

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Child and Family Services
11 State House Station
2 Anthony Avenue
Augusta, Maine 04333-0011
Tel.: (207) 624-7900; Toll Free: (877) 680-5866
TTY: Dial 711 (Maine Relay); Fax: (207) 624-5553

April 8, 20201

Senator Ned Claxton, Chair
Representative Michele Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 1076 – An Act To Support the Operations of Youth Shelters in Maine

Senator Claxton, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

This letter is to provide you with information about OCFS' opposition to LD 1076. This bill would make a number of changes regarding shelters for homeless youth in Maine. First, the bill would increase from 30 to 90 consecutive days or overnights a child may stay in such a facility. Second, the bill would require the Department to amend its rules for licensure of shelters for homeless children (to allow a child to be admitted for up to 30 days without first notifying his or her guardian) and the rules for licensure of emergency shelters for children (to allow a child to be admitted for up to 30 days without obtaining the permission of the child's guardian). Lastly, the bill would provide an additional \$500,000 per year in funding for homeless youth programs. OCFS has concerns about each provision of this bill.

OCFS introduced LD 81 this session to extend from 30 to 60 the number of consecutive days or overnights a child may stay in a youth homeless shelter. OCFS carefully considered all options before proposing LD 81 and we believe 60 days strikes the appropriate balance between ensuring continuity for youth experiencing homelessness while also giving youth and providers incentive to work towards moving youth to long-term permanent living arrangements. OCFS believes that 90 days does not provide the same sense of urgency regarding efforts to move a child to a more appropriate, healthy setting.

OCFS also believes that changes to the notification and consent provisions of the current rules are unnecessary. 10-148, Chapter 8 contains the rules for Shelters for Homeless Children and requires the facility to "make a good faith effort" to notify a guardian within 3 hours of accepting the youth overnight. If unsuccessful the facility must notify the guardian by mail. The rules also allows for exceptions under which a youth may be admitted without notifying the guardian (including situations where the youth indicates notification may result in harm and situations where the youth requests in writing that the guardian not be notified – provided the child has not stayed in the facility on more than three previous occasions). OCFS' Children's Licensing Unit reviewed this proposal and found no concerns about challenges that might be presented by the rule as currently written. In putting this rule into effect, Children's Licensing has broadly interpreted the rule as currently written and given significant leeway to the term "good faith

effort” (to include leaving a voicemail message and/or sending a text message). Two of Maine’s three youth shelters are governed by Chapter 8 (Shaw House and Preble Street).

10-148, Chapter 9 contains the rules for Emergency Shelters for Children, which governs operations at the New Beginnings facility. These rules require written guardian consent prior to admission (in a regular admission) or within 12 hours of admission (in an emergency admission). The rule allows for Children’s Emergency Services (a function of OCFS’ Child Welfare division) to provide consent (even when the youth is not in the Department’s custody), and this occurs on a regular basis. OCFS’ Children Licensing unit indicates that shelters licensed under 10-148, Chapter 9 provide services and failure to obtain consent of the child’s guardian whenever possible creates unnecessary risk for the provider and the youth. In the case of both rules, failure to require notification and/or consent from parents/guardians could result in unnecessary missing child reports, putting a strain on law enforcement and other entities when a child is, in fact, safe in a shelter.

Last, in regard to the increased funding proposed by LD 1076, OCFS is currently in the process of an RFP for youth homeless services. We believe that the RFP process will demonstrate whether or not there is a need for additional resources to provide this service and allow OCFS to thoughtfully consider any additional funding needs.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Todd A. Landry".

Todd A. Landry, Ed.D.
Director, Office of Child and Family Services