

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2199

H.P. 1587

House of Representatives, January 18, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative WHITCOMB of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Expand Family Reunification Requirements in Child
Protective Cases.**



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

2
4 **Sec. 1. 22 MRSA §4041, sub-§1**, as repealed and replaced by PL 1983, c. 772, §5 is amended to read:

6 **1. Rehabilitation and reunification.** When a child has been
8 ordered into the custody of the department under this chapter or
10 under Title 19, section 214 or section 752, and when a parent is
12 ordered to leave the family home under this chapter, the
responsibility for reunification and rehabilitation of the family
shall be shared as follows.

14 A. The department shall:

16 (1) Develop a rehabilitation and reunification plan
18 ~~which shall include~~ that includes the following:

20 (a) The reasons for the child's or parent's
22 removal;

24 (b) Any changes which must occur for the child or
26 parent to return home;

28 (c) Rehabilitation services which must be
30 completed satisfactorily prior to the return home;

32 (d) Services available to assist the parents in
34 rehabilitating and reunifying with the child,
36 including reasonable transportation within the
38 area in which the child is located for visits if
the parents are unable to afford that
transportation;

40 (e) A schedule of visits between the child and
42 the parents when visits are not detrimental to the
44 child's best interests, including any special
46 conditions under which the visits shall take
place;

48 (f) A reasonable time schedule for proposed
50 reunification which is reasonably calculated to
meet the child's needs; and

 (g) A delineation of the financial
responsibilities of the parents and the department
during the reunification process;

(2) Provide the parents with prompt written notice of
the following, unless that notice would be detrimental
to the best interests of the child:

- 2 (a) The child's residence and, when practicable,
at least 7 days' advance written notice of a
4 planned change of residence; and
- 6 (b) Any serious injuries, major medical care
received or hospitalization of the child;
- 8 (3) Make good faith efforts to cooperate with the
parents in the development and pursuit of the plan;
- 10 (4) Periodically review with the parents the progress
12 of the reunification plan and make any appropriate
changes in that plan;
- 14 (5) Petition for judicial review and return of custody
16 of the child to his the child's parents or return of
the parent to the family home at the earliest
18 appropriate time; and
- 20 (6) Petition for termination of parental rights at the
earliest possible time that it is determined that
22 family reunification efforts will be discontinued
pursuant to subsection 2 and that termination is in the
24 best interests of the child;
- 26 B. Parents are responsible for rectifying and resolving
problems which prevent the return of the child or parent to
28 the home and shall take part in a reasonable rehabilitation
and reunification plan and shall:
- 30 (1) Maintain meaningful contact with the child
32 pursuant to the reunification plan. When a parent has
left the area where the child has been placed, this
34 shall include making arrangements to visit the child at
or near his the child's placement;
- 36 (2) Seek and utilize appropriate services to assist in
38 rehabilitating and reunifying with the child;
- 40 (3) Pay reasonable sums toward the support of the
child within the limits of their ability to pay;
- 42 (4) Maintain contact with the department, including
44 prompt written notification to the department of any
change of address; and
- 46 (5) Make good faith efforts to cooperate with the
48 department in developing and pursuing the plan; and
- 50 C. Where When the parties cannot agree as to contents of a
reasonable rehabilitation and reunification plan, any party
52 may file a motion for judicial review pursuant to section
4038. At the review, the court shall review the proposed

2 plans of either party and shall order reasonable
reunification plans as it deems necessary.

4 Sec. 2. 22 MRSA §4041, sub-§2, ¶B, as amended by PL 1985, c.
739, §15, is further amended to read:

6
8 B. When the department discontinues efforts to return the
child to a parent or to return a parent to the family home,
10 it shall give written notice of this decision to that parent
at his the parent's last known address. This notice shall
12 must include the specific reasons for the department's
decision, the specific efforts the department has made in
14 working with the parent and child and a statement of the
parent's rights under section 4038. This notice requirement
16 must precede service of a copy of a petition to terminate
parental rights under subchapter VI.

18 Sec. 3. 22 MRSA §4041, sub-§2, ¶C, as amended by PL 1983, c.
862, §71, is further amended to read:

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22 C. If the department discontinues efforts to return the
child to a parent or to return a parent to the family home,
24 but does not seek termination of parental rights, then
subsection 1, paragraph A, subparagraph (1), division (e)
26 and subsection 1, paragraph A, subparagraph (2), shall still
apply.

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STATEMENT OF FACT

34 This bill expands the requirements for family reunification
36 plans in child protective cases. Presently, such plans are
required only if a child is taken into the custody of the
Department of Human Services. This bill also requires
38 reunification plans in cases when a parent has been ordered out
of the family home under the child protective laws.