

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

3
D. OF R.

STATE OF MAINE
SENATE
110TH LEGISLATURE
FIRST REGULAR SESSION

L.D. 1601

(Filing No. S-230)

SENATE AMENDMENT " A " to S.P. 604, L.D. 1601, Bill,
"AN ACT Concerning the Consent Requirements and Termination
of Parental Rights for Adoption Proceedings."

Amend the Bill by inserting after section 8 the following:

'Sec. 9. 22 MRSA §4003, sub-§4, as enacted by PL 1979,
c. 733, §18, is amended by adding at the end a new sentence
to read:

It is the intent of the Legislature that the department reduce
the number of children receiving assistance under Title IV-E,
who have been in foster care more than 24 months, by 10% each
year beginning with the federal fiscal year that starts on
October 1, 1983.

Sec. 10. 22 MRSA §4021, sub-§3 is enacted to read:

3. Interviewing the child without prior notification. -

↳ The department may interview a child without prior notification
under the following provisions.

A. The department may interview a child without prior
notification to the parent or custodian when the department
has reasonable grounds to believe that prior notice
would increase the threat of serious harm to the child
or another person.

B. The interview may take place at a school, hospital,
police station or other place where the child is present.

C. School officials shall permit the department to meet
with and interview the child during school hours, if the
interview is necessary to carry out the department's duties
under this chapter.

Sec. 11. 22 MRSA §4037, last sentence, as enacted

by PL 1979, c. 733, §18, is amended to read:

Custody shall not include the right to ~~place-the-child-for~~
initiate
adoption proceedings without parental consent, except as
provided under Title 19, section 532.

Sec. 12. 22 MRSA §4038, sub-§1, as enacted by PL 1979,
c. 733, §18, is amended to read:

1. Automatic review. If the court has made a final
protection order under section 4036, it shall review the case
at least once within 18 months of the original order, unless
the child has been adopted or emancipated. No mandated
review may be required if the child was ordered into the
custody of the department under section 3792 before
April 3, 1980.¹

Further amend the Bill by renumbering sections 9 to 12
to be sections 13 to 16.

Statement of Fact

This amendment:

1. Adds to the "purposes" section of the Child and
Family Services Act a goal for the reduction of the number
of children in foster care more than 24 months by 10% each year
beginning October 1, 1983. The United States Adoption
Assistance and Child Welfare Act of 1980, ^{Public Law} / 96-272, requires
such a percentage or numerical goal to be included in state
law. That public law is the authorizing legislation for \$2.4
million in federal foster care funds, plus \$800,000 in federal
child welfare funds.


J. OF R.

D. OF R.

2. Amends the Revised Statutes, Title 22, section 4021, to cure a growing problem where schools are not allowing protective services' staff to talk with children without prior notification of parents. It would authorize such interviews only where the worker has reasonable grounds that prior notice would increase the threat of serious harm;

3. Amends the Revised Statutes, Title 22, to allow the department to place a child in a home on a foster care basis where he could be adopted if termination of parental rights were granted, thereby reducing the number of foster home placements that would otherwise be required; and

4. Clarifies the law to provide that mandatory judicial reviews are not retroactive for children committed prior to the enactment of the Child and Family Services Act. If this clarification is not made, the department and courts could be swamped with up to 1,200 mandatory judicial reviews prior to April, 1982.

(Sen. Device)
NAME: 
COUNTY: Penobscot