

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1450

H.P. 1081

House of Representatives, March 5, 2001

**An Act to Protect Parents from Undue Influence in Child Protective
Actions.**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MENDROS of Lewiston.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: CRESSEY of Baldwin, DUGAY of Cherryfield, MADORE of Augusta,
McKENNEY of Cumberland, SHERMAN of Hodgdon, SNOWE-MELLO of Poland.

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

Sec. 1. 22 MRSA §4004, sub-§4 is enacted to read:

4. Written warnings. The department shall provide written warnings to parents and custodians of children in accordance with this subsection.

A. A written warning must be given to the parent or custodian of a child when the department has determined to file a court proceeding under this chapter.

B. The written warning must notify the parent or custodian of the right to remain silent, the right to court-appointed counsel and the fact that anything that the parent or custodian says in discussions with the department may be used against the parent or custodian.

C. If no written warning has been given to a parent or custodian and a court proceeding under this chapter is subsequently filed by the department, there is a presumption in the court proceeding that a statement made after the date on which the department determined to file the court proceeding was not made voluntarily by the parent or custodian.

SUMMARY

This bill requires the Department of Human Services to provide written warnings to parents or custodians of children in child protective proceedings.