

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 789

H. P. 638

House of Representatives, February 26, 1975

Referred to the Committee on Human Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Byers of Newcastle.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Protective Custody of Children under Health and Welfare Laws.

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

22 MRSA § 3793, last sentence, as last repealed and replaced by PL 1971, c. 598, § 38, is amended to read:

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, or by the grandparent or grandparents of any such child, 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.

STATEMENT OF FACT

The purpose of this Act is to allow grandparents of a child in protective custody to petition for a change in the circumstances of the child since frequently the grandparents are the foster parents of the child by placement by the Department of Health and Welfare. At the present time, however, they have no legal right to bring matters to the attention of the court respecting the well-being of the child.