.

The Ombudsman also processes legislator's complaint referrals and individual legislative requests for information. The Office of Child Welfare Ombudsman sponsored, in conjunction with three regional Department of Human Services's offices, informational workshops for legislators during the Fall of 1989. Workshops were held in Region I, Portland; Region II, Lewiston; and Region IV, Bangor. A workshop for all legislators will be held in Augusta, March 14, 1990.

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The Ombudsman tracks all legislation related to child welfare services issues and attends legislative work sessions and public hearings when appropriate. The Ombudsman also disseminates legislative information upon request and works directly with sponsors of child welfare legislation.



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C. Review and evaluate, on a continuing basis, State and federal policies and programs relating to the provision of child welfare services conducted or assisted by any State departments or agencies for the purpose of determining the value and impact on individuals involved in the State's welfare system.

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**Goal:**

To establish contact with the agencies and individuals who are involved with Maine's child welfare services policy and to collect and review existing and new State and federal policies.

**Activities:**

The Ombudsman scheduled a series of meetings with the appropriate Department of Human Services's child and family services and legal personnel during the period April-June, 1989 to review current statutes and policy pertaining to child welfare services in Maine. She also created and maintains a library of current legislative changes in State and federal child welfare law and policy. She suggested that the Judiciary Committee review a portion of the Child Protection Act to improve consistency of language in that provision. The Committee is currently considering that change.

**Recommendations:**

- Include the Child Welfare Services Ombudsman as a standing member of the Child Welfare Advisory Committee to ensure that the Advisory Committee has regular access to the resources of the Ombudsman's Office. (Pending legislation before the 114th Second Regular Session.).
- Review the statute governing Out-of-Home Abuse and Neglect Investigating Teams to clarify the intent of the law, ensure the law's uniform application, and promote a consistent understanding of its provisions.
- Improve awareness of physicians' and hospitals' responsibility regarding mandatory reporting of child abuse and neglect in order to ensure appropriate reporting as required by law.
- Encourage a review of current State child welfare policy to ensure consistency and relevancy.

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D. Receive and address inquiries, complaints, problems or requests for information and assistance regarding the State's child welfare services.

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**Goal:**

To establish a system to receive and respond to inquiries, complaints, problems and requests concerning child welfare services and to provide assistance when requested or needed.

**Activities:**

Complaints and problems received by the Ombudsman are investigated and responded to as described in Section A above.

Inquiries, requests for information, and assistance are provided according to the nature of each individual request. Requests for information from legislators is described under Section B of this report. Inquiries, requests for information, and assistance to others has been provided by the Ombudsman to the following groups:

- V.O.C.A.L. - Speaker, panel participant, several oral and written information responses.
- Maine Foster Parents Association - Speaker, Letters to MFPA newsletter.
- Norway Kiwanis Club - speaker.
- Maine Human Development Commission - speaker.
- Child Abuse and Neglect Councils of Maine - speaker.
- Court Appointed Special Advocates - advisory support.
- Maine Medical Association - advisory support.
- Maine Sunday Telegram - statutory interpretations.
- Bangor Daily News - informational article.
- Channel 8 - legislative information.
- Maine Coalition for Children - speaker; and
- Professional and Advisory Committee Maine's Commission for Women - board member.

- 
- E. Conduct research, gather facts, and evaluate procedures and policies regarding the State's child welfare services.
- 

**Goal:**

To establish a method of collecting information concerning child welfare policies and procedure that will provide the Ombudsman with the resources to conduct research and evaluation.

**Activities:**

The Ombudsman has participated in many educational seminars offered by the Department of Human Services, Maine's Coalition for Children, Colby College, Veteran's Administration, Maine Infant Mental Health Association, and IDC Child Abuse Committee. She has become a member of related professional associations which provide information on child abuse and neglect and subscribes to several related professional journals. She communicates on a regular basis with selected professionals throughout the State and has participated in tours of a medical facility providing child abuse investigative work, the Maine Youth Center, a residential treatment center, and has observed a perpetrator's group therapy session. She regularly uses the services of the State Law and Legislative Library and collects current State studies and literature related to child abuse and neglect.

The Ombudsman provides research to individual legislators, Department of Human Services's agency personnel, and constituent groups.

- 
- F. Consult with and advise State agencies on operational and management issues or specific or special situations regarding child welfare services and recommend remedial actions, when necessary, through direct oral communication, memoranda, reports or meetings.
- 

**Goal:**

To become knowledgeable about the agencies providing child welfare services in Maine and to develop a working relationship with all child welfare services personnel in the State.

**Activities:**

The Ombudsman has provided mediation and facilitation services to the Department of Human Services and the Department of Educational and Cultural Services concerning conflicts in the PET regulations. The Ombudsman has facilitated meetings to resolve personnel problems at the Department of Human Services and has established a method to provide more periodic and open communication among the Department of Human Services's regional offices.

---

G. Serve as a coordinator of communication and cooperation for all components of the State's child welfare services system, especially among State agencies, whenever desirable or necessary.

---

**Goal:**

To develop a means of coordination, understanding, and cooperation among the agencies involved in child welfare services.

**Activities:**

The Ombudsman often addresses situations involving more than one child welfare services agency. For these cases, the Ombudsman informs each agency of the other agency's involvement. In this way, she assists the agencies in providing the most comprehensive delivery of services possible.

**Recommendations:**

- The ombudsman should continue to develop a consensus among State agencies regarding child welfare issues and propose a means to resolve these issues. For example:
  - + Examine the implications and possibilities of developing alternative sentencing for perpetrators of child sexual abuse in order to promote family reunification and enhance treatment alternatives.
  - + Establish treatment facilities for juvenile sex offenders in order to meet the increasing need.
  - + Address high caseworker turnover rates by improving the recruiting, hiring, and retention practices and on-the-job safety for caseworkers.

---

**H. Make referrals for service to relevant State agencies when appropriate.**

---

**Goal:**

To become knowledgeable about agencies related to child welfare services so that referrals can be expedient and efficient.

**Activities:**

The ombudsman works with the divisions of Child and Family Services, the Support Enforcement Unit, the Adoption Unit, Juvenile Corrections, the Department of Educational and Cultural Services, the Interstate Compact, AFDC, Data Processing, and several related regional offices. The Ombudsman has also worked with several local agencies and private providers of services to Maine's citizens.

**Recommendations:**

- Augment the resources of the Ombudsman's Office in order to address complaints regarding juvenile corrections and child support enforcement.

---

**I. Set priorities to effectively carry out the purposes of this subchapter.**

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**Goal:**

To meet the needs of Maine's individual citizens and providers as they pertain to child welfare services by responding knowledgeably and efficiently to the current child welfare services' problems and complaints and by addressing the short-term and long-term needs for effective management of child welfare services issues.

**Activities:**

The priorities for the completed period March - December 1989 were:

1. Assessment of the current method of investigations of child abuse and neglect cases in Maine and models for improvement of the present system.
2. Assessment of the sub-care system in Maine and such related problems as access to the system, the types of facilities currently available, and the resources necessary to create new facilities.
3. Assessment of the inter- and intra-departmental communication among agencies providing child welfare services.

**Recommendations and suggested priorities for 1990-91:**

- Establish a multidisciplinary team approach to improve child abuse investigations (pending legislation before the 114th Second Regular Session, see attachment C).
- Examine the implications and possibilities of developing alternative sentencing for perpetrators of child sexual abuse in order to promote family reunification and enhance treatment alternatives.



# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2415

H.P. 1752

House of Representatives, March 8, 1990

Reported by Representative ROLDE for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Reference to the Joint Standing Committee on Audit and Program Review suggested and printing ordered under Joint Rule 18.

A handwritten signature in black ink that reads "Ed Pert".

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

**Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties.**

---

(EMERGENCY)





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

4  
6           **Whereas,** the 90-day period will terminate before the  
beginning of the next fiscal year; and

8           **Whereas,** the need to establish a coordinated team response  
to child abuse referrals is critical; and

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

16           **Sec. 1. Coordinated Response System established. Resolved:** That  
18 the Coordinated Response System for child abuse referrals is  
established as a model project in Department of Human Services'  
20 Region IV, Penobscot and Piscataquis counties. The Coordinated  
Response System consists of the Child Abuse Assessment System;  
22 services for initial intervention, treatment and support of  
children and families; training; an advisory committee; an  
24 operational planning committee; and an evaluation component; and  
be it further

26           **Sec. 2. The Child Abuse Assessment System. Resolved:** That the  
28 Child Abuse Assessment System consists of 3 coordinated teams:  
the initial assessment team, the diagnostic team and the  
30 dispositional team.

32           1. The initial assessment team has 2 components. One  
component consists of caseworkers and law enforcement personnel,  
34 working in partnership, to assess referrals of alleged crimes  
against children. The other component consists of caseworkers to  
36 assess the referrals alleging statutory abuse and neglect that  
are not crimes. The initial assessment team has no ongoing  
38 social service delivery responsibilities.

40           2. The diagnostic team shall, as necessary, provide  
medical, psychological, social or developmental data to augment  
42 the initial assessment of the referral.

44           3. The dispositional team, composed of experienced  
professionals from relevant disciplines, shall analyze the data  
46 presented to it by the initial assessment team or diagnostic team  
or both, decide the most appropriate disposition of the case to  
48 protect the child from harm and support the family, and determine  
the need to pursue prosecution; and be it further

50

**Sec. 3. Initial intervention, treatment and support services.**

**Resolved:** That within the limits of funds allocated by this resolve, the Coordinated Response System includes, but is not limited to, such initial intervention, treatment and support services as:

1. Crisis mental health services consisting of mental health assessments and crisis intervention for a family member in immediate need and victim trauma assessment;

2. Case planning mediation in which families negotiate the components of the family's case plan with the caseworker; and

3. A family shelter option to provide a safe environment for the child and nonoffending parent and an opportunity for the nonoffending parent to learn parenting and life skills; and be it further

**Sec. 4. Training. Resolved:** That specific child abuse investigative training must be provided to the law enforcement personnel and caseworkers of the initial assessment team to ensure the most comprehensive assessment of referrals possible; and be it further

**Sec. 5. Advisory committee. Resolved:** That an advisory committee, limited to no more than 10 members, is created consisting of the following members:

1. The Child Welfare Services Ombudsman, to serve as cochair;

2. The Director of the Division of Child Welfare within the Department of Human Services, to serve as cochair;

3. One Senator and one member of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, from the Joint Standing Committee on Audit and Program Review;

4. One mental health care provider;

5. One physician;

6. One representative of the Court Appointed Special Advocate Program;

7. One representative of the Maine Foster Parents Association;

8. One member from a victims or survivors advocacy group; and

2           9. One member from a citizens advocacy group.

4           The cochaurs of the advisory committee shall appoint the  
members set out in subsections 4 to 9.

6  
8           The purpose of the advisory committee is to guide the  
development and implementation of the Coordinated Response System  
10 by working with the operational planning committee to solve  
problems and to adjust the operation of the team to conform with  
12 legislative intent. The advisory committee shall also consider  
the feasibility of expanding the model to other areas of the  
14 State. The cochaurs of the advisory committee shall seek to fill  
the nonlegislative membership positions with members who will  
16 work harmoniously and in good faith to fulfill the committee's  
purpose.

18           The staff of the Coordinated Response System shall submit a  
status report to the cochaurs of the advisory committee each  
20 month and refine the reporting mechanism at the direction of the  
advisory committee, as needed.

22           Meetings of the advisory committee are held at the  
24 discretion of the cochaurs. Legislative members are entitled to  
receive the legislative per diem and expenses as defined in the  
26 Maine Revised Statutes, Title 3, section 2, for attendance at  
advisory committee meetings called by the cochaurs.

28           Staff needed to carry out legislative intent must be  
30 provided to the advisory committee by the Department of Human  
Services; and be it further

32           **Sec. 6. Operational planning committee. Resolved:** That an  
34 operational planning committee is created to plan for the  
practical implementation of the Coordinated Response System. The  
36 following are permanent members of the committee: the Department  
of Human Services Region IV Program Manager, who serves as chair;  
38 the Director of the Child Protective Services Unit of the  
Department of Human Services; and the district attorney for  
40 Prosecutorial District Number 5 or the district attorney's  
designee. Membership on the committee includes not more than 4  
42 others as chosen by the permanent members of the committee; and  
be it further

44           **Sec. 7. Evaluation. Resolved:** That with the approval of the  
46 advisory committee, staff to the Coordinated Response System  
shall submit an evaluation of the effectiveness of the  
48 Coordinated Response System to the Joint Standing Committee on  
Audit and Program Review, the Joint Standing Committee on Human  
50 Resources and the Office of the Executive Director of the  
Legislative Council at the end of the first 2 years of full

2 operation. The report must contain statistical data and relevant  
3 information to guide future decision making in the legislative  
4 and executive branches regarding replicating the system in other  
5 areas of the State; and be it further

6 **Sec. 8. Law enforcement. Resolved:** That within funds allocated  
7 by this resolve, the Department of Human Services is authorized  
8 to contract with the district attorney for Prosecutorial District  
9 Number 5, who shall work in cooperation with state, county and  
10 local law enforcement agencies to provide up to 5 law enforcement  
11 officers for the initial assessment team of the Coordinated  
12 Response System; and be it further

14 **Sec. 9. Allocation. Resolved:** That the following funds are  
15 allocated from the Federal Expenditure Fund to carry out the  
16 purposes of this resolve.

18 **1990-91**

20 **HUMAN SERVICES, DEPARTMENT OF**

22 **Coordinated Response System**

24	Positions	(18)
	Personal Services	\$430,174
26	All Other	240,918
	Capital Expenditures	22,380

28 Provides funds to establish the Coordinated  
29 Response System including personnel,  
30 training, evaluation, support services and  
31 legislative per diem costs. Positions  
32 funded to create an initial assessment team,  
33 as one of 6 components of the Coordinated  
34 Response System, are as follows: one  
35 Response System Coordinator; 2 Casework  
36 Supervisors; 12 Caseworkers; one Paralegal  
37 Assistant; and 2 Clerk Stenographer III  
38 positions. All positions are funded  
39 effective October 1, 1990, except for one  
40 Clerk Stenographer III and the Response  
41 System Coordinator which are funded  
42 effective July 1, 1990. \$119,921 is to be  
43 used by the Department of Human Services to  
44 contract with the district attorney in  
45 Prosecutorial District Number 5, Penobscot  
46 and Piscataquis counties, who shall work in  
47 cooperation with state, county and local law  
48 enforcement agencies to provide up to 5 law  
49 enforcement officers starting October 1,  
50 1990, for the initial assessment team of the  
51 Coordinated Response System.  
52

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**DEPARTMENT OF HUMAN SERVICES  
TOTAL**

                      
\$693,472

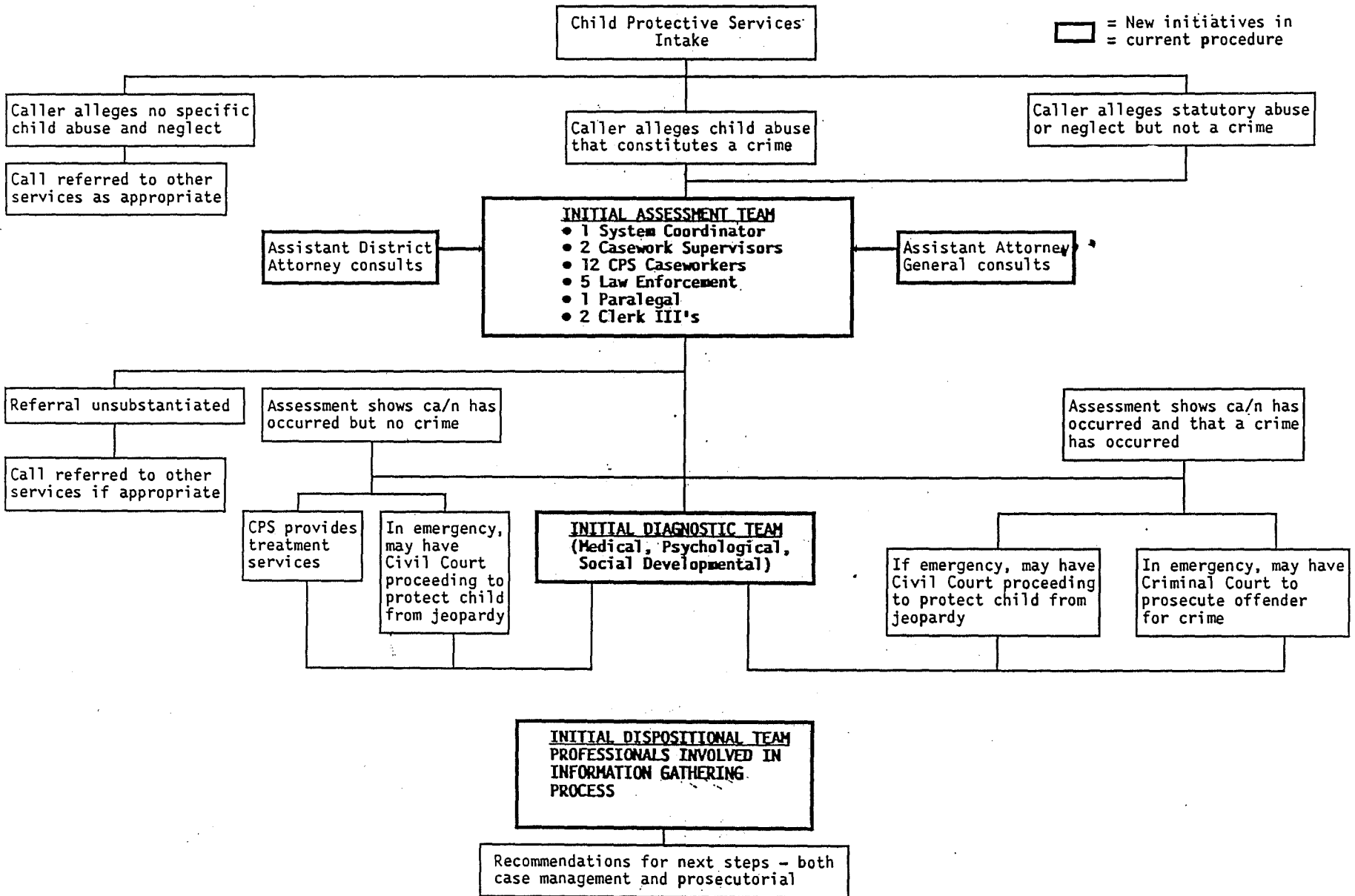
**Sec. 10. Effective date.** Sections 1 to 8 of this resolve take effect October 1, 1990.

**Emergency clause.** In view of the emergency cited in the preamble, section 9 of this resolve takes effect July 1, 1990, unless otherwise indicated.

**STATEMENT OF FACT**

This bill establishes the Coordinated Response System for child abuse referrals as a model project in Department of Human Services' Region IV, Penobscot and Piscataquis counties. The Coordinated Response System will ensure comprehensive and accurate assessments of referrals, increase the availability of diagnostic data, and include relevant professional disciplines in the decision-making process to reduce the trauma to families involved in the child protective system, provide additional support services to children and families to support family unity, and highlight the importance of protecting children from abuse and neglect.

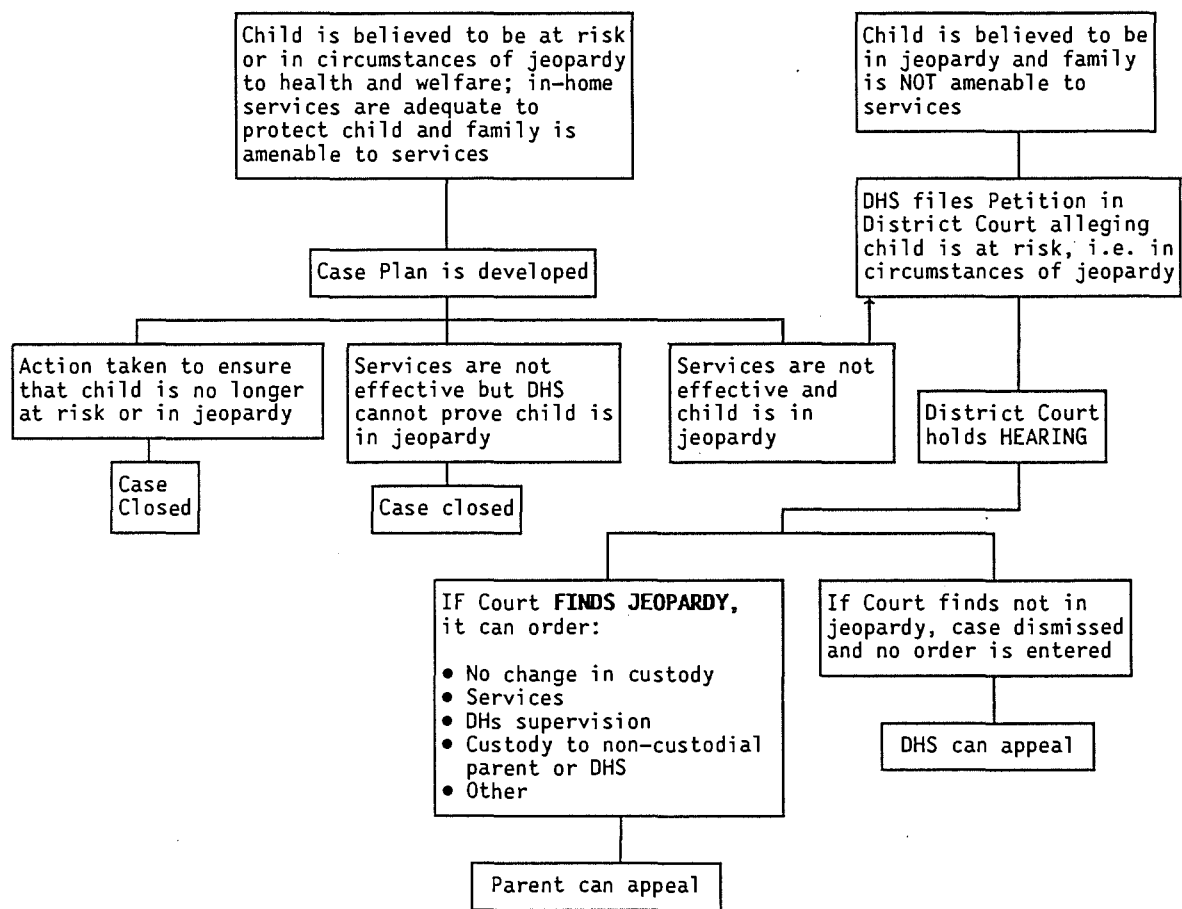
COORDINATED RESPONSE SYSTEM  
DHS REGION IV, PENOBSCOT AND PISCATAQUIS COUNTY





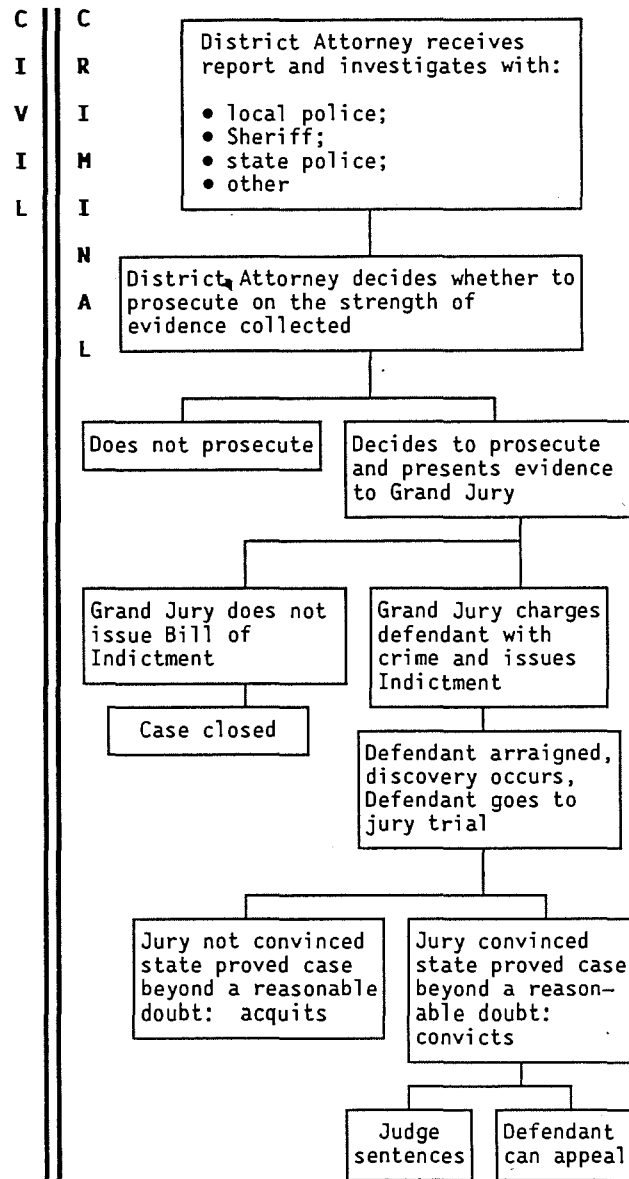
CIVIL INVESTIGATION

TO PROTECT THE CHILD FROM HARM



CRIMINAL INVESTIGATION

TO PROSECUTE THE ALLEGED OFFENDER







- 
- Continue the review of Maine's special education regulations to ensure that the interests of children who are involved in the special education placement process are fully and adequately represented.
  - Review the procedure for appointing volunteers as surrogate parents to ensure that the current procedure does not encumber the special education placement process. (addressed in 1989-1990 Report of the Joint Standing Committee on Audit and Program Review).
  - Establish a Coordinated Data System to track the delivery of services to children and their families and to assist in long-range planning for the child welfare service delivery system.
  - Increase the number of treatment facilities available within Maine for children and their families by establishing a revolving fund to provide start-up and first-year operating loans to facilities providing shelter, care, and treatment to children and their families. (pending legislation before the 114th Second Regular Session see attachment D).





# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2426

H.P. 1761

House of Representatives, March 12, 1990

Reported by Representative ROLDE for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Reference to the Joint Standing Committee on Audit and Program Review suggested and printing ordered under Joint Rule 18.

*Ed Pert*

EDWIN H. PERT, Clerk

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STATE OF MAINE

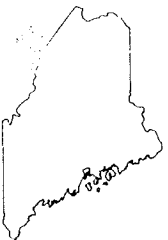
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

An Act to Promote the Well-being and Rehabilitation of Children in  
Need of Care, Treatment or Shelter.

---



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

2  
4       **Sec. 1. 5 MRSA §12004-I, sub-§36-A** is enacted to read:

6           36-A. Human Treatment Expenses 10 MRSA  
8           Services Loans For Only §1023-G  
              Children  
              Advisory  
              Committee

10       **Sec. 2. 10 MRSA §963-A, sub-§5-A** is enacted to read:

12           5-A. Children in need of care, treatment or shelter.  
14       "Children in need of care, treatment or shelter" means any  
16       individual who has not attained the age of 18 years who has  
18       learning disabilities, behavioral disorders, mental or emotional  
              dysfunctions, or is in need of emergency shelter pursuant to  
              Title 22, chapter 1669.

20       **Sec. 3. 10 MRSA §963-A, sub-§10, ¶K,** as amended by PL 1989, c.  
22       585, Pt. C, §5, is further amended to read:

24           K. Any overboard discharge replacement project; or

26       **Sec. 4. 10 MRSA §963-A, sub-§10, ¶L,** as amended by PL 1989, c.  
28       585, Pt. C, §6, is further amended to read:

30           L. Any hazardous waste or solid waste recycling or  
32       reduction project; or

34       **Sec. 5. 10 MRSA §963-A, sub-§10, ¶M** is enacted to read:

36           M. Any treatment loans for children project.

38       **Sec. 6. 10 MRSA §963-A, sub-§49-F** is enacted to read:

40           49-F. Treatment loans for children project. "Treatment  
42       loans for children project" means any construction, renovation,  
44       rehabilitation or expansion of a structure that will be used to  
46       shelter children in need of care and to provide care or treatment  
48       to those children and their families.

50       **Sec. 7. 10 MRSA §1023-G** is enacted to read:

52           §1023-G. Treatment Loans for Children Fund

1. Fund established. The Treatment Loans for Children  
              Fund, referred to in this section as the "fund," is established.  
              That fund must be used to provide funding to implement a  
              treatment loans for children project. The fund must be deposited  
              with, maintained and administered by the Finance Authority of  
              Maine and must contain appropriations provided for that purpose.

2 interest accrued on the fund balance, and funds received in  
3 repayment of loans. The fund may receive gifts, grants, bequests  
4 or devises from any source, including funds from the Federal  
5 Government or any of its political subdivisions. This fund is a  
6 nonlapsing revolving fund. All money in the fund must be  
7 continuously applied to carry out the purposes of this section.  
8 The authority may divide the funds into separate accounts as it  
9 determines necessary or convenient for carrying out the purposes  
10 of this section.

11 2. Administrative expenses. Costs and expenses of  
12 maintaining, servicing and administering the fund established by  
13 this section may be paid out of amounts in the fund.

14 3. Treatment Loans for Children Advisory Committee. The  
15 Treatment Loans for Children Advisory Committee is established,  
16 referred to in this section as the "committee."

17 A. The committee shall advise the chief executive officer  
18 of the authority on the development of treatment loans for  
19 children project facilities, on the loans made from the  
20 fund, and on any proposed change in the use of a project.

21 B. The committee consists of the following 9 members:

22 (1) The Director of the Bureau of Child and Family  
23 Services or a designee;

24 (2) The Child Welfare Services Ombudsman or a designee;

25 (3) The chair of the Committee for the  
26 Interdepartmental Coordination of Services to Children  
27 and Families or a designee; and

28 (4) The following 6 members appointed by the Governor:

29 (a) One member representing a commercial lender  
30 with experience in construction lending;

31 (b) Two members experienced in providing care,  
32 treatment, shelter or education to children in  
33 need of care, treatment or shelter;

34 (c) Two representatives of organizations and  
35 agencies providing services to children in need of  
36 care, treatment or shelter; and

37 (d) One member representing the public.

38 C. The Director of the Bureau of Child and Family Services,  
39 the Child Welfare Services Ombudsman, and the member of the  
40 Committee for the Interdepartmental Coordination of Services  
41 to Children and Families shall be members of the committee.

2 to Children and Families or their designees are permanent  
4 members who serve during their tenure in the position that  
6 they represent on the committee. The remaining members are  
8 appointed for terms of 3 years, except of those first  
10 appointed, 2 are appointed for terms of 3 years, 2 are  
12 appointed for terms of 2 years and 2 are appointed for terms  
14 of one year. Any vacancy is filled for the unexpired term  
16 of that position in the same manner as the original  
18 appointment was made.

20 D. Members are entitled to compensation in accordance with  
22 Title 5, section 12004-I, subsection 36-A.

24 4. Rules. The authority may promulgate rules in accordance  
26 with the Maine Administrative Procedure Act to carry out the  
28 purposes of this subchapter.

30 5. Loans. Loans are granted under the following conditions.

32 A. The authority may enter into loan agreements with any  
34 individual, corporation or partnership that demonstrates  
36 that:

38 (1) The loan will be used for a treatment loans for  
40 children project; and

42 (2) The applicant has the ability to repay the loans.

44 B. The terms of a loan are as follows.

46 (1) A loan may not exceed 45% of the total project  
48 cost.

50 (2) Loans may not bear interest at a rate greater than  
52 the prime rate as established by major banks in Boston  
minus 2%.

(3) The loans are for terms as the authority  
determines prudent, but the maximum term of any loan  
may not be longer than 15 years.

(4) The loans must meet other terms and conditions  
prescribed by rule.

C. The authority may accept collateral as established by  
rule. The authority may, in all instances, accept a  
subordinate security interest in the project's real estate  
and improvements.

D. The authority may charge a fee for administrative costs  
at a rate set by rule in consultation with the committee.

2 E. Prior to approval, each project must have a  
3 certification from the Committee for the Interdepartmental  
4 Coordination of Services to Children and Families that:

5 (1) The project will provide appropriate care,  
6 treatment and shelter for children in need of care,  
7 treatment and shelter; and

8 (2) A sufficient number of children in need of care  
9 and treatment will use the proposed project.

10 F. During the term of the loan, the Committee for the  
11 Interdepartmental Coordination of Services to Children and  
12 Families shall certify annually that the project is  
13 providing suitable care, treatment and shelter for children  
14 during the term of the loan.

15 6. Purposes of loans. The committee may award loans to  
16 implement a project. Loan proceeds may be used to fund working  
17 capital loans to implement a project. In each project a minimum  
18 of 85% of the children served must be residents of the State.

19 Sec. 8. Appropriation. The following funds are appropriated  
20 from the General Fund to carry out the purposes of this Act.

21 **1990-91**

22 **FINANCE AUTHORITY OF MAINE**

23 **Treatment Loans for Children Committee**

24 All Other \$1,000

25 Provides funds for the expenses of the  
26 Treatment Loans for Children Advisory  
27 Committee

28 Sec. 9. Application; contingent on bond issue. This Act takes  
29 effect only if a \$5,000,000 general revenue bond issue to promote  
30 the well-being and rehabilitation of children in need of care,  
31 treatment or shelter is approved by the voters of the State.

32 **FISCAL NOTE**

33 This Act is contingent upon the passage of a bond issue  
34 proposed by companion legislation before the Second Regular  
35 Session of the 114th Legislature. If the bond fails to pass and  
36 is not approved by the voters in the November general election,  
37 these funds will not be appropriated.



2

## STATEMENT OF FACT

4

6 This bill creates a revolving loan program under the Finance  
8 Authority of Maine to administer the Treatment Loans for Children  
10 Fund, to be funded by a bond issue. The fund will work in  
12 partnership with commercial banks to provide start-up and working  
14 capital loans to qualified individuals for the construction,  
16 renovation, rehabilitation or expansion of structures that will  
be used to shelter children in need of care and to provide care  
and treatment to children and their families. In this way,  
facilities needed to care and treat children and their families  
will be available within the State, minimizing the need for  
out-of-state placement.



# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2410

H.P. 1747

House of Representatives, March 8, 1990

Reported by Representative ROLDE for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes Title 3, chapter 33.

Reference to the Joint Standing Committee on Audit and Program Review suggested and printing ordered under Joint Rule 18.

*Ed Pert*

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

**An Act to Authorize a General Fund Bond Issue for the Purpose of Promoting the Well-being and Rehabilitation of Children in Need of Care, Treatment, or Shelter.**

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2           **Preamble.** Two thirds of both Houses of the Legislature  
3           deeming it necessary in accordance with the Constitution of  
4           Maine, Article IX, Section 14, to authorize the issuance of bonds  
5           on behalf of the State of Maine to provide funds for loans which  
6           would promote the well-being and rehabilitation of children in  
7           need of care, treatment or shelter.

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

10           **Sec. 1. Authorization of bonds to provide for loans to promote the**  
11           **well-being and rehabilitation of children in need of care, treatment or**  
12           **shelter.** The Treasurer of State is authorized, under the direction  
13           of the Governor, to issue from time to time registered bonds in  
14           the name and behalf of the State to an amount not exceeding  
15           \$5,000,000 for the purpose of raising funds to create loans that  
16           would allow qualifying borrowers to develop projects that will  
17           provide for the promotion of the well-being and rehabilitation of  
18           children in need of care, treatment or shelter as authorized by  
19           section 7. The bonds shall be deemed a pledge of the full faith  
20           and credit of the State. The bonds shall not run for a longer  
21           period than 5 years from the date of the original issue of the  
22           bonds. Any issuance of bonds may contain a call feature at the  
23           discretion of the Treasurer of State with the approval of the  
24           Governor.

26           **Sec. 2. Records of bonds issued to be kept by the State Auditor and**  
27           **Treasurer of State.** The State Auditor shall keep an account of the  
28           bonds, showing the number and amount of each, the date when  
29           payable and the date of delivery of the bonds to the Treasurer of  
30           State who shall keep an account of each bond showing the number  
31           of the bond, the name of the successful bidder to whom sold, the  
32           amount received for the same, the date of sale and the date when  
33           payable.

34           **Sec. 3. Sale; how negotiated; proceeds appropriated.** The  
35           Treasurer of State may negotiate the sale of the bonds by  
36           direction of the Governor, but no such bond may be loaned,  
37           pledged or hypothecated on behalf of the State. The proceeds of  
38           the sale of the bonds, which shall be held by the Treasurer of  
39           State and paid by him upon warrants drawn by the State  
40           Controller, are appropriated to be used solely for the purposes  
41           set forth in this Act. Any unencumbered balances remaining at  
42           the completion of the project in section 7 shall lapse to the  
43           debt service account established for the retirement of these  
44           bonds.

46           **Sec. 4. Taxable bond option.** The Treasurer of State, at the  
47           direction of the Governor, shall covenant and consent that the  
48           interest of the bonds shall be includable, under the United  
49           States Internal Revenue Code, in the gross income of the holders  
50           of the bonds to the same extent and in the same manner that the  
51           interest on bills, bonds, notes or other obligations of the  
52           State shall be includable.

2 United States is includable in the gross income of the holders  
3 under the United States Internal Revenue Code or any subsequent  
4 law. The powers conferred by this section shall not be subject  
5 to any limitations or restrictions of any law which may limit the  
6 power to so covenant and consent.

7 **Sec. 5. Interest and debt retirement.** Interest due or accruing  
8 upon any bonds issued under this Act and all sums coming due for  
9 payment of bonds at maturity shall be paid by the Treasurer of  
10 State.

11 **Sec. 6. Disbursement of bond proceeds.** The proceeds of the  
12 bonds set out in section 7 shall be expended under the direction  
13 and supervision of the Finance Authority of Maine.

14 **Sec. 7. Allocations from General Fund bond issue.** The proceeds  
15 of the sale of bonds shall be expended as follows.

16  
17  
18 **1990-91**

19 **FINANCE AUTHORITY OF MAINE**

20  
21 All Other \$5,000,000

22  
23 These funds will be used to create a  
24 revolving loan fund which will provide loans  
25 to promote the well-being and rehabilitation  
26 of children in need of care, treatment or  
27 shelter.

28  
29 **Sec. 8. Contingent upon ratification of bond issue.** Sections 1 to  
30 7 shall not become effective unless and until the people of the  
31 State have ratified the issuance of bonds as set forth in this  
32 Act.

33  
34 **Sec. 9. Appropriation balances at year end.** At the end of each  
35 fiscal year, all unencumbered appropriation balances representing  
36 state money shall carry forward from year to year. Bond proceeds  
37 which have not been expended within 10 years after the date of  
38 the sale of the bonds shall lapse to General Fund debt service.

39  
40 **Sec. 10. Bonds authorized but not issued.** Any bonds authorized  
41 but not issued, or for which bond anticipation notes have not  
42 been issued within 5 years of ratification of this Act, shall be  
43 deauthorized and may not be issued, provided that the Legislature  
44 may, within 2 years after the expiration of that 5-year period,  
45 extend the period for issuing any remaining unissued bonds or  
46 bond anticipation notes for an additional amount of time not to  
47 exceed 5 years.

48  
49 **Sec. 11. Referendum for ratification; submission at general election;**  
50 **form of question; effective date.** This Act shall be submitted to the  
51 legal  
52

2 voters of the State of Maine at the next general election in the  
3 month of November following passage of this Act. The city  
4 aldermen, town selectmen and plantation assessors of this State  
5 shall notify the inhabitants of their respective cities, towns  
6 and plantations to meet, in the manner prescribed by law for  
7 holding a general election, to vote on the acceptance or  
8 rejection of this Act by voting on the following question:

9 "Do you favor a \$5,000,000 bond issue for the establishment  
10 of a loan fund for the treatment of children which would  
11 provide for the construction of shelters for children and  
12 the promotion of the well-being and rehabilitation of  
13 children in need of care, treatment or shelter?"

14 The legal voters of each city, town and plantation shall  
15 vote by ballot on this question and shall designate their choice  
16 by a cross or check mark placed within a corresponding square  
17 below the word "Yes" or "No." The ballots shall be received,  
18 sorted, counted or declared in open ward, town and plantation  
19 meetings and returns made to the Secretary of State in the same  
20 manner as votes for members of the Legislature. The Governor  
21 shall review the returns and, if it appears that a majority of  
22 the legal voters are in favor of the Act, the Governor shall  
23 proclaim that fact without delay, and the Act shall become  
24 effective 30 days after the date of the proclamation.

25 The Secretary of State shall prepare and furnish to each  
26 city, town and plantation all ballots, returns and copies of this  
27 Act necessary to carry out the purpose of this referendum.

#### 28 **STATEMENT OF FACT**

29 The funds provided by this bond issue, in the amount of  
30 \$5,000,000, will be used to establish a revolving loan fund for  
31 the construction, renovation, rehabilitation or expansion of  
32 shelters for children and the promotion of the well-being and  
33 rehabilitation of children and their families in need of care,  
34 treatment or shelter.

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**J. Inform the public to encourage a better public understanding of the current status of the State's child welfare system by collecting and disseminating information, conducting or commissioning studies and publishing the results, and by issuing publications and reports.**

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**Goal:**

To create better public awareness of the pervasive problem of child abuse and neglect in Maine.

**Activities:**

The Ombudsman conducted legislative workshops as described above, participated in a federal grant application with the Human Services Development Institute (grant was unfortunately not funded in 1989), has drafted an informational brochure about the Office of Child Welfare Services Ombudsman, and plans to assist the Department of Human Services in drafting a brochure to assist citizens in understanding the complexity of the child welfare services delivery system. This report will be made available to the Governor, the Commissioner of Human Services, the Human Resources Committee, and any other individual or agency upon request.

The Office of Child Welfare Services Ombudsman is sponsoring a Conference on Child Abuse and Neglect, which will be held at the Augusta Civic Center on October 31, November 1, 1990. This conference, which will be open to the public, is designed to create a better awareness of child abuse and neglect and to provide educational seminars for child welfare services professionals.



# Administration

STATE OF MAINE  
EXPENDITURE BUDGET REPORT  
AS OF FEBRUARY 28, 1990

FUND	010	GENERAL FUND
AGENCY	07A	(OFFICE OF) GOVERNOR
APPROP/ALLOTMENT ORG.	0606	CHILD WELFARE OMBUDSMAN
APPROPRIATION UNIT	04	CHILD WELFARE OMBUDSMAN

		<u>Budgeted</u>	<u>Expended</u>	<u>Balance</u>	<u>Percent Expended</u>
Permanent Regular	3110	48,048.00	35,566.17	12,481.83	74.02%
Health Insurance	3901	3,218.00	2,515.97	702.03	78.18%
Dental Insurance	3905	394.00	230.36	163.64	58.47%
Employee Health	3906	0.00	27.00	(27.00)	NA
Employer Retirement Costs	3910	13,650.00	6,588.44	7,061.56	48.27%
Employer Group Life	3911	198.00	100.66	97.34	50.84%
Employer Medicare Cost	3912	<u>177.00</u>	<u>405.04</u>	<u>(228.04)</u>	<u>228.84%</u>
Total Personal Services		65,685.00	45,433.64	20,251.36	69.17%
Misc Prof Fees and Specs	4199	1,960.00	1,680.00	280.00	85.71%
Travel Expense, In State	4200	1,000.00	1,117.40	(117.40)	111.74%
Travel Expense, Out State	4300	2,196.00	733.92	1,462.08	33.42%
Utilities	4500	0.00	308.27	(308.27)	NA
General Operating Expense	4900	2,500.00	1,065.23	1,434.77	42.61%
Supplies, Office	5300	1,300.00	168.71	1,131.29	12.98%
Misc. Supplies	5600	0.00	208.81	(208.81)	NA
Total All Other		8,956.00	5,282.34	3,673.66	58.98%
Equip Purch & Lease Purch	7200	2,420.00	2,289.74	130.26	94.62%
TOTAL EXPENDITURES		<u>77,061.00</u>	<u>53,005.72</u>	<u>24,055.28</u>	<u>68.78%</u>



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**Recommendations:**

- Relocate the Ombudsman's Office to the State Capitol or State Office Building to provide ready access for Legislators and legislative staff to the Ombudsman's services and to improve access for the Ombudsman to the Law and Legislative Reference Library.
- Monitor the rate of increase in the Office's caseload and increase staff levels as needed to ensure a speedy and appropriate response in every case.
- Augment the resources of the Ombudsman's Office in order to address complaints regarding juvenile corrections and child support enforcement.

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**Appendices**





Senator N. Paul Gauvreau  
District 23

MAINE STATE SENATE  
114th Legislature

State House 3  
Augusta, Maine 04333

December 28, 1989

Jane Sheehan  
Office of Child Welfare Services Ombudsman  
State House Station 73  
Augusta, Maine 04333-0073

RE: Child Welfare Services Workshop  
12/06/89 - Lewiston

Dear Jane:

I regret that due to my previously scheduled commitment to participate in a workshop of the Certificate of Need Review Committee in Augusta I was unable to attend the Child Welfare workshop which was held at the Department of Human Services Building on 12/6/89. I appreciate your forwarding to me materials which were distributed to participants in the legislative workshop. I appreciate your efforts to familiarize legislators with the child protective process and to respond to legislators' inquiries regarding the Department's duties in child protection cases.

In my private practice of law I have had occasion over the years to represent several parents and children involved in the child protection process and appreciate the commitment of all those involved in this process including caseworkers, health care providers, CASA workers, courts and attorneys.

I look forward to meeting with you on January 16th to review your initial report.

Very sincerely yours,

  
N. Paul Gauvreau

NPG/jd



John R. McKernan, Jr.  
Governor



Jane Sheehan  
Child Welfare Services Ombudsman

Executive Department  
Office of Child Welfare Services Ombudsman  
Telephone (207) 289-3771

January 5, 1990

Honorable John L. Martin, Chair  
Legislative Council, Maine Legislature  
State House Station #115  
Augusta, Maine 04333-0115

Dear Mr. Chair:

I am writing to you to seek assistance in relocating the Office of Child Welfare Services Ombudsman to within the State House Building. The office, which became operational on March 16, 1989, is temporarily housed at the Division of Community Services in Hallowell.

Pursuant to 22 M.R.S.A. § 4087, the Ombudsman's duties include advising, consulting and assisting the executive and legislative branches of state government and reviewing and evaluating on a continuing basis, state and federal policies and programs. The location of the Ombudsman's office is mandated by this statute to be within the Capitol Complex.

It is my understanding that the intent and purpose of these provisions was to provide ready access for legislators and legislative staff to the Ombudsman's services and to provide accessibility to the resources of the law and legislative library to the Ombudsman.

By being located in Hallowell, I have found it most inconvenient for me to fully carry out my duties to the legislative and the executive branches. I would appreciate it if you could review the present availability of any space for my office. If you would like to discuss this further, please feel free to contact me at 289-3771.

Sincerely,

A handwritten signature in cursive script that reads "Jane Sheehan".

Jane Sheehan

JS:vg

cc: Sarah C. Diamond  
Senator Beverly Bustin  
Representative Neil Rolde



John R. McKernan, Jr.  
Governor



Jane Sheehan  
Child Welfare Services Ombudsman

Executive Department  
Office of Child Welfare Services Ombudsman  
Telephone (207) 289-3771

December 13, 1989

Senator N. Paul Gauvreau  
Gauvreau & Blackburn, P.A.  
P.O. Box 520, 4 Park Street  
Lewiston, Maine 04240

Dear Senator Gauvreau:

I am writing to you concerning my statutory duty to make an annual report to the Human Resources Committee pursuant to 22 M.R.S.A. § 4087 (5).

The statute provides that the Child Welfare Services Ombudsman shall submit an administrative report not later than March 1 of each year. It is my understanding that the committee decided on the day of my confirmation last March that I would report by letter on or about January 16, 1990. The intended purpose of the letter was to allow time for legislative approval of any budget increase requests.

I am prepared to send to the members of the Human Resources Committee a letter and a draft outline of my annual report. The report will include my work priorities and activities for fiscal year 1989-90 and my recommendations for the Office of Child Welfare Services Ombudsman for the upcoming year. In light of the present financial problems the state is facing, I will not be seeking any expanded resources.

I would appreciate hearing from you regarding the above mentioned letter and report. Please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Jane Sheehan".

Jane Sheehan

JS:vg