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Legislative Document

No. 1721

H.P. 1276

House of Representatives, May 19, 2021

An Act Regarding Dignity for Women in Correctional Facilities

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Senator LAWRENCE of York and
Representatives: EVANS of Dover-Foxcroft, Speaker FECTEAU of Biddeford, GRAMLICH of Old Orchard Beach, MILLETT of Cape Elizabeth, PLUECKER of Warren, WARREN of Hallowell, Senators: BREEN of Cumberland, HICKMAN of Kennebec.

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

2 **Sec. 1. 22 MRSA §4003, sub-§4**, as amended by PL 1999, c. 731, Pt. AA, §4, is
3 further amended to read:

4 **4. Permanent plans for care and custody.** Promote the early establishment of
5 permanent plans for the care and custody of children who cannot be returned to their family.
6 It is the intent of the Legislature that the department reduce the number of children
7 receiving assistance under the United States Social Security Act, Title IV-E, who have been
8 in foster care more than 24 months, by 10% each year beginning with the federal fiscal year
9 that starts on October 1, 1983; ~~and~~

10 **Sec. 2. 22 MRSA §4003, sub-§5**, as enacted by PL 1999, c. 731, Pt. AA, §5 and
11 amended by PL 2013, c. 368, Pt. CCCC, §7, is further amended to read:

12 **5. ~~Report~~ Status report.** Require the department to report monthly to the joint
13 standing committees of the Legislature having jurisdiction over appropriations and
14 financial affairs and health and human services matters, beginning in July 2000, on the
15 status of children served by the Office of Child and Family Services. The report must
16 include, at a minimum, information on the department's caseload, the location of the
17 children in the department's custody and the number of cases of abuse and neglect that were
18 not opened for assessment. This information must be identified by program and funding
19 source; ~~and~~

20 **Sec. 3. 22 MRSA §4003, sub-§6** is enacted to read:

21 **6. Children of incarcerated parents or primary caregivers report.** Require the
22 department to report annually to the joint standing committees of the Legislature having
23 jurisdiction over appropriations and financial affairs and health and human services
24 matters, beginning in January 2022, on the current number and case specifics of children
25 served by the Office of Child and Family Services. The report must include, at a minimum,
26 data regarding where the department is in the reunification process of children with whom
27 the Office of Child and Family Services is involved and who have parents or primary
28 caregivers who are incarcerated in a jail or correctional facility and the number of cases of
29 abuse and neglect that were not opened for assessment.

30 **Sec. 4. 30-A MRSA §1651, sub-§2**, as enacted by PL 2003, c. 482, Pt. A, §1, is
31 amended to read:

32 **2. Appointment.** The sheriff for each county shall appoint a board of ~~5~~ 7 visitors for
33 each correctional facility under the sheriff's supervision.

34 A. Members of the boards of visitors serve for terms of one year ~~except that, of the~~
35 ~~initial appointments, 2 must be for terms of 3 years, 2 must be for terms of 2 years and~~
36 ~~one must be for a term of one year.~~

37 B. Members of the boards of visitors are eligible for reappointment at the expiration
38 of their terms. The boards of visitors must be representative of a broad range of
39 professionals, family members and citizens interested in the well-being of prisoners,
40 including representatives of advocacy groups for human and civil rights, medical and
41 psychiatric professionals, persons who have served in corrections settings and other
42 interested citizens. One member of each board of visitors must be a person with
43 knowledge of issues related to the incarceration of women. One member of each board

1 of visitors must be a woman who has been incarcerated in the State and who has had
2 prior involvement with the Department of Health and Human Services, Office of Child
3 and Family Services.

4 C. A member of the Legislature may not serve on a board of visitors.

5 D. The sheriffs of 2 or more counties, at their discretion, may appoint a joint board of
6 visitors of 5 7 or more members.

7 **Sec. 5. 34-A MRSA §1402, sub-§5**, as amended by PL 2009, c. 1, Pt. S, §3, is
8 further amended to read:

9 **5. Grievance procedures.** The commissioner shall establish procedures for hearing
10 grievances of clients. The commissioner shall establish a separate grievance process for
11 addressing complaints by prisoners about their medical and mental health treatment, as well
12 as a separate grievance process for addressing complaints regarding compliance with the
13 standards established pursuant to sections 1208, 1208-A and 1208-B.

14 **Sec. 6. 34-A MRSA §3001-A, sub-§1-A** is enacted to read:

15 **1-A. Board of visitors for women's services; membership.** The Governor shall
16 appoint a board of visitors for women's services to inspect correctional facilities used for
17 female clients and, with regard to female clients, perform the duties assigned to facility
18 boards of visitors. The board of visitors for women's services shall ensure that the
19 incarceration of and services provided to female clients are designed to meet their gender
20 identity needs and reflect best practices established for such incarceration and services.
21 The board of visitors for women's services must include one member who was formerly
22 incarcerated in the custody of the Department of Corrections, one member who represents
23 a health care provider that provides sexual and reproductive health care and education, one
24 member who is a health care practitioner who provides sexual and reproductive health care
25 and education to women and one member who has an understanding of or experience with
26 domestic violence.

27 **Sec. 7. 34-A MRSA §3031, sub-§8**, as amended by PL 2019, c. 139, §2, is further
28 amended to read:

29 **8. Visitation.** A reasonable opportunity to visit with relatives and friends, in
30 accordance with departmental policies and institutional procedures, ~~provided~~ except that
31 the department may restrict or prohibit visits when the restriction or prohibition is necessary
32 for the security of the institution. Departmental policies and institutional procedures must
33 be sufficient to provide to a person in a correctional or detention facility opportunities and
34 conditions for visits with the child of the person that provide time together in a manner that
35 meets the standards of Title 22, section 4041, subsection 1-A, paragraph A, subparagraph
36 (1), division (c) and that provide as positive a parent-child interaction as can practicably be
37 achieved while ensuring the emotional and physical well-being of the child; and

38 **Sec. 8. 34-A MRSA §3039, sub-§5** is enacted to read:

39 **5. Billing.** A correctional or detention facility may not bill an indigent client for future
40 payment of services and medications.

41 **Sec. 9. 34-A MRSA §3050** is enacted to read:

42 **§3050. Report regarding juveniles in custody**

1 of the Legislature having jurisdiction over criminal justice and public safety matters on the
2 number of juveniles in the custody of the department as juvenile detainees or juvenile
3 clients or under department supervision on probation whose parents or primary caregivers
4 are known to the department to be in the custody of the department or under the supervision
5 of the department.

6 The bill requires that a correctional or detention facility ensure the presence of a female
7 law enforcement officer during the transportation of a female prisoner to and from medical
8 appointments. Finally, the Department of Corrections is required to provide all persons
9 residing in a correctional or detention facility in the State with the contact information for
10 the Office of Child and Family Services and information on the relevance of that contact
11 to the family reunification process. Contact with the Office of Child and Family Services
12 must be provided at no cost.