

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 955

H.P. 736

House of Representatives, February 20, 2001

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### **An Act to Ensure Accountability in the Department of Human Services.**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative KASPRZAK of Newport.  
Cosponsored by Representatives: CHASE of Levant, LABRECQUE of Gorham, SNOWE-MELLO of Poland, TOBIN of Dexter, WATERHOUSE of Bridgton, Senator: DAVIS of Piscataquis.

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

4 **Sec. 1. 22 MRSA §4010-B** is enacted to read:

6 **§4010-B. Personal liability**

8 Notwithstanding Title 14, chapter 741, if a court finds in a  
10 proceeding under this chapter that a child was physically removed  
12 from the child's parent or custodian when the child was not in  
14 circumstances of jeopardy to the health or welfare of the child,  
16 the department employees responsible for the removal shall pay  
18 the attorney's fees and costs incurred by the parent or custodian.

20 **SUMMARY**

This bill requires the responsible employees of the Department of Human Services to pay the parent's or custodian's attorney's fees and costs when a court finds that a child was physically removed from the home when the child was not in jeopardy. This is an exception to the Maine Tort Claims Act.