

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1589

H.P. 1163 House of Representatives, May 15, 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 STANLEY of Cumberland.

Cosponsored by Senator GILL of Cumberland and
Representative BEGLEY of Waldoboro.

STATE OF MAINE

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

AN ACT to Amend the Maine Juvenile Code.

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

Sec. 1. 15 MRSa §3304, sub-§5, as amended by PL
1977, c. 664, §24, is further amended to read:

5. Service on parents of juvenile. If the person
or persons to whom a summons is served are not the
parents or guardian of the juvenile, the summons
shall also be issued to the parents or guardian or
both notifying them of the pendency of the cause and
of the time and place set for hearing. The court may
waive this requirement if it finds that the service
is not possible and explains this finding in writing,
except as required by section 3314, subsection 1,
paragraph C-1 or C-2.

1 Sec. 2. 15 MRSAs §3304, sub-§6-A, as amended by
2 PL 1985, c. 439, §13, is further amended to read:

3 6-A. Effect of nonappearance of parent or custo-
4 dian. The failure of a parent, guardian or legal cus-
5 todian to appear in response to the summons or for a
6 later hearing, or the inability to serve such a par-
7 ty, shall not prevent the court from continuing with
8 the proceedings against a juvenile who is before the
9 court, except as provided required in section 3314,
10 subsection 1, paragraphs D-and-E C-1 and C-2.

11 Sec. 3. 15 MRSAs §3305, 2nd ¶, as enacted by PL
12 1977, c. 520, §1, is amended to read:

13 Upon the acceptance of such an answer, a disposi-
14 tional hearing shall be set at the earliest practica-
15 ble time that will allow for the completion of a
16 predisposition study conducted pursuant to section
17 3311 and for service of notice as required by section
18 3314, subsection 1, paragraph C-1 or C-2.

19 Sec. 4. 15 MRSAs §3312, sub-§2, as enacted by PL
20 1977, c. 520, §1, is amended to read:

21 2. Examination of adjudicated juvenile. The
22 court may have the juvenile examined by a physician
23 or psychologist, and may place the juvenile in a hos-
24 pital or other suitable facility or nonresidential
25 program for this purpose. The cost of such examina-
26 tions and placements shall be paid ~~by the court or~~
27 ~~ordering them~~ in whole or in part by the juvenile's
28 parents. The court shall pay the costs if it finds
29 that the parents are unable to pay.

30 Sec. 5. 15 MRSAs §3312, sub-§3, ¶A, as amended by
31 PL 1979, c. 373, §5, is further amended to read:

32 A. The court may continue the dispositional
33 hearing, either on its own motion or on the
34 motion of any interested party:

35 (1) For a period not to exceed one month to
36 receive reports or other evidence; or

37 (1-a) For a period not to exceed one month
38 to allow for service of notice as required

1 in section 3314, subsection 1, paragraph C-1
2 or C-2; or

3 (2) For a period not to exceed 12 months in
4 order to place the juvenile in a supervised
5 work or service program or a restitution
6 program, or for such other purpose as the
7 court in its discretion deems appropriate.
8 In the event a supervised work or service
9 program or restitution program has been or-
10 dered, the court shall on final disposition
11 consider whether or not there has been com-
12 pliance with the program so ordered.

13 Sec. 6. 15 MRSA §3314, sub-§1, ¶A, as amended by
14 PL 1977, c. 664, §34, is further amended to read:

15 A. The court may allow the juvenile to remain in
16 the legal custody of his parents or a guardian
17 under such conditions as the court may impose.
18 Conditions may include participation by the juve-
19 venile, his parents or legal guardian in treatment
20 services aimed at the rehabilitation of the juve-
21 venile and improvement of the home environment.

22 Sec. 7. 15 MRSA §3314, sub-§1, ¶C-1, as enacted
23 by PL 1985, c. 439, §16, is amended to read:

24 C-1. The court may commit a juvenile to the cus-
25 tody of the Department of Human Services when the
26 court has determined that reasonable efforts have
27 been made to prevent or eliminate the need for
28 removal of the juvenile from his home and that
29 continuation therein would be contrary to the
30 welfare of the juvenile. The court may not enter
31 an order under this paragraph unless the parents
32 have had notice and an opportunity to be heard at
33 the dispositional hearing.

34 Notwithstanding any other provision of law, the
35 court shall not commit a juvenile to the custody
36 of the Department of Human Services until at
37 least 10 days have elapsed from the date on which
38 service pursuant to section 3304 was effected un-
39 less that notice has been served on the parents,
40 custodians and the Department of Human Services
41 in accordance with District Court Civil Rules at

1 least 10 days prior to the dispositional hearing.
2 A party may waive this time requirement if the
3 waiver is written and voluntarily and knowingly
4 executed in court before a judge.

5 The Department of Human Services shall provide
6 for the care and placement of the juvenile as for
7 other children in the department's custody pursu-
8 ant to the Child and Family Services and Child
9 Protection Act, Title 22, chapter 1071, subchap-
10 ter VII.

11 Sec. 8. 15 MRSA §3314, sub-§4, as enacted by PL
12 1983, c. 581, §2, is repealed and the following en-
13 acted in its place:

14 4. Support orders. Orders for support shall be
15 as follows.

16 A. Whenever the court commits a juvenile to the
17 Maine Youth Center, Department of Human Services,
18 Department of Corrections or to a relative or
19 other person, the court shall make a determina-
20 tion of the ability of each parent to provide
21 support for the juvenile and may order that ei-
22 ther or both parents pay support, which includes
23 health care for the juvenile pursuant to Title
24 19, section 302.

25 B. Whenever the court orders conditions under
26 this section which require participation by the
27 juvenile or his family in diagnostic or treatment
28 services, the court may include in its order the
29 requirement that either or both parents:

30 (1) Pay in part or in whole the cost of
31 these services; or

32 (2) Provide for a policy or contract for
33 the coverage of these expenses. If health
34 insurance coverage for the juvenile is
35 available to a parent on a group basis
36 through his employment or other affiliation,
37 the court's order may include a provision
38 requiring the parent to obtain and maintain
39 that coverage on behalf of the juvenile.

1 C. When an order includes both parents, the or-
2 der shall specify what each parent will pay or
3 provide.

4 Sec. 9. 15 MRSA §3317, as amended by PL 1985, c.
5 439, §17, is further amended to read:

6 §3317. Disposition after return to Juvenile Court

7 In instances of commitment of a juvenile to the
8 Department of Corrections, the Department of Human
9 Services or the Maine Youth Center, the commissioner
10 of either department or the superintendent of the
11 youth center following the commitment may for good
12 cause petition the Juvenile Court having original ju-
13 risdiction in the case for a judicial review of the
14 disposition, including extension of the period of
15 commitment. In all cases in which a juvenile is re-
16 turned to a Juvenile Court, the Juvenile Court may
17 make any of the dispositions otherwise provided in
18 section 3314. When reviewing a commitment to the De-
19 partment of Human Services, the court shall consider
20 efforts made by the Department of Corrections and the
21 Department of Human Services to reunify the juvenile
22 with his parents or custodians, shall make a finding
23 regarding those efforts and shall return custody of
24 the juvenile to the a parent or legal custodian if
25 the return of the juvenile would not be contrary to
26 the welfare of the juvenile. A petition for judicial
27 review of a disposition committing the child to the
28 Department of Human Services shall be served on the
29 parents at least 7 days prior to the hearing.

1 STATEMENT OF FACT

2 These changes to the Maine Juvenile Code empha-
3 size the integral role and the responsibilities of
4 parents for the care, treatment and rehabilitation of
5 their children when these children are adjudicated of
6 juvenile offenses. The Maine Revised Statutes, Title
7 15, section 3314, subsection 1, paragraph A, allows
8 the court to include, in the conditions of a
9 juvenile's remaining in the legal custody of his par-
10 ents, the participation of a juvenile and his parents
11 in treatment services aimed at the rehabilitation of
12 the juvenile and the improvement of the home environ-
13 ment. Title 15, section 3314, subsection 4, estab-
14 lishes the court's authority to order financial sup-
15 port and to order support from a parent for medical
16 and other health and treatment expenses whether or
17 not a parent is a legal custodian.

18 In addition, the notice required prior to any
19 disposition removing custody from parents and giving
20 custody to the Department of Human Services has been
21 clarified and expanded.

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