

# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

**Legislative Document** 

No. 1240

H.P. 788

House of Representatives, March 21, 2023

An Act to Develop a Pilot Program to Provide Legal Representation to Families in the Child Protection System

Reference to the Committee on Health and Human Services suggested and ordered printed.

R(+ B. Hm+)
ROBERT B. HUNT

Clerk

Presented by Representative STOVER of Boothbay.

Cosponsored by Representatives: CRAVEN of Lewiston, GATTINE of Westbrook, GRAHAM of North Yarmouth, GRAMLICH of Old Orchard Beach, MADIGAN of Waterville, MEYER of Eliot, MILLETT of Cape Elizabeth.

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

#### Sec. 1. 4 MRSA §1807 is enacted to read:

#### §1807. Prepetition pilot program for families in the child protection system

The commission shall design and implement a 2-year pilot program to provide legal counsel and related advocacy services to a target population of parents or custodians of a child at the prepetition stage, or when the Department of Health and Human Services commences an investigation of a report of suspected abuse or neglect to determine if a child is at risk of harm.

- 1. Goals. The commission shall design the pilot program to meet the following goals:
- A. To provide legal and other resources to parents and custodians early in the child protection investigation process so that children can remain safe and families can help their children thrive without the need for further state intervention;
- B. To promote equity in the outcome of child protection investigations for families of disparate socioeconomic circumstances; and
- C. To increase parents' and custodians' understanding of the child protection investigation process and how they can engage in the process to achieve positive outcomes.
- 2. Target population. The commission, in partnership with the Department of Health and Human Services, shall design the pilot program to serve parents and custodians who have become the subject of a child protection investigation, who reside within Androscoggin, Franklin and Oxford counties and who are indigent and would qualify for the assignment of counsel completely at state expense under the eligibility standards established by the commission pursuant to section 1804, subsection 2, paragraph A, except that only the parent's or custodian's income and not the parent's or custodian's assets may be considered when determining assignment of counsel. The program may serve up to 30 families at any given time. For the purposes of this section, "family" means a group of individuals subject to a single child protection investigation.
- 3. Services provided. The commission shall provide services under the pilot program to parents and custodians in their dealings with the Department of Health and Human Services. The commission shall also provide advocacy services regarding other civil legal issues related to the child protection matter.
- 4. Service providers. The commission shall partner with attorneys and other service providers in delivering services under the pilot program. Nonattorney service providers may include, but are not limited to, case managers, parents with lived experience of the child protection system and social workers.
- 5. Warmline and referrals. The commission shall implement a "warmline" that provides information and referrals statewide to parents and custodians who are subject to child protection investigations and that will also screen parents and custodians for eligibility to receive pilot program services. The commission shall prepare informational materials regarding the warmline and a parent's or custodian's ability to contact the warmline and self-refer to the pilot program. The commission shall collaborate with the Department of Health and Human Services to ensure that parents and custodians who fall within the target population are made aware of the pilot program.

6. Data collection and assessment. The commission, in partnership with the Department of Health and Human Services, shall conduct an independent evaluation of the pilot program, using existing resources when available. The commission shall engage in ongoing data collection related to the program and shall report its findings after one year of program implementation and at 6-month intervals thereafter to the joint standing committee of the Legislature having jurisdiction over the judiciary and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

#### Sec. 2. 22 MRSA §4005-I is enacted to read:

### §4005-I. Prepetition pilot program information and referrals

The department shall coordinate with the Maine Commission on Indigent Legal Services to provide information to the public regarding the "warmline" described under Title 4, section 1807, subsection 5 and to ensure that parents and custodians who may be eligible to be served by the pilot program established in Title 4, section 1807 are provided with information regarding the pilot program.

SUMMARY

This bill directs the Maine Commission on Indigent Legal Services to design and implement a 2-year pilot program to provide legal counsel and related advocacy services to indigent parents and custodians residing in Androscoggin, Franklin and Oxford counties when the Department of Health and Human Services commences an investigation of a report of suspected abuse or neglect to determine if a child is at risk of harm. It directs the commission to establish a "warmline" to provide information and referrals statewide to parents and custodians who are subject to child protection investigations and to screen parents and custodians for eligibility to receive pilot program services. It directs the Department of Health and Human Services to coordinate with the Maine Commission on Indigent Legal Services to provide information to the public regarding the warmline and pilot program.