

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

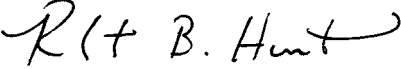
No. 1108

H.P. 727

House of Representatives, March 18, 2025

An Act Regarding the Reunification of Foster Children with Their Parents

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative GRIFFIN of Levant.

Cosponsored by Representatives: DAIGLE of Fort Kent, JAVNER of Chester.

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

2 **Sec. 1. 22 MRSA §4041, sub-§1-A, ¶A,** as enacted by PL 2001, c. 559, Pt. CC,
3 §5, is amended to read:

4 A. The department shall:

5 (1) Develop a rehabilitation and reunification plan as provided in this
6 subparagraph.

7 (a) In developing the rehabilitation and reunification plan, the department shall
8 make good faith efforts to seek the participation of the parent. Information that
9 must be included in developing the plan includes the problems that present a
10 risk of harm to the child, the services needed to address those problems,
11 provisions to ensure the safety of the child while the parent engages in services,
12 a means to measure the extent to which progress has been made, and visitation
13 that protects the child's physical and emotional well-being. With this
14 information, the department shall prepare a written rehabilitation and
15 reunification plan.

16 (b) The department shall circulate the plan to the parties at least 10 days before
17 a scheduled court hearing and shall present the plan to the court for filing at
18 that hearing.

19 (c) The rehabilitation and reunification plan must include the following:

20 (i) The reasons for the removal of the child from home;

21 (ii) The changes that are necessary to eliminate jeopardy to the child while
22 in the care of a parent;

23 (iii) Rehabilitation services that will be provided and must be completed
24 satisfactorily prior to the child's returning home;

25 (iv) Services that must be provided or made available to assist the parent
26 in rehabilitating and reunifying with the child, as appropriate to the child
27 and family, including, but not limited to, reasonable transportation for the
28 parent for visits and services, child care, housing assistance, assistance
29 with transportation to and from required services and other services that
30 support reunification;

31 (v) A schedule of and conditions for visits between the child and the parent
32 designed to provide the parent and child time together in settings that
33 provide as positive a parent-child interaction as can practicably be
34 achieved while ensuring the emotional and physical well-being of the child
35 when visits are not detrimental to the child's best interests;

36 (vi) Any use of kinship support, including, but not limited to, placement,
37 supervision of visitation, in-home support or respite care;

38 (vii) A reasonable time schedule for proposed reunification, reasonably
39 calculated to meet the child's needs; ~~and~~

40 (viii) A statement of the financial responsibilities of the parent and the
41 department during the reunification process; and

1 (ix) If the parent is in treatment for substance use disorder, a plan for
2 random screening of the parent for illegal drugs;

3 (2) Provide the parent with prompt written notice of the following, unless that
4 notice would be detrimental to the best interests of the child:

5 (a) The child's residence and, when practicable, at least 7 days' advance written
6 notice of a planned change of residence; and

7 (b) Any serious injuries, major medical care received or hospitalization of the
8 child;

9 (3) Make good faith efforts to cooperate with the parent in the pursuit of the plan
10 and schedule meetings so as to allow for the attendance of the parent to the extent
11 possible;

12 (4) Periodically review with the parent the progress of the plan, including the
13 parent's compliance in accessing services included in the plan, and make any
14 appropriate changes in that plan. If the parties disagree about the proposed changes
15 in the plan, any party may seek an informal conference with all other parties in an
16 effort to resolve the disagreement, prior to initiating court action. If the parties are
17 unable to agree after an informal conference, the parties may have access to the
18 court's case management system. This subparagraph may not be construed to limit
19 the court's authority to manage and control any cases within the court;

20 (5) Petition for judicial review and return of custody of the child to the parent at
21 the earliest appropriate time, but no earlier than 6 months following removal of the
22 child from the parent's home; and

23 (6) Petition for termination of parental rights at the earliest possible time that it is
24 determined that family reunification efforts will be discontinued pursuant to
25 subsection 2 and that termination is in the best interests of the child-;

26 (7) If the parent is in treatment for substance use disorder, conduct random
27 screening of the parent for illegal drugs; and

28 (8) Conduct unscheduled home visits with the parent.

29 **Sec. 2. 22 MRSA §4041, sub-§1-A, ¶B**, as enacted by PL 2001, c. 559, Pt. CC,
30 §5, is amended by amending subparagraph (8) to read:

31 (8) Make good faith efforts to cooperate with the department in developing and
32 pursuing the plan, including by attending meetings with the department.

33 **SUMMARY**

34 This bill requires the Department of Health and Human Services, when developing a
35 rehabilitation and reunification plan with respect to a child in foster care, to include random
36 screening for illegal drugs for parents in treatment for substance use disorder. The bill
37 requires the department to schedule meetings so as to allow for the attendance of the parent
38 to the extent possible, to conduct random screening for illegal drugs for parents in treatment
39 for substance use disorder and to conduct unscheduled home visits with the parent. It also
40 requires a parent seeking reunification with the parent's child to make good faith efforts to
41 cooperate with the department, including by attending meetings with the department. It
42 provides that the department may not petition for judicial review and return of custody of

1 the child to the parent earlier than 6 months following removal of the child from the parent's
2 home.