

MAINE STATE LEGISLATURE

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1 (Governor's Bill)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 1978

7
8 H. P. 2007 House of Representatives, February 12, 1982
Referred to the Committee on Judiciary. Sent up for concurrence
and ordered printed.

EDWIN H. PERT, Clerk

9 Presented by Representative Soule of Westport.

Cosponsors: Representative O'Rourke of Camden, Representative
Livesay of Brunswick and Representative Hobbins of Saco.

10
11 **STATE OF MAINE**
12

13 IN THE YEAR OF OUR LORD
14 NINETEEN HUNDRED AND EIGHTY-TWO
15

16 **AN ACT Concerning Revisions in the**
17 **Maine Juvenile Code.**
18

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

20 **Sec. 1.** 15 MRSA §2712, sub-§1, ¶B, as enacted by PL
21 1979, c. 681, §1, is amended to read:

22 B. To administer court-ordered diagnostic evaluations
23 examinations pursuant to section 3318 and diagnostic
24 evaluations pursuant to section 3309-A; and

25 **Sec. 2.** 15 MRSA §3003, sub-§4-A is enacted to read:

26 4-A. Diagnostic evaluation. "Diagnostic evaluation"
27 means an examination of a juvenile to determine his mental
28 or emotional condition which may include, but is not limited
29 to, educational or psychosocial evaluations, psychometric
30 testing and psychological, psychiatric or medical examina-
31 tions.

1 Sec. 3. 15 MRSA §3101, sub-§2, ~~¶E~~ is enacted to read:

2 E. Juvenile Courts shall have jurisdiction concurrent
3 with the District Courts over petitions for emancipa-
4 tion brought under section 3506-A.

5 Sec. 4. 15 MRSA §3309-A is enacted to read:

6 §3309-A. Limitation on diagnostic evaluations

7 The court shall not order a juvenile to undergo a diag-
8 nostic evaluation, as defined in section 3303, subsection
9 4-A, except as follows:

10 1. Information necessary to findings for
11 bind-over. When it appears that the information is
12 necessary in order for the court to make the findings
13 required by section 3101, subsection 4; and

14 2. Information needed to make disposition. Following
15 an order of adjudication pursuant to section 3310, sub-
16 section 5, paragraph A, for purposes of making a dispo-
17 sition.

18 Nothing in this section shall be construed to limit
19 court-ordered examinations pursuant to section 3318.

20 Sec.5. 15 MRSA §3501, sub-§4, first sentence, as
21 enacted by PL 1977, c. 520, §1, is amended to read:

22 When a juvenile is taken into interim care, the law enforce-
23 ment officer or the intake worker Department of Human Ser-
24 VICES shall, as soon as possible, notify the juvenile's
25 parent, guardian, or legal custodian of the juvenile's
26 whereabouts and of the name and telephone number of the
27 intake worker who has been contacted.

28 Sec. 6. 15 MRSA §3501, sub-§5, ~~¶A~~, as enacted by PL
29 1977, c. 520, §1, is amended to read:

30 A. When a law enforcement officer takes a juvenile
31 into interim care, the officer shall contact an intake
32 worker who the Department of Human Services which shall
33 designate a place where the juvenile will be held.

34 Sec. 7. 15 MRSA §3501, sub-§5, ~~¶B~~, as enacted by PL
35 1977, c. 520, §1, is amended to read:

36 B. The law enforcement officer shall take the juvenile
37 to the intake worker Department of Human Services or to

1 the placement specified by the intake worker department
2 without unnecessary delay.

3 **Sec. 8.** 15 MRSA §3501, sub-§5, ¶C, as enacted by PL
4 1977, c. 520, §1, is repealed.

5 **Sec. 9.** 15 MRSA §3501, sub-§8, as enacted by PL 1977,
6 c. 520, §1, is amended to read:

7 8. Interim care, voluntary services. An intake worker
8 The Department of Human Services shall offer, and encourage
9 the juvenile and his family, guardian or legal custodian to
10 voluntarily accept, social services.

11 **Sec. 10.** 15 MRSA §3502, as amended by PL 1979, c. 733,
12 §1, is repealed and the following enacted in its place:

13 §3502. The Department of Corrections and the Department of
14 Human Services 24-hour referral services

15 1. Emergency placement decisions. Placement referral
16 services shall be provided by the Department of Corrections
17 and Department of Human Services as follows.

18 A. The Department of Corrections shall provide for a
19 placement referral service, staffed by intake workers
20 for 24 hours a day. This referral service shall make
21 emergency detention or conditional release decisions
22 pursuant to chapter 505 for all juveniles referred to
23 the department by law enforcement officers.

24 B. The Department of Human Services shall provide for
25 a placement referral service, staffed by personnel 24
26 hours a day. This referral service shall make emer-
27 gency placement decisions pursuant to this chapter for
28 all juveniles referred to the department by law
29 enforcement officers.

30 2. Placement procedures. Emergency placements shall
31 be arranged by intake workers or the Department of Human
32 Services' personnel according to procedures and standards
33 jointly adopted by the Department of Corrections and the
34 Department of Human Services. Placement may include volun-
35 tary care or short-term emergency services under Title 22,
36 sections 4021 to 4023.

37 **Sec. 11.** 15 MRSA §3506, as amended by PL 1979, c.733,
38 §§3 and 4, is repealed.

39 **Sec. 12.** 15 MRSA §3506-A is enacted to read:

1 §3506-A. Emancipation

2 1. Petition for emancipation. If a juvenile is 16
3 years of age or older and refuses to live in the home pro-
4 vided by his parents, guardian or custodian, he may request
5 the District Court in the district in which he legally
6 resides to appoint counsel for him to petition for emancipa-
7 tion.

8 2. Contents of petition. The petition shall state
9 plainly:

10 A. The facts which bring the juvenile within the
11 court's jurisdiction and which form the basis for the
12 petition;

13 B. The name, date of birth, sex and residence of the
14 juvenile; and

15 C. The name and residence of his parent or parents,
16 guardian or custodian.

17 3. Hearing. On the filing of a petition, the court
18 shall schedule a hearing and shall notify the parent or par-
19 ents, guardian or custodian of the date of the hearing, the
20 legal consequences of an order of emancipation, the right to
21 be represented by legal counsel and the right to present
22 evidence at the hearing. Notice shall be given in the man-
23 ner provided in the Maine Rules of Civil Procedure, Rule 4,
24 for service of process.

25 4. Investigation of petition. The court may continue
26 the hearing and require the Department of Human Services to
27 investigate the allegations in the petition, assess the
28 juvenile's plans for care and file a report of the investi-
29 gation with the court within 3 days of the date of the ini-
30 tial hearing.

31 5. Order of emancipation. The court shall order eman-
32 cipation of the juvenile if it determines that:

33 A. The juvenile has made reasonable provision for his
34 room, board, health care and education, vocational
35 training or employment; and

36 B. The juvenile is sufficiently mature to assume
37 responsibility for his own care and it is in his best
38 interest to do so.

1 are not intended to change the current law of emancipation
2 embodied in the Maine Juvenile Code, but rather to avoid
3 confusion by establishing procedures for securing emancipa-
4 tion.

5 Sections 5 to 10 and section 13 amend the emergency
6 placement provisions to authorize law enforcement personnel
7 to contact the Department of Human Services directly when
8 making interim care placements. Currently, the intake work-
9 er is an unnecessary intermediate step in the interim care
10 process. Providing law enforcement direct contact to those
11 ultimately responsible for placement decisions will prevent
12 duplication, confusion and conflict of services. Because
13 the Department of Human Services already has a 24-hour
14 referral service, it is anticipated that these changes will
15 not have a fiscal impact on the Department of Human Ser-
16 vices.

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