

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 874

H.P. 614

House of Representatives, February 27, 1991

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 DORE of Auburn.

Cosponsored by Representative CATHCART of Orono, Senator BERUBE of Androscoggin and Representative ANTHONY of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning the Judicial Review of Children in Custody of the
Department of Human Services.

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

2
4 Sec. 1. 22 MRSA §4005-A, sub-§2, as enacted by PL 1985, c. 424, is amended to read:

6 2. **Petition.** A foster parent may petition for standing and
8 intervenor status in any child protection proceeding under this
chapter regarding his a foster child,--provided that the child is
10 living in the foster parent's home or in any child protection
proceeding initiated within 10 days after the child is removed
12 from or leaves the foster home that lives or has lived in the
foster parent's home. The standing and intervenor status is
limited to that proceeding unless otherwise ordered by the court.

14
16 Sec. 2. 22 MRSA §4038, sub-§7, ¶A, as enacted by PL 1989, c. 270, §14, is amended to read:

18 7. **Review of child in custody of the department.** When a
20 child has been placed in the custody of the department, the
following ~~shall~~ must be accomplished.

22 A. The court shall ~~review the~~ make a final protection order
24 within 18 months and shall make a determination within 18
months of its ~~initial~~ preliminary protection order either to:

26 (1) Return the child to the parent;

28 (2) Continue reunification efforts for a specific
30 limited time not to exceed 6 months and to judicially
32 review the matter within the time specified.
Reunification efforts may not be ordered to continue
under this subparagraph more than once; or

34 (3) Enter an order under section 4036, subsection 1,
paragraph G-1.

36
38 Sec. 3. 22 MRSA §4038, sub-§7, ¶C is enacted to read:

40 C. When 2 placements with the same parent have failed and
the child is returned to the custody of the department, the
42 court shall enter an order under section 4036, subsection 1,
paragraph G-1.

44
46 **STATEMENT OF FACT**

48 This bill:

50 1. Allows a foster parent to petition for standing and
52 intervenor status in any child protection proceeding if the
foster child lives or has lived in that foster parent's home;

- 2 2. Requires that when a child has been placed in the
4 custody of the Department of Human Services the court enter a
final protection order within 18 months;
- 6 3. Prohibits the court from extending the time for
8 reunification efforts more than once; and
- 10 4. Requires the court to enter an order making permanent
12 plans for the child and releasing the department from further
reunification efforts when 2 placements with the same parent have
failed and the child is returned to the custody of the department.