

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1450

H.P. 1067 House of Representatives, May 6, 1987
Submitted by the Department of Human Services pursuant to
Joint Rule 24.

Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative McPHERSON of Eliot.

Cosponsored by Senators MAYBURY of Penobscot, WHITMORE of
Androscoggin, and Representative MACOMBER of South Portland.

STATE OF MAINE

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

1 AN ACT to Increase Financial Support from
2 Parents of Children in the Care or
3 Custody of the Department of Human
4 Services.
5

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

8 Sec. 1. 19 MRSA §302, as amended by PL 1985, c.
9 652, §11, is repealed and the following enacted in
10 its place:

11 §302. Support of child committed to custodial agency
12 in the custody of the department or agency

13 1. Custody of child. Whenever the District
14 Court, or the District Court acting as a Juvenile
15 Court, orders custody of a child to other than that

1 of a parent pursuant to section 752; Title 15, sec-
2 tion 3314; or Title 22, chapter 1071, the court,
3 shall after giving a parent a reasonable opportunity
4 to be heard, make an order to cover in whole or in
5 part the expenditures for the care and treatment of
6 the child or make a finding that the parent is indi-
7 gent.

8 A. The court shall order reasonable and just
9 sums as child support unless the court determines
10 that a parent is indigent. Whenever the order is
11 made on both parents, the court shall specify the
12 amount each parent shall pay in establishing a
13 child support obligation. The court shall con-
14 sider any support orders in effect pursuant to a
15 court of record or chapter 7, subchapter IV.

16 B. The court's order may include payment of part
17 or all of the medical, hospital and other health
18 and mental health care expenses of the child. If
19 medical, hospitalization or dental insurance cov-
20 erage for this child is available to an obligated
21 parent on a group basis through his employment or
22 other affiliation, the court's order shall re-
23 quire the parent to obtain and maintain that cov-
24 erage on behalf of his child and to provide proof
25 of that coverage to the custodian.

26 2. Assignment. An order of custody to the De-
27 partment of Human Services under section 752; Title
28 15, section 3314; or Title 22, chapter 1071, shall
29 constitute an automatic assignment of all rights to
30 support for the child, including any support unpaid
31 at the time of assignment, to the Department of Human
32 Services.

33 The court may enforce any support order under this
34 section as provided in chapter 14-A.

35 Sec. 2. 22 MRSA §4036, sub-§1, ¶G, as amended by
36 PL 1985, c. 739, §8, is further amended to read:

37 G. Payment by the parents of a reasonable amount
38 of support for the child pursuant to Title 19,
39 section 302;

40 Sec. 3. 22 MRSA §4036, sub-§5 is enacted to
41 read:

1 5. Support order. Every order issued under this
2 section shall include a provision for child support
3 or a statement of the reasons for not ordering child
4 support.

5 STATEMENT OF FACT

6 The purpose of this bill is to increase the fi-
7 nancial support received from parents for the care
8 and treatment of their children in the care or custo-
9 dy of the Department of Human Services. These
10 changes are intended to accomplish this by clarifying
11 the authority of the court, by requiring orders under
12 the Child and Family Services and Child Protection
13 Act to include provision for support, like final or-
14 ders in divorce actions and by clarifying the means
15 to enforce the court's support orders.

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