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H.P. 360 House of Representatives, February 19, 2021

An Act To Strengthen Supports for Families and Children through a Child Abuse and Neglect Prevention and Early Intervention Program

(EMERGENCY)

Received by the Clerk of the House on February 17, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative MADIGAN of Waterville.
Cosponsored by Senator LIBBY of Androscoggin and
Representatives: COLLINGS of Portland, CRAVEN of Lewiston, HARNETT of Gardiner, MEYER of Eliot, TALBOT ROSS of Portland, WARREN of Hallowell, WHITE of Waterville, Senator: BALDACCI of Penobscot.

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

Whereas, the spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

Whereas, as a result of COVID-19, many children are not attending school in person, are missing doctor's appointments and are otherwise not interacting with persons required by law to report suspected abuse or neglect; and

Whereas, lack of regular contact with people outside of the family home places many children at risk of child abuse and neglect; and

Whereas, those children are in immediate need of intervention in order to prevent abuse and neglect from occurring; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA c. 1071, sub-c. 18 is enacted to read:

SUBCHAPTER 18

CHILD ABUSE AND NEGLECT PREVENTION AND EARLY INTERVENTION PROGRAM

§4099-J. Definitions

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

1. Alternative response program. "Alternative response program" means a program that helps families reduce the risk of child abuse or neglect by offering or coordinating services.

2. Family. "Family" means a custodial parent, custodian, foster parent, grandparent, parent, person responsible for the child, preadoptive parent, relative or resource family, as those terms are defined in this chapter, and any child of the family.

3. Program. "Program" means the child abuse and neglect prevention and early intervention program established by the department in accordance with this subchapter.

§4099-K. Program established

The department shall establish and implement a child abuse and neglect prevention and early intervention program by contracting with an organization that provides an alternative response program in the State. The department shall adopt rules to develop and implement the program. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The program must include the following.

1. Eligibility. A family may be eligible for the program by meeting one of the following criteria:

A. The family has been the subject of an investigation by the department under this Act; or

B. The family has been referred to the program by a person required to report suspected abuse or neglect in accordance with section 4011-A when the suspected conduct does not require a report under that section but the person believes that the family needs additional services to prevent abuse or neglect.

2. Outreach. The program must have protocols for communicating with a family that include, but are not limited to, telephone calls, text messages, e-mails and home visits. The program must inquire of the family if assistance is needed or offer assistance to a family. The program must connect a family to applicable resources.

3. Education. The program must provide guidelines on providing outreach to a family and making referrals to the program to pediatric or other medical providers, social service agencies, providers of early childhood education, child care providers and any other person required to report suspected abuse or neglect in accordance with section 4011-A.

4. Individualized services. The program must provide individualized services or referrals to services based on the needs of the family.

Sec. 2. Rulemaking. The Department of Health and Human Services shall adopt rules to develop and implement the program established pursuant to the Maine Revised Statutes, Title 22, chapter 1071, subchapter 18 no later than July 1, 2021. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Implementation. The Department of Health and Human Services shall issue a request for proposals to implement the program established pursuant to the Maine Revised Statutes, Title 22, chapter 1071, subchapter 18 through a contract no later than August 1, 2021.

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

SUMMARY

This bill establishes a prevention and early intervention program within the Department of Health and Human Services in order to provide services to families when a child is at risk of abuse or neglect.