MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

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NO. 1480

H.P. 1089 House of Representatives, May 8, 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 TAYLOR of Camden.
Cosponsored by Representative HANLEY of Paris, Senators
BRAWN of Knox and CLARK of Cumberland.

STATE OF MAINE

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

AN	ACT	to Ame	end t	he C	hild	and	Fami	1y :	Servi	ces
	and	Child						Rela	ates	
		to) Jud	licia	1 Rev	iews	•			

- Be it enacted by the People of the State of Maine as follows:
- Sec. 1. 22 MRSA §4038, sub-§1 as amended by PL
 1985, c. 739, §11, is further amended to read:

protection order, it shall review the case at least

Mandated review. If a court has made a final

- once within 18 months of the final protection order and at least every 2 years thereafter, unless the child has been emancipated or adopted. Ff-the-court has-ordered-custody-to-any-person,-other-than-a--par-
- ent--or-the-department;-no-subsequent-judicial-review is-required-unless-petitioned-for-by-any-party-or-unless-specifically-ordered-by-the-court;

1 2	Sec. 2. 22 MRSA §4038, sub-§1-A is enacted to read:
3 4 5 6	<pre>l-A. No mandated review. Notwithstanding sub- section 1, no subsequent judicial review is required unless petitioned for by any party or unless specifi- cally ordered by the court:</pre>
7 8	A. When custody has been granted to a person other than a parent or the department;
9 10 11	B. When custody has been granted to a parent who did not have custody at the time the child protection petition was filed; or
12 13 14 15	C. When the child lives with the foster parent with whom the department has entered into a long-term foster care agreement pursuant to section 4064.
16	STATEMENT OF FACT
17 18 19 20 21 22 23 24 25	This bill removes the requirement for periodic mandatory judicial reviews of child protection orders, except when petitioned by any party or specifically ordered by the court, when custody is given to a noncustodial parent who was not an abusive or neglecting parent or when a long-term foster care agreement as described in the Maine Revised Statutes, Title 22, section 4064 is in effect regarding a child.