

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2474

S.P. 944

In Senate, January 12, 2000

**An Act to Allow the Court Discretion in Providing Information to
Parents or Custodians of a Child Removed from Their Home by the
Department of Human Services.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule
203.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MURRAY of Penobscot.
Cosponsored by Representative TESSIER of Fairfield.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

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6 Whereas, under current law, when a child is removed from
parents by the Department of Human Services, the parents have a
right to know where the child has been placed in foster care; and

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10 Whereas, when the foster parents are interested in trying to
adopt that child, the provision of such information dictates an
open adoption; and

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14 Whereas, the unintended consequence of the current law is to
effectively exclude a very large group of prospective adoptive
parents who are not comfortable with the completely open
arrangement that the current law requires; and

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18 Whereas, amending the current law to provide judicial
discretion regarding the provision of such information would make
a major difference to children in need of stability; and

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22 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
24 Maine and require the following legislation as immediately
26 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

30 **Sec. 1. 22 MRSA §4033, sub-§3-B is enacted to read:**

32 3-B. Judicial discretion in providing information.
34 Notwithstanding subsection 3-A, the court need not provide the
information required by subsection 3-A, paragraph B if the
36 substitute caregiver is accepting placement with an interest in
filing a petition to adopt the child under Title 18-A, Article IX.

38 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

42 SUMMARY

44 Under current law, when a child is removed from parents or
custodians by the Department of Human Services, the parents have
46 the right to know where the child has been placed in foster
care. When the foster parents are interested in attempting to
48 adopt that child, the provision of such information dictates an
open adoption. This bill allows the court discretion in the
50 provision of such information.