

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)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1137

H.P. 846 House of Representatives, April 7, 1987
Reference to the Committee on Human Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative LOOK of Jonesboro.

Cosponsored by Representatives DELLERT of Gardiner,
LAPOINTE of Auburn and Senator RANDALL of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Require that Children Under the
2 Custody of the Department of Human
3 Services be Placed in Homes with
4 Traditional Family Settings.
5

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

8 22 MRS A §4010-A is enacted to read:

9 §4010-A. Foster family criteria

10 When selecting a foster home, the department
11 shall consider the following placement options.

12 1. Relatives. Whenever possible, the department
13 shall place the child with a relative or a member of
14 the child's extended family.

1 A. Placement of the child with a relative shall
2 be made in accordance with existing departmental
3 rules and guidelines, but does not require the
4 express approval of the commissioner.

5 (1) For the purposes of this section, the
6 term "relative" includes an adult sibling,
7 aunt, uncle, first cousin or grandparent of
8 the child to be placed.

9 B. Placement of a child with an extended family
10 member shall be made in accordance with the cri-
11 teria set forth under this section.

12 (1) For purposes of this section, the term
13 "extended family member" includes a
14 godparent, 3rd cousin and a great aunt or
15 uncle of the child to be placed.

16 2. Married couples. When the placement option
17 under subsection 1 is not available, the department
18 shall select a married couple as foster parents.

19 A. The department shall consider the couple's
20 parenting experience and the time available to
21 raise a child.

22 B. Placement of a child with a married couple
23 shall be made in accordance with existing depart-
24 mental rules and guidelines and does not require
25 approval by the commissioner.

26 3. Persons with parenting experience. When the
27 placement option under subsection 2 is not available,
28 the department shall select a person who has experi-
29 ence raising a child. The process of approving the
30 placement of a child with a person in this subsection
31 shall proceed as follows.

32 A. The Director of the Division of Child and
33 Family Services shall review the regional program
34 director's placement recommendation and either
35 recommend the commissioner's approval or deny
36 placement.

37 (1) The director shall make his decision
38 within one working day of his receipt of the

1 necessary information from the regional of-
2 fice.

3 (2) If the director recommends approval, he
4 shall give his recommendation to the commis-
5 sioner's office. The commissioner shall de-
6 cide whether to approve or deny a placement
7 within one day of receipt of information.

8 4. Persons without parenting experience. When
9 the placement option in subsection 3 is not availa-
10 ble, the department shall select a person without
11 parenting experience. The department shall proceed
12 as follows.

13 A. The director shall review the regional pro-
14 gram manager's placement recommendation and ei-
15 ther recommend the commissioner's approval or de-
16 ny placement. The director shall decide within
17 10 working days from the receipt of information.

18 B. If the director recommends approval, he shall
19 transmit his recommendation and any other neces-
20 sary work papers to the commissioner. The com-
21 missioner shall decide whether to approve or deny
22 the placement within 10 days from receipt of in-
23 formation.

24 5. Child-specific foster home. Notwithstanding
25 subsections 1 to 4, the department shall place a
26 child in a child-specific foster home when a court
27 has ordered that the child be placed in a specific
28 foster home or when a child has left home and the
29 child or the child's parents have selected another
30 home in which the child agrees to live. The depart-
31 ment shall conduct a study of the potential foster
32 home chosen under this subsection. The department
33 shall complete the study within 20 days. If the
34 study of the home is approved, the following proce-
35 dures must be followed.

36 A. If the foster home chosen under this subsec-
37 tion is a placement option under subsection 1 or
38 2, the department shall pay the foster home the
39 regular foster care rate on a retroactive basis.

1 B. If the foster home chosen under this subsection
2 has a single parent or an unmarried parent,
3 the department shall follow the guidelines for
4 placement as set forth in subsection 4. If the
5 foster home and family is approved, the depart-
6 ment shall pay the foster parent at the regular
7 foster care rate on a retroactive basis.

8 C. A foster home chosen under this section for a
9 child may not be used for any other child unless
10 a current and full study of the home is subse-
11 quently conducted.

12 D. All foster parents chosen under this section
13 shall be notified of this approval and departmen-
14 tal payment process at the outset of the home
15 study of the home.

16 STATEMENT OF FACT

17 There is only one principle that should govern
18 the placement of foster children and that is the
19 needs of the children.

20 No one has a right to be a foster parent. A fos-
21 ter parent should be required to undergo a thorough
22 review process which includes an investigation of the
23 parent's life, sexual preference, motivation for
24 wanting to be a foster parent and any other factors
25 which are important and relevant. Criminal record
26 checks must be done for all potential foster parents
27 and references should be checked very carefully.

28 The guiding principle must be the ability of the
29 family to provide a warm, stable, nurturing home for
30 a child on a temporary basis. The presumption is al-
31 ways that the child will return to his natural par-
32 ents.

33 Foster children are served best when placed in
34 traditional family settings; that is, with relatives
35 or in families with married couples, preferably with
36 parenting experience and with time available to care
37 for foster children.

1 In exceptional circumstances, it may be necessary
2 to place a child in a nontraditional home; that is,
3 with an unmarried couple or a single person. No
4 placement in a nontraditional setting will be made,
5 however, unless it can be clearly demonstrated that
6 there is no traditional family setting available or
7 likely to be available for the child in question. No
8 placement in a nontraditional setting will be made
9 without the approval of the commissioner.

10

1708032387