

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1163, L.D. 1589)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1816

H.P. 1331 House of Representatives, June 11, 1987
Reported by Representative CONLEY from the Committee on
Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored 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

1 AN ACT to Amend the Maine Juvenile Code.
2

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

5 Sec. 1. 15 MRSA §3312, sub-§2, as enacted by PL
6 1977, c. 520, §1, is amended to read:

7 2. Examination of adjudicated juvenile. The
8 court may have the juvenile examined by a physician
9 or psychologist, and may place the juvenile in a hos-
10 pital or other suitable facility or nonresidential
11 program for this purpose. The cost of such examina-
12 tions and placements shall be paid by ~~the court or~~
13 ~~dering them~~ in whole or in part by the juvenile's
14 parents. The court shall pay the costs if it finds
15 that the parents are unable to pay or that it is not

1 in the best interest of the juvenile to have the
2 juvenile's parents pay.

3 Sec. 2. 15 MRSA §3314, sub-§1, ¶A, as amended by
4 PL 1977, c. 664, §34, is further amended to read:

5 A. The court may allow the juvenile to remain in
6 the legal custody of his parents or a guardian
7 under such conditions as the court may impose.
8 Conditions may include participation by the juve-
9 nile, his parents or legal guardian in treatment
10 services aimed at the rehabilitation of the juve-
11 nile and improvement of the home environment.

12 Sec. 3. 15 MRSA §3314, sub-§5 is enacted to
13 read:

14 5. Support orders. Whenever the court commits a
15 juvenile to the Department of Human Services or to a
16 relative or other person, the court may order either
17 or both parents of the juvenile to pay a reasonable
18 amount of support for the juvenile. A parent may not
19 be required to pay support for a juvenile during any
20 period when the juvenile resides in the Maine Youth
21 Center or a county jail.

22 Sec. 4. 15 MRSA §3317, as amended by PL 1985, c.
23 439, §17, is further amended to read:

24 §3317. Disposition after return to Juvenile Court

25 In instances of commitment of a juvenile to the
26 Department of Corrections, the Department of Human
27 Services or the Maine Youth Center, the commissioner
28 of either department or the superintendent of the
29 youth center following the commitment may for good
30 cause petition the Juvenile Court having original ju-
31 risdiction in the case for a judicial review of the
32 disposition, including extension of the period of
33 commitment. In all cases in which a juvenile is re-
34 turned to a Juvenile Court, the Juvenile Court may
35 make any of the dispositions otherwise provided in
36 section 3314. When reviewing a commitment to the De-
37 partment of Human Services, the court shall consider
38 efforts made by the Department of Corrections and the
39 Department of Human Services to reunify the juvenile
40 with his parents or custodians, shall make a finding

1 regarding those efforts and shall return custody of
2 the juvenile to the a parent or legal custodian if
3 the return of the juvenile would not be contrary to
4 the welfare of the juvenile. A petition for judicial
5 review of a disposition committing the child to the
6 Department of Human Services shall be served on the
7 parents at least 7 days prior to the hearing.

8

STATEMENT OF FACT

9 This new draft deletes from the bill all revision
10 of the notice requirements pertaining to a commitment
11 of a juvenile to the Department of Human Services.

12 The new draft retains the bill's authorization
13 for a court to order parents to pay support for a ju-
14 venile offender committed to the Department of Human
15 Services. The new draft deletes the bill's proposal
16 that the court could order parental support of a ju-
17 venile offender when the court commits the juvenile
18 to the Department of Corrections or the Maine Youth
19 Center. The new draft patterns the parental support
20 authorization after that existing in the Child and
21 Family Services and Child Protection Act.

22 Finally, the new draft retains the bill's autho-
23 rization for payment by the parents, if they can af-
24 ford to pay and it is in the juvenile's best inter-
25 ests, of a juvenile offender's medical or psychologi-
26 cal examination for purposes of a dispositional hear-
27 ing; for the court to condition parental retention of
28 custody of a juvenile on family members' receipt of
29 treatment services; and for the court to return cus-
30 tody of a juvenile offender to one parent.

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