MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 1978

H.P. 1414

House of Representatives, January 14, 1998

An Act to Extend Legal Counsel in Child Protection Cases.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative GAGNE of Buckfield. Cosponsored by Senator FERGUSON of Oxford and

Representatives: FARNSWORTH of Portland, JONES of Bar Harbor, LaVERDIERE of

Wilton, WINSOR of Norway, Senator: BENNETT of Oxford.

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

Sec. 1. 22 MRSA §4005, sub-§2, as amended by PL 1983, c. 783, §2, is further amended to read:

Parents. Parents and custodians are entitled to legal counsel in child protection proceedings, except a request for a preliminary protection order under section 4034 or a petition for a medical treatment order under section 4071, but including hearings on those orders. They A parent or custodian may request the court to appoint legal counsel for them that parent or The court, if it finds them the parent or custodian indigent, shall appoint and pay the reasonable costs and expenses of their legal counsel to represent that parent or custodian for the child protection proceedings. When the parent or custodian is found to be indigent, the court may appoint the same counsel or substitute legal counsel to represent that parent or custodian with regard to the prosecution or defense of an action for divorce under Title 19-A, chapter 29 or an action for parental rights and responsibilities under Title 19-A, chapter 55, if the court finds that the prosecution or defense of an action is necessary to effectuate or be of assistance in effectuating the orders of the court entered, or prospectively to be entered, in the child protection proceedings.

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SUMMARY

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This bill extends the appointment of counsel to represent an indigent parent or custodian in child protection proceedings to areas of divorce and actions for parental rights and responsibilities.