

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

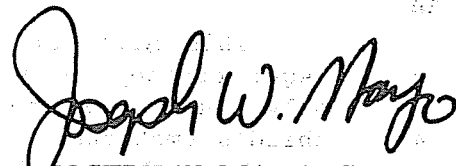
No. 1864

H.P. 1377

House of Representatives, February 14, 1994

An Act to Enable Parents to Retain Custody in Voluntary Placements.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FITZPATRICK of Durham.

Cosponsored by Representatives: BRENNAN of Portland, BRUNO of Raymond, DORE of Auburn, GEAN of Alfred, ST. ONGE of Greene.

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

2
4 Sec. 1. 22 MRSA §8108 is enacted to read:

6 **§8108. Custody rights**

8 A parent or legal guardian of a child retains legal custody
10 when the child is placed in a children's home if the sole reason
12 for the placement is the need to obtain services for the child's
14 emotional, behavioral or mental disorder or developmental or
16 physical disability. In those cases, the child must be placed
18 pursuant to a written voluntary placement agreement between the
20 parent or legal guardian and the department that specifies the
22 legal status of the child and the rights and obligations of the
24 parent or legal guardian, the child and the department while the
26 child is in placement. While a child is placed in a children's
home pursuant to a voluntary placement agreement, the department
is responsible for the child's care. When a child is to remain
in a voluntary placement for more than 180 days, the District
Court shall make a determination, within the first 180 days of
the placement, that the placement is in the best interests of the
child. In addition, the District Court shall hold a
dispositional hearing no later than 18 months after the original
voluntary placement, and every 2 years after that while the
placement continues, to determine the appropriateness of the
placement.

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30 **STATEMENT OF FACT**

32 This bill provides that a parent or legal guardian retains
34 legal custody of a child placed in a children's home when the
36 only reason for the placement is to provide services for the
38 child's emotional, behavioral or mental disorder or developmental
40 or physical disability. Such placement must be by voluntary
42 agreement and the Department of Human Services is responsible for
44 the care of the child during the placement. This bill
46 establishes court review procedures to ensure that a long-term
placement is in the best interests of the child.

This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.