MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2033

H.P. 1421

House of Representatives, January 7, 1992

Submitted by the Department of the Attorney General pursuant to Joint Rule 24. Reference to the Committee on Human Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative GEAN of Alfred.

Cosponsored by Senator GILL of Cumberland and Representative GOODRIDGE of Cornville.

STATE OF MAINE

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

An Act to Clarify the Conduct of Proceedings in Child Protection Cases.



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

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Sec. 1. 22 MRSA §4007, sub-§3, as amended by PL 1989, c. 270, §1, is further amended to read:

- 3. Motion for examination. At any time during the proceeding, the court may order that a child, parent, alleged parent, person frequenting the household or having custody at the time of the alleged abuse or neglect, any other party to the action or person seeking care or custody of the child be-examined pursuant-to-the-Maine-Rules of-Givil-Procedure, Rule-35 undergo such evaluation as the court determines necessary, performed by licensed professionals, including, but not limited to, psychological, psychiatric, substance abuse, developmental or psychosocial evaluations.
- Sec. 2. 22 MRSA §4007, sub-§3-A, as enacted by PL 1989, c. 18 226, is amended to read:
- 20 3-A. Report of licensed mental health professional. hearing held in connection with a child protection proceeding 22 under this chapter, the written report of a licensed mental health professional who has treated or evaluated the a child, 24 shall parent, alleged parent, person frequenting the household or having custody at the time of the alleged abuse or neglect, or any other party to the action or person seeking care or custody of the child must be admitted as evidence, previded-that if the party seeking admission of the written report has furnished a 28 copy of the report to all parties at least 21 days prior to the 30 hearing. The report shall may not be admitted as evidence without the testimony of the mental health professional if a 32 party objects at least 7 days prior to the hearing. subsection does not apply to the caseworker assigned to the child.

STATEMENT OF FACT

Maine Rules of Civil Procedure, Rule 35 directs that mental or physical examinations of a party or person be conducted by a physician. Section 1 of the bill clarifies that, under the child protection laws, these evaluations may be conducted by other qualified professionals.

Section 2 of the bill provides that the written reports of mental health professionals regarding other parties in a child protection proceeding must be treated the same as reports regarding a child. This eliminates the distinction between how a child's report is handled and how other reports are handled.