MAINE STATE LEGISLATURE

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	•	L.	D. 1337	•
DATE	: 6/22/95	(Fi	ling No. H- 5	95)
		INORITY	,	·
		DICIARY		
-	oduced and distributed ur House.	nder the dir	ection of the	e Clerk of
	STAT	E OF MAINE		
	HOUSE OF R 117TH L	EPRESENTA LEGISLATUR	E	
	FIRST REC	GULAR SESS	ION	
	COMMITTEE AMENDMENT "A"	+o H P 0/1	8, L.D. 1337,	Bill "λη
	Making Comprehensive Chang Child Protection Act"			
	Amend the bill by striki:	ma out all o	f coations 1	to 10 12
16,	17 and 18.	ng out all o	r seccions r	
	Further amend the bill king out all of the last			-
L.D.)			
and	Further amend the bill 123.	by striking	out all of s	ections 22
foll	Further amend the bill owing:	by inserting	g after secti	on 23 the
from	'Sec. 24. Appropriation. The General Fund to carry			
			1995-96	1996-97
HUN	1AN SERVICES, DEPARTM	ENT OF		
Chile	d Welfare Services			
	All Other		#27E 000	ΦΕΛΛ ΛΛΛ
	All Other		\$375,000	\$500,000
	Provides funds for additi	ional		

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evaluations in child



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Other Funds

COMMITTEE AMENDMENT "A" to H.P. 948, L.D. 1337 protective proceedings and 2 for the costs associated with testimony concerning the additional evaluation. 4 Medical Care - Payments to 6 **Providers** 8 All Other 27,600 36,800 10 Provides funds for additional 12 evaluations inchild protective proceedings. 14 **DEPARTMENT OF HUMAN SERVICES** TOTAL 16 \$402,600 \$536,800 Sec. 25. Allocation. The following funds are allocated from 18 the Federal Expenditure Fund to carry out the purposes of this 20 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 protective proceedings.' 34 Further amend the bill by relettering or renumbering any 36 nonconsecutive Part letter or section number consecutively. 38 Further amend the bill by inserting at the end before the statement of fact the following: 40 42 FISCAL NOTE 44 1995-96 1996-97 46 APPROPRIATIONS/ALLOCATIONS 48 General Fund \$402,600 \$536,800

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47,400

63,200

COMMITTEE AMENDMENT

REVENUES

4 Other Funds \$47,400 \$6	7,400 \$63,200
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This bill provides the Department of Human Services with General Fund appropriations totalling \$402,600 and \$536,800 and Federal Expenditure Fund allocations of \$47,400 and \$63,200 in fiscal years 1995-96 and 1996-97, respectively, to support the costs associated with 2nd opinions and related testimony that are authorized in this bill.

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The Judicial Department will also require additional General Fund appropriations to cover the costs associated with providing court-appointed legal counsel earlier in the child protective process and hearing cases on an even more expedited basis. The amount of the General Fund appropriations required by the Judicial Department can not be determined at this time.'

STATEMENT OF FACT

This is the minority report of the Joint Standing Committee on Judiciary. This amendment deletes several sections of the original bill. It retains the following provisions:

1. Evaluations of the family must be done by licensed mental health professionals and the family must be given the option of choosing a mental health professional to perform the evaluation or an evaluation in addition to the one conducted on behalf of the State. The evaluations must be at state expense.

2. Parents and custodians are entitled to legal counsel once a request for a preliminary protection order or a child protection petition is filed with the court and a hearing date is set. Current law does not provide for legal representation for a request for a preliminary protection order.

3. Parents and custodians must be notified in writing that the investigations in child protection proceedings may involve the interruption of their constitutionally protected right to family integrity, and that the parent or custodian has a right to legal representation.

4. The report of a licensed mental health professional who treated or evaluated a child on behalf of the State must be admitted as evidence if the parent or custodian has had an opportunity to choose a mental health professional. The mental health professional may present evidence adverse to the evidence provided by the mental health professional on behalf of the State.

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

- 5. The person petitioning for a preliminary protection order must include a detailed description of the reasons for believing that serious harm to the child would result if the parents were to receive notice of the petition.
- 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 finds abuse, it must state in writing and in detail its findings of fact and conclusions of law in support of a decision to continue state custody. Unlike the bill, this amendment does not require the court to find clear and convincing evidence of abuse; the current standard of a preponderance of the evidence applies.
- 7. A preliminary hearing must be held within 7 days of the issuance of a preliminary protection order or the request of the parents, unless all parties expressly agree to a later date.

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COMMITTEE AMENDMENT