

**Legislation considered during the First Regular Session of the 129th Legislature related to child protection system matters.**

Prepared by OPEGA for the Government Oversight Committee – August 14, 2019

LD	Title and sponsor	Committee	Disposition	Summary (including amendments if adopted)	DHHS/OCFS testimony
<b>Enacted</b>					
192	"An Act to Require an Annual Report on the Activities of the Maine Child Welfare Advisory Panel" Rep Hymanson	Health and Human Services	02.21.19 - Committee vote OTP-AM 04.11.19 - Signed by Governor, Chapter 28	The bill requires DHHS to submit an annual report to the HHS Committee on the activities of the Child Welfare Advisory Panel. The amendment removed a deadline for the annual report.	OCFS submitted testimony in support.
821	"An Act to Set Case Load Standards for the OCFS" Rep Madigan	Health and Human Services	04.08.19 - Committee vote OTP-AM 05.21.2019 Signed by Governor (Emergency Measure), Chapter 34	The bill requires DHHS to ensure caseworkers are not assigned cases exceeding a number established by department rule; the number must be recommended by a national organization with expertise in maximum caseloads; the number of caseworkers assigned to support staff must not exceed 8. The amendment replaces the bill and requires DHHS to review case load standards and develop recommendations with input from caseworkers and PCG. Requires the department to submit a report by October 1, 2019 with findings and recommendations and submit an annual report on staffing in child welfare in relation to the case load recommendations; the reports are submitted to HHS Committee and GOC.	OCFS submitted testimony neither for nor against, but providing information.

984	"Resolve, To Develop Plans to Return to the State Children Housed in Residential Treatment Systems outside of the State." Rep Gramlich	Health and Human Services	05.10.2019 - Committee vote OTP-AM 06.06.2019: Signed by Governor, Chapter 54	The resolve requires DHHS to develop plans to bring children receiving certain services out of state back to the state to receive the required services; it suspends current contracts regarding psychiatric residential treatment facilities and prohibits new contracts, with the suspension and moratorium being listed 30 days after the department submits a required report about adequacy of beds and staffing in those facilities; it provides funding to increase reimbursement rates. The amendment removes the sections relating to psychiatric residential treatment facilities and increasing the reimbursement rates; it requires DHHS to negotiate reimbursement rates.	OCFS submitted testimony neither for nor against, but providing information.
1094	"An Act to Increase Funding for Staffing and for Office Space for the Child Welfare Services Ombudsman Program" Sen Bellows	Health and Human Services	05.10.19 - Committee vote OTP-AM 06.19.2019 - Signed by Governor, Chapter 520	The bill provides funding for additional staffing for the Child Welfare Services Ombudsman Program. The amendment replaces the bill. It preserves the funding for additional staffing and adds funding for leasing office space and purchasing office supplies.	DHHS did not submit testimony.
1275	"An Act to Support Access to Health Services for Homeless Youth in Maine" Sen Sanborn	Health and Human Services	04.25.2019 - Committee vote OTP-AM 05.23.2019 - Signed by Governor, Chapter 206	The bill allows a minor to provide consent to all medical, mental, dental and other health counseling and services by proving that the minor is living separately and is independent of parental support through providing listed supporting documentation; it provides immunity to a health care practitioner who provides services to a minor if the minor consented and provided proof of living independently; it prohibits a minor from disaffirming consent given by the minor solely because they are a minor. The amendment clarifies that a health care practitioner who obtains documentation is immune from civil or criminal liability and removes the language regarding consent not being subject to later disaffirmance solely by reason of the minor's age.	DHHS submitted testimony in support.

1378	"An Act to Ensure the Provision of Medical Assessments for Youth in Foster Care" Rep Madigan	Health and Human Services	04.16.2019 - Committee vote OTP-AM 05.28.2019 - Signed by Governor, Chapter 162	The bill requires that, when a child is ordered into DHHS custody, the department must provide the foster home in which the child is placed an overview of the child's medical condition and the contact information of the child's health care provider, if known; it requires the department to ensure that a child receives an appointment for a medical exam within 3 working days (reduced from 10 days) and requires the department to inform the foster parent of the appointment. The amendment replaces the bill and clarifies that DHHS shall ensure that a child ordered into its custody receives a medical examination by a licensed physician or nurse practitioner within 10 working days after the department's custody of the child commences; requires the department to adopt routine technical rules to allow for reimbursement under MaineCare for a comprehensive medical, dental, educational and behavioral assessment.	OCFS submitted testimony neither for nor against, but providing information.
1526	"An Act to Increase the Availability of Foster Homes" Sen Keim	Health and Human Services	05.06.2019 - Committee vote OTP-AM 06.20.2019 - Signed by Governor, Chapter 444	The bill eliminates the requirement that the State Fire Marshal inspect a family foster home and certify that it meets all elements of the fire safety code before DHHS may issue a license; moves the inspection responsibility to DHHS, which is directed to adopt rules governing the inspection. The amendment adds an appropriations and allocations section.	OCFS submitted testimony in support.
195	"An Act to Continue MaineCare Coverage for Parents During the Rehabilitation and Reunification Process" Rep Hymanson	Health and Human Services	02.14.19 - Committee vote OTP-AM 05.19.19 - Became law without Governor's Signature, Chapter 130	The bill requires DHHS to submit a waiver request to the USDHHS to continue to provide MaineCare coverage to a parent who is participating in rehabilitation and reunification efforts in accordance with a plan; sets a timeline to report progress on seeking the waiver and implementing new rules. The amendment clarifies that parents who are eligible for MaineCare prior to having their minor children removed from the home remain eligible if they are engaged in rehabilitation and reunification efforts, regardless of any other provision of law; requires DHHS to provide an annual report from 2021 on the number of individuals and families who benefit from this provision.	OPI submitted testimony neither for nor against, but noted that the department believes that the bill is unnecessary considering existing policy.

1792	"An Act to Ensure Compliance with Federal Family First Prevention Services Legislation" Rep Madigan	Health and Human Services	06.03.19 - Committee vote OTP-AM 06.19.19 - Signed by the Governor, Chapter 399	The bill requires DHHS to adopt rules for children's residential care facilities that include procedures for fingerprint-based background checks and child abuse and neglect registry checks for all staff working in the facility to ensure compliance with requirements in federal family first prevention services legislation. The amendment strikes and replaces the bill to be consistent with criminal history record check practices; incorporates provisions that address existing technical conflicts; allows fingerprinting of applicants for employment as well as employees of children's residential care facilities.	DHHS submitted testimony in support.
<b>Carried over</b>					
115	"An Act to Appropriate Funds for Home Visiting Services to provide Child Development Education and Skills Development for New Parents" Rep Craven	Health and Human Services	03.28.19 - Committee vote OTP-AM 06.20.2019 - Carried over on the Special Appropriations Table to any Special or Regular Sessions of the 129th.	The bill appropriates funds for home visiting services to provide child development education and skills development for new parents. The amendment directs the Board of the Maine Children's Trust Inc to use state funds it receives to maximize its receipt of federal funds; it adds an appropriation of funds to stabilize the workforce by bringing salaries of home visitors in line with comparable positions; it reduces the additional funding provided in the bill for home visiting services from \$4m for FY10-20 and \$3m for FY20-21 to \$500,000 for each year.	OCFS submitted testimony neither for nor against, but providing information.
633	"An Act to Create a Permanent Navigator Position within the Department of Health and Human Services" Rep Warren	Health and Human Services	04.04.2019 - Committee vote OTP-AM 06.20.19 - Carried over on the Special Appropriations Table to any special or regular sessions of the 129th.	The bill requires the Commissioner of HHS to appoint one person to administer all issues related to the placement of a child with a relative. The amendment replaces the bill; it establishes within DHHS the kinship care navigator program to provide resources and information to persons providing kinship care to children in the State; it requires one person to administer the program; it adds an appropriations and allocations section.	DHHS submitted information in response to Committee questions.

1039	"Resolve, To Establish and Fund Intervention for At-Risk Families and Children" Rep Madigan	Health and Human Services	05.06.19 - Committee vote OTP-AM 06.20.19 - Carried over on the Special Appropriations Table to any Special or Regular Sessions of the 129th.	The resolve requires DHHS to provide grants to behavioral health providers to fund costs to attract, retain and train new professionals to provide specific types of therapy to children and families involves in child protective services; requires the department to develop a rate of reimbursement under MaineCare; requires the department to seek federal funding for grants or, if not available, use general funds. The amendment adds an appropriations and allocations section.	OCFS submitted testimony neither for nor against, but providing information
1417	"An Act to Expand Access to Head Start to Assist Opioid-Affected and Other At-Risk Families" Rep McCreight	Health and Human Services	04.22.19 - Committee report - Divided report 05.16.2019 - Passed by House as amended 05.21.2019 - Passed by Senate as amended (roll call) 06.20.19 - Carried over on the Special Appropriations Table to any special or regular sessions of the 129th.	The bill establishes eligibility standards for the Head Start program that allows participation for a child up to 5 years of age whose family is affected by substance use disorder or whose family income is below a specified amount; provides appropriations to be distributed to nontribal Head Start program service providers. The amendment clarifies that eligibility for the Head Start program is limited to children who have not met the minimum age requirement to enroll in a school.	DHHS did not submit testimony.
1554	"Resolve, Establishing a Commission to Reform Child Protective Services" Sen Diamond	Judiciary	05.21.19 - Committee Work Session, Tabled 06.03.19 - Carry Over Approved 06.20.19 - Carried over to any special or regular session of the 129th pursuant to Joint Order HP 1322	This resolve establishes the Commission To Reform Child Protective Services. The commission is required to submit a report, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.	DHHS submitted testimony in opposition.

**Died between bodies (some report accepted)**

187	"An Act To Restore the Laws Governing the Reunification of Parents and Children" Rep Gramlich	Judiciary	05.21.19 - Committee vote, Divided report 06.06.19 - House Motion to accept majority ONTP failed (roll call); House motion to accept minority OTP accepted 06.10.19 - Senate motion ONTP report accepted; House insisted on acceptance of minority OTP report 06.12.19 - Senate insisted acceptance of majority ONTP in non-concurrence. Placed in legislative files (DEAD)	Recently enacted law eliminated language that established as a priority under the Child and Family Services and Child Protection Act family rehabilitation and reunification. This bill restores family rehabilitation and reunification as a priority under the laws governing child protective services.	DHHS submitted testimony neither for nor against, but providing information.
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**ONTP or LTW**

646	"An Act to Improve Trust with Regard to Home Visitation by DHHS by Requiring that Certain Visits be Videotaped" Rep Doudera	Health and Human Services	03.28.19 - Committee vote ONTP 04.23.19 - Died pursuant to Joint Rule 310.3	The bill requires DHHS staff who visit the home of a child to investigate or assess and allegation of abuse or neglect to videotape all interviews conducted during the visit.	OCFS submitted testimony in opposition.
838	"Resolve, To Ensure the Continuation of Services to Maine Children and Families" (Emergency) Rep Beebe-Center	Health and Human Services	05.01.19 - Committee vote ONTP 05.21.19 - Died Pursuant to Joint Rule 310.3	The resolve amends a previous resolve and require DHHS to extend certain contractual agreements between the department and Community Partnerships for Protecting Children from January 31, 2019 to the termination date specified in the original contractual agreement.	DHHS submitted information in response to questions for the work session.
1225	"An Act to Increase Funding for Home Visiting Programs" Rep Berry	Health and Human Services	03.28.19 - Committee vote ONTP 04.23.19 - Died pursuant to Joint Rule 310.3	The bill increases the State's funding for home visiting programs in the State in order to stabilize the workforce and expand eligibility to foster families caring for infants.	OCFS submitted testimony neither for nor against, but providing information.

1595	"An Act to Enhance the Child Welfare Ombudsman Program" Rep Mastraccio	Health and Human Services	05.10.19 - Committee vote ONTP 05.21.19 - Died pursuant to Joint Rule 310.3	The bill changes the Child Welfare Ombudsman program to provide that the program is in independent program operated as a nonprofit organization, requires the program to provide oversight of child welfare practice and policy, specifies staffing for the program, provides for appointment procedures and a 7 year term in office, requires a budget recommendation, provides full-time employees benefits, requires the program to provide services directly to individuals and families, requires the department to inform the ombudsman of policy/practice changes, allows the ombudsman to participate in activities conducted by the department, requires the ombudsman to provide information about child welfare issues, authorized the ombudsman to disclose confidential information to a committee meeting in executive session.	OCFS submitted testimony neither for nor against, but providing information.
584	"An Act to Convert Stipends to Base Pay for Child Protective Workers" Rep Gattine	Labor and Housing	04.03.19 - Committee vote ONTP 04.11.2019 - Died pursuant to Joint Rule 310.3	The bill requires that the \$5 per wage-hour stipend provided to child protective services employees and the \$1 per wage-hour stipend paid to such employees who hold or obtain a relevant master's degree be considered part of the base pay for purposes of calculating retirement benefits.	DHHS did not submit testimony.
1185	"An Act to Facilitate Intervention by and Provision of Services Through the DHHS for Certain Families Affected by Substance Use" Rep Brennan	Health and Human Services	05.01.19 - Committee vote ONTP 05.21.2019 - Died pursuant to Joint Rule 310.3	The bill requires DHHS to provide and pay for services relating to substance use disorder treatment in cases in which it does not file a child protection petition but does open a case to provide services to the family and to provide and pay for those services as part of the rehabilitation and unification plan when a child has been removed from the home; the department is not financially responsible if the person is insured by MaineCare or other insurance and that insurance covers the cost of the services; establishes a program within the department for families affected by substance use disorder; the department is required to create a process to identify families engaged in rehabilitation and reunification plan in which substance use disorder is a barrier to the return of the child to the home and ensure the family receives intervention and treatment for the disorder.	OCFS submitted testimony neither for nor against, but providing information.

328	"An Act to Institute Safe Children Court Team Programs" Rep Madigan	Judiciary	05.21.19 -Committee vote ONTP 06.03.19 - Died pursuant to Joint Rule 310.3	The bill authorizes the Judicial Department to establish safe children court team programs, modeled on the "Safe Babies Court Team" approach supported by the Quality Improvement Center for Research-based Infant-Toddler Court Teams funded by the US DHHS, Administration for Children and Families, Children's Bureau. The purpose is to develop a community-based system to provide local systems and services for children and families that interact with the State's child protection system.	DHHS supported the implementation of the program but noted that it would likely require significant resources.
471	"An Act to Amend the Child and Family Services and Child Protection Act To Require the Department of Health and Human Services to Make Best Efforts to Prevent Removal of a Child from a Home" Rep Hymanson	Judiciary	05.21.19 - Committee vote ONTP 06.03.19 - Died pursuant to Joint Rule 310.3	This bill amends the Child and Family Services and Child Protection Act to require that best efforts, rather than reasonable efforts, be made by the Department of Health and Human Services to rehabilitate and reunify families as a means of protecting the welfare of children	DHHS did not submit testimony.
787	"An Act To Support Victims of Child Sexual Abuse" Sen Diamond	Judiciary	04.25.19 - LTW approved by Chairs 05.23.19 - Died pursuant to Joint Rule 310.3	This bill provides for the admissibility in a criminal trial of a recording of a statement of a child under 16 years of age who is a victim of sexual abuse if certain requirements are met. The child must be available at the trial for cross-examination, unless the court finds certain grounds to determine that the child is unavailable to testify. The person who interviewed the child for the recording must be available at trial.	No public hearing was held. DHHS did not submit testimony.
916	"An Act To Improve the Child Protective Court System" Sen Bellows	Judiciary	05.21.19 - Committee vote ONTP 06.03.19 - Died pursuant to Joint Rule 310.3	This bill is a concept draft pursuant to Joint Rule 208. This bill would establish a process within the court system to ensure, to the greatest extent possible, that child protective cases involving the same child are assigned to and heard by the same judge throughout the entire process while the child is a minor.	DHHS did not submit testimony. The Judicial Branch provided testimony opposing the bill.