

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Support New Mothers Who Are in Substance Abuse Treatment Programs

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

Sec. 1. 22 MRSA §4004-B, sub-§1, as enacted by PL 2003, c. 673, Pt. Z, §1, is amended to read:

1. Receive reports. Receive reports of infants who may be affected by illegal substance abuse or suffering from withdrawal symptoms resulting from prenatal drug exposure. This subsection does not apply to infants born to mothers who are actively enrolled in a substance abuse treatment and recovery program licensed under Title 5, chapter 521;

Sec. 2. 22 MRSA §4004-B, sub-§4, as enacted by PL 2003, c. 673, Pt. Z, §1, is amended to read:

4. Determine if infant is abused or neglected. Determine whether or not the infant reported is abused or neglected and, if so, determine the degree of harm or threatened harm in each case;

Sec. 3. 22 MRSA §4004-B, sub-§5, as enacted by PL 2003, c. 673, Pt. Z, §1, is amended to read:

5. Develop plan for safe care. For each infant reported whom the department determines to be affected by illegal substance abuse or to be suffering from withdrawal symptoms resulting from prenatal drug exposure, develop, with the assistance of any health care provider involved in the mother's or the child's medical or mental health care, a plan for the safe care of the infant and, in appropriate cases, refer the child or mother or both to a social service agency or voluntary substance abuse prevention service; and

Sec. 4. 22 MRSA §4004-B, sub-§6, as enacted by PL 2003, c. 673, Pt. Z, §1, is amended to read:

6. Comply with section 4004. For each infant reported whom the department determines to be abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.

SUMMARY

This bill amends the provisions of child protection law that require the Department of Health and Human Services to receive reports of infants who may be affected by illegal substance abuse or suffering from withdrawal symptoms from prenatal drug exposure. The bill establishes an exception for infants born to mothers who are actively enrolled in licensed substance abuse programs and, consistent with this exception, limits the department's duties to infants who are reported under the law.