

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 764

S.P. 245

In Senate, March 2, 1993

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**An Act to Determine Eligibility of Child for Benefits.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BEGLEY of Lincoln.  
Cosponsored by Senator: PARADIS of Aroostook, Representatives: DAGGETT of Augusta,  
PENDEXTER of Scarborough.

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

2  
4       Sec. 1. 22 MRSA §4007, sub-§6, as enacted by PL 1991, c. 840,  
§6, is repealed and the following enacted in its place:

6       6. Benefits and support for children in custody of  
7 department. When a child has been ordered into the custody of  
8 the department under this chapter, Title 15, chapter 507 or Title  
9 19, chapter 13, within 10 days of the order, each parent shall  
10 provide the department with information necessary for the  
11 department to make a determination regarding the eligibility of  
12 the child for state, federal or other 3rd-party benefits, and  
13 shall provide any necessary authorization for the department to  
14 apply for these benefits for the child.

16 Prior to a hearing under section 4034, subsection 4, section 4035  
17 or section 4038, each parent shall file income affidavits as  
18 required by Title 19, sections 312 and 314, unless current  
19 information is already on file with the court. If a child is  
20 placed in the custody of the department, the court shall order  
21 child support from each parent according to the guidelines  
22 pursuant to Title 19, chapter 7, subchapter I-A, designate each  
23 parent as a nonprimary care provider and apportion the obligation  
24 accordingly.

26 Income affidavits and instructions must be provided to each  
27 parent by the department at the time of service of the petition  
28 or motion. The court may order a deviation pursuant to Title 19,  
29 section 317. Support ordered pursuant to this section must be  
30 paid directly to the department pursuant to Title 19, section  
31 777-A, subsection 3. The failure of a parent to file an  
32 affidavit does not prevent the entry of a protection order. A  
33 parent may be subject to Title 19, section 314, subsection 1,  
34 paragraph D for failure to complete and file income affidavits.

36  
38                                   **STATEMENT OF FACT**

40       The Maine Revised Statutes, Title 22, section 4007,  
41 subsection 6 requires the Department of Human Services to notify  
42 parents when a child protection petition has been filed that they  
43 must provide income and asset information to the court for the  
44 final child protective hearing under Title 22.

46       The bill requires parents to file affidavits with the court  
47 regarding income and assets for child support determination not  
48 only prior to final protection hearings under Title 22, section  
49 4035, but also prior to hearings on preliminary protection  
50 orders, Title 22, section 4034, and motions for review, Title 22,  
51 section 4038, unless current information is already on file with  
52 the court. Many of these continuances are required so that  
parents can avail themselves of necessary services and request

2 dismissal prior to the final hearing. The bill provides  
information for the court to make an order of support if  
4 appropriate at a preliminary protection order hearing or at a  
review hearing.

6 This bill also requires parents to provide information to  
the department when their child has been ordered into the custody  
8 of the Department of Human Services in a child protection  
proceeding, Title 22, chapter 1051, in a divorce proceeding,  
10 Title 19, chapter 13, or a juvenile proceeding, Title 15, chapter  
507, so that the department can determine whether the child is  
12 eligible for federal, state or other 3rd-party benefits and also  
requires the parent to provide any necessary authorization for  
14 the department to apply for any benefits for which the child may  
be eligible.