

MAINE STATE LEGISLATURE

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L.D. 1337

DATE: 6/22/95

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 948, L.D. 1337, Bill, "An Act Making Comprehensive Changes to the Child and Family Services and Child Protection Act"

Amend the bill by striking out all of sections 1 to 10, 12, 16, 17 and 18.

Further amend the bill in section 20 in subsection 2 by striking out all of the last sentence (page 6, lines 39 to 41 in L.D.)

Further amend the bill by striking out all of sections 22 and 23.

Further amend the bill by inserting after section 23 the following:

'Sec. 24. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1995-96	1996-97
HUMAN SERVICES, DEPARTMENT OF		
Child Welfare Services		
All Other	\$375,000	\$500,000
Provides funds for additional evaluations in child		

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 948, L.D. 1337

2 protective proceedings and
for the costs associated with
4 testimony concerning the
additional evaluation.

6 **Medical Care - Payments to
Providers**

8 All Other 27,600 36,800
10 Provides funds for additional
12 evaluations in child
14 protective proceedings.

16 **DEPARTMENT OF HUMAN SERVICES**
TOTAL \$402,600 \$536,800

18 **Sec. 25. Allocation.** The following funds are allocated from
20 the Federal Expenditure Fund to carry out the purposes of this
Act.

22 1995-96 1996-97

24 **HUMAN SERVICES, DEPARTMENT OF**

26 **Medical Care - Payments to
Providers**

28 All Other \$47,400 \$63,200
30 Provides funds for additional
32 evaluations in child
34 protective proceedings.

36 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

38 Further amend the bill by inserting at the end before the
40 statement of fact the following:

42 **FISCAL NOTE**

44 1995-96 1996-97

46 **APPROPRIATIONS/ALLOCATIONS**

48 General Fund \$402,600 \$536,800
50 Other Funds 47,400 63,200

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COMMITTEE AMENDMENT "A" to H.P. 948, L.D. 1337

2 5. The person petitioning for a preliminary protection
order must include a detailed description of the reasons for
4 believing that serious harm to the child would result if the
parents were to receive notice of the petition.

6
8 6. A preliminary protection order can not order a child
into state custody for more than 7 days without a hearing at
which the parent may present evidence about abuse. If the court
10 finds abuse, it must state in writing and in detail its findings
of fact and conclusions of law in support of a decision to
12 continue state custody. Unlike the bill, this amendment does not
require the court to find clear and convincing evidence of abuse;
14 the current standard of a preponderance of the evidence applies.

16 7. A preliminary hearing must be held within 7 days of the
issuance of a preliminary protection order or the request of the
18 parents, unless all parties expressly agree to a later date.