

### §4023. Short-term emergency services

**1. Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Agency" means a person with a contract or written agreement with the department to provide short-term emergency services. [PL 1979, c. 733, §18 (NEW).]

B. "Short-term emergency services" means protective services, emergency shelter care, counseling, emergency medical treatment and other services that are essential to the care and protection of a child. These services may include emergency caretaker or homemaker services in the child's home or care outside the child's home when a parent or other responsible adult is not available and willing to care for the child in the child's home. [RR 2021, c. 2, Pt. B, §187 (COR).]

[RR 2021, c. 2, Pt. B, §187 (COR).]

**2. Authorization.** The department may provide short-term emergency services, directly or through contracts or written agreements with agencies, to a child who has been or appears to be:

A. Threatened with serious harm; [PL 1979, c. 733, §18 (NEW).]

B. A runaway from the child's parents or custodian; [PL 1989, c. 270, §8 (AMD).]

C. Without any person responsible for the child; [PL 2003, c. 626, §1 (AMD).]

D. Taken into interim care under Title 15, section 3501, by a law enforcement officer; or [PL 2003, c. 626, §2 (AMD).]

E. In a situation in which the child has lost both parents as a result of a homicide or has lost one parent and the other parent has been arrested, detained or sentenced and committed to a state correctional facility, state mental health institute or county jail for an offense related to the homicide. [PL 2003, c. 626, §3 (NEW).]

[PL 2003, c. 626, §§1-3 (AMD).]

**3. Consent to treatment.** The department may give consent for the child to receive necessary emergency medical treatment while receiving short-term emergency services. When the department has given its consent, a physician or health care provider shall be immune from civil liability for providing emergency medical treatment without the informed consent of the child or the child's parents or custodian.

[PL 1979, c. 733, §18 (NEW).]

**4. Contacting parents.** The following procedures shall apply.

A. Prior to or on initiating short-term emergency services, the department or agency shall take reasonable steps to notify a custodian that the child will receive or is receiving the services. Notwithstanding this subsection, shelters for homeless children, as defined in section 8101, subsection 4-A, are governed by the parental notification requirements contained in the Department of Health and Human Services rules for the licensure of shelters for homeless children. [PL 1989, c. 270, §9 (AMD); PL 1989, c. 819, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

B. Short-term emergency services, except for medical treatment, shall not be provided to a child who expresses a clear desire not to receive them. [PL 1979, c. 733, §18 (NEW).]

C. If a parent or custodian objects to medical treatment, it shall be discontinued within 6 hours of receiving the objection. [PL 1979, c. 733, §18 (NEW).]

[PL 1989, c. 270, §9 (AMD); PL 1989, c. 819, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

**5. Time limit.** Short-term emergency services shall not exceed 72 hours from the time of the department's assumption of responsibility for the child. Notwithstanding this subsection, shelters for

homeless children, as defined in section 8101, subsection 4-A, are governed by the time-limit requirements contained in the Department of Health and Human Services rules for the licensure of shelters for homeless children.

[PL 1989, c. 270, §10 (AMD); PL 1989, c. 819, §4 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

**6. Parent's obligations.** Providing short-term emergency services to a child shall not affect a parent's obligation for the support of the child.

[PL 1979, c. 733, §18 (NEW).]

**7. Reimbursement.** The department may, by agreement or court order, obtain reimbursement from a parent for the support of a child who receives short-term emergency services. An agency may also obtain reimbursement from a parent subject to its contract or written agreement with the department.

[PL 1979, c. 733, §18 (NEW).]

**8. Emergency assessment.** In the event of a homicide as described in subsection 2, paragraph E, the department shall perform an emergency assessment for the purposes of temporary placement with a relative or other responsible person. The department shall provide a copy of the assessment performed under this subsection to the law enforcement personnel involved with the family of the child.

[PL 2003, c. 626, §4 (NEW).]

#### SECTION HISTORY

PL 1979, c. 733, §18 (NEW). PL 1983, c. 354, §5 (AMD). PL 1989, c. 270, §§8-10 (AMD). PL 1989, c. 819, §§3,4 (AMD). PL 2003, c. 626, §§1-4 (AMD). PL 2003, c. 689, §B6 (REV). RR 2021, c. 2, Pt. B, §187 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.