

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 771

H.P. 580

House of Representatives, February 4, 1997

An Act to Require That the Department of Human Services Bring Criminal Charges Promptly against a Custodian When a Child is Removed under Court Order.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: KASPRZAK of Newport, MACK of Standish, MERES of Norridgewock, SNOWE-MELLO of Poland, WINGLASS of Auburn.

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

2
4 Sec. 1. 22 MRSA §4036, sub-§6 is enacted to read:

6 6. Criminal charges against custodian. If an order is
8 issued under subsection 1, paragraph F, the department must file
10 criminal charges within 15 days of issuance of the order against
12 the custodian from whose custody the child was removed. If the
14 department has not filed criminal charges against the custodian
16 within 15 days of issuance of the order, the custodian may
18 thereafter petition the court to vacate the order. If the court
20 finds that the department did not file criminal charges within 15
22 days of issuance of the order, it must vacate the order and issue
24 a new order to return the child to the custody of the custodian.

SUMMARY

18 This bill requires the Department of Human Services to file
20 criminal charges within 15 days of issuance of a removal order
22 against a custodian from whose custody a child has been removed.
24 If the department fails to meet this deadline, the custodian may
26 petition the court to have the removal order vacated. The court
 must vacate the order if it finds that the department did not
 file charges within 15 days of issuance of the removal order, and
 it must issue a new order to return the child to the custodian's
 custody.