



UNITED STATES DEPARTMENT OF JUSTICE
SETTLEMENT AGREEMENT
WITH THE STATE OF MAINE



FACT SHEET

The U.S. Department of Justice (DOJ) announced on November 26, 2024, that it has entered into a settlement agreement with the State of Maine (State) to resolve litigation alleging a violation of Title II of the Americans with Disabilities Act (ADA) and the Supreme Court's decision in *Olmstead v. L.C.* The ADA and *Olmstead* require that states administer their services for people with disabilities in the most integrated (community-based) setting appropriate to their needs. To help hundreds of Maine children with behavioral health disabilities remain at home with families or return home from hospitals, residential facilities, and a juvenile detention facility, the State has made robust commitments to:

Identify children with behavioral health disabilities who are in or at risk of entering institutions and provide them care coordination and services at home.

- Children in institutions and children struggling in the community will be identified and considered for all the State's children's behavioral health services. They will then be assigned a care coordinator who will help the child and family consider the services being offered to the child in the community and develop an individualized plan of services.
- Maine will ensure that these children have access to the full array and intensity of community-based services for which they are eligible, including wraparound services, care coordination, service planning, child and family therapies, in-home staffing, peer services, Children's Assertive Community Treatment (ACT), and crisis services.
- Children with the most intense service needs will be assigned to a care coordinator who will have no more than 10 children on their caseload at one time.

Help children with behavioral health disabilities remain with their families or foster families with the planning and services they need to avoid emergency department stays and institutions.

- Care coordinators will work closely with children who are struggling at home and their families. They will gather a child and family team who will work together to proactively address possible issues and develop an individualized service plan for the child. The State will furnish the community-based services in the child's plan for the child to be successful at home.
- Maine will provide children community-based services in time to prevent unnecessary emergency department stays and to be successful at home long-term.

Help children with behavioral health disabilities move out of institutions and instead receive services at home if consistent with the needs and desires of the child and family.

- Each child in an institution and their family will receive help from a care coordinator to consider the full range and intensity of services the child qualifies to receive at home. This process includes gathering a child and family team. Together, the child and family team, with the guidance of the care coordinator, will develop an individualized services plan. The



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plan will address whether transitioning the child from the institution to services at home is appropriate and desired.

- Maine will help children move out of institutions and instead receive services at home if consistent with the child's plan. This includes children in Long Creek, the juvenile detention facility.
- Maine will also recruit and support specially trained parents, called Therapeutic Foster Care parents and Therapeutic Intensive Home parents, to care for children. These specially trained parents will provide a family option for children leaving institutions who cannot return to a parental home, due to child welfare involvement or other reasons.
- Over the course of the agreement, Maine must transition increasing numbers of children home with services, if consistent with each child's plan. By the final year of the agreement, Maine must move 92% of children whose plan makes transition home a goal. These transitions home must happen within 30 days of the discharge date in the child's plan.

Address any current or future workforce shortages of community-based service providers.

- Maine will provide appropriate payment rates, training, communication, and support for community providers to enable children to return to or remain at home long-term.
- Maine will develop and implement a plan to address community workforce shortages.
- Maine will ensure its rules allow community providers flexibility to address fluctuations in a child's needs. Maine will also support providers to provide back-up staffing so children receive all their community-based services.

Provide prompt mobile crisis interventions to help children avoid emergency departments and law enforcement contact.

- Under the agreement, Maine's community-based services include mobile crisis services to help children avoid unnecessary emergency room visits and unnecessary law enforcement contact.

Provide information to children, families, and stakeholders, and ensure that State agencies coordinate with each other.

- Maine will provide information to families, children, and stakeholders about community-based services and the rights of children under the agreement.
- Maine will convene various regular meetings to receive feedback from and provide information to advocates such as Disability Rights Maine and the Juvenile Justice Advisory Group; community-based providers; and others.



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- Maine's state agencies, including the Department of Health and Human Services, the Department of Corrections, and the Department of Education, will work together to accomplish the goals of the agreement.

Judicial oversight, independent monitoring, data collection, and technical assistance.

- The parties have asked the federal district court to retain jurisdiction to enforce the agreement. If Maine does not comply with the agreement, DOJ may seek court enforcement following a dispute resolution process.
- An independent reviewer will review and publicly report on Maine's implementation of the agreement and provide the State with technical assistance.
- Maine will gather data and provide information about its progress under the agreement, including child-specific data showing, for example, whether children are receiving the community-based services they are authorized to receive, whether they are entering and remaining in emergency departments and institutions, and other information.

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