

# 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)

---

---

ONE HUNDRED AND THIRD LEGISLATURE

---

---

**Legislative Document**

**No. 1556**

H. P. 1089

House of Representatives, March 24, 1967

Reported by Mr. Hewes from Committee on Judiciary. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

---

**AN ACT Relating to Children Needing Protective Custody.**

---

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

**Sec. 1. R. S., T. 22, § 3792, repealed and replaced.** Section 3792 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof: § 3792. **Protective custody; petition, hearings and custody**

Whenever a duly authorized agent of the department, sheriff or police officer, or 3 or more citizens of any municipality believes that a minor child under the age of 18 years is living in circumstances which are seriously jeopardizing the health, welfare or morals of such child, he or they may petition the probate court or the District Court in the county where such minor child resides, alleging that such child is living in circumstances which are seriously jeopardizing the health, welfare or morals of such child and that such child is in need of protective custody, and praying that suitable and proper provision be made for the care, custody, support and education of the child named in the petition. The court shall fix a time for hearing of said petition and shall order that notice be given to the parents or guardian of such child in such manner and such length of time as the court deems proper, provided that unless notice is waived in writing by said parents or guardian, hearing shall not be fixed for a time less than 10 days after service is made. The court shall order notice in writing be given by mail to the department at least 10 days before the date set for the hearing, unless the petitioner is the duly authorized agent of the department. The department may waive such notice in writing. If requested, the county attorney shall represent the department at the hearing.

The probate court or District Court shall have jurisdiction to hear such a petition in all cases involving the alleged need for protective custody of a minor

child, without regard to the existence of a valid decree of custody in any other court. If, after hearing, it appears that the minor child named in the petition is living in circumstances which are seriously jeopardizing the health, welfare or morals of such child and is in need of protective custody, the court may order such child committed into the custody of the department or into the custody of any suitable person, provided that such person consents to accept custody of such child. The court will cause a copy of the order of commitment and any subsequent modifications thereof to be sent forthwith to the department. Pending hearing on any such petition, the court may order said child committed into the custody of the department or into the custody of any suitable person approved by the court, without regard to section 3794 as to bond, and direct such department or person to make such provision for the child's care as may be necessary pending hearing. The expense of any care provided for any child committed under this section shall be paid by the department or person to whom the child is committed. When any child has been committed into the custody of the department or into the custody of any suitable person under this section, the court may order the parent of such child to contribute to the support of his or her minor child such sums payable weekly, monthly or quarterly as deemed reasonable and just, and may enforce obedience by appropriate decrees. Execution may issue for said sums, when payable, and for costs.

When a parent is committed to jail on execution issued under a decree of support under this section, the county having jurisdiction of the process shall bear the expense of his support and commitment, and he may be discharged from imprisonment by the payment of the execution and all costs and expenses of his commitment and support, and he shall not be entitled to relief therefrom under Title 14, chapters 503 and 505. He may petition the court issuing the execution for relief, whereupon a judge of such court, after due notice to the department or person to whom support is payable, and hearing thereon, may order his discharge from imprisonment on such terms and conditions as justice may require.

Sec. 2. R. S., T. 22, § 3793, amended. The last sentence of section 3793 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

Upon petition by the department, by the parent or parents or guardian of any such child, or by the suitable person to whom such child may have been committed, to the court making the commitment said court, after notice of not less than 10 days to the parents or guardian of such child, to the department or to the suitable person to whom such child may have been committed, shall examine into the conditions and welfare of the said child and, after hearing, may at any time make such further order in relation to his care, custody, support and education as justice may demand, and may discharge any child from custody or restore its custody to its parents, or either of them, if satisfied that the objects of commitment have been accomplished; provided, no child whose parents have been divested of all legal rights to said child under section 3792 or any other provision of this chapter may be legally adopted prior to one year from the date of the order or decree so divesting said parents.