

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1644, L.D. 2149, Bill, "An Act to Implement the Recommendations of the Committee to Review the Child Protective System"

Amend the amendment by striking out all of the 2nd indented paragraph after the title (page 1, lines 25 to 27 in amendment) and inserting in their place the following:

'Further amend the bill by striking out all of section 14.'

Further amend the amendment by inserting after the 3rd indented paragraph after the title the following:

'6. Foster parents, preadoptive parents and relatives providing care. The foster parent of a child, if any, and any preadoptive parent or relative providing care for the child must be provided notice of and an opportunity to be heard in any review or hearing to be held with respect to the child. The right to be heard includes the right to testify but does not include the right to present other witnesses or evidence, to attend any other portion of the review or hearing or to have access to pleadings or records. This subsection may not be construed to require that any foster parent, preadoptive parent or relative providing care for the child be made a party to the review or hearing solely on the basis of the notice and opportunity to be heard.

The foster parent of a child, if any, and any preadoptive parent or relative providing care for the child may attend a review or

2 hearing in its entirety under this subsection unless specifically
3 excluded by decision of the presiding judge.'

4 Further amend the amendment on page 1 in subsection 6 in the
5 first line by striking out the following: "6." and inserting in
6 its place the following: '7.'

8 Further amend the amendment on page 1 by inserting after
9 subsection 6 the following:

10 'Further amend the bill in section 23 in that part
11 designated "§4010-B." in subsection 4 in the first line (page 10,
12 line 5 in L.D.) by striking out the following: "this" and
13 inserting in its place the following: 'This' '

14 Further amend the amendment on page 2 by striking out all of
15 the first indented paragraph (page 2, lines 14 to 17 in
16 amendment) and inserting in its place the following:

17 'Further amend the bill in section 29 in subsection 4 in the
18 3rd and 4th lines from the end (page 13, lines 2 and 3 in L.D.)
19 by striking out the following: "in accordance with section 4042" '

20 Further amend the amendment on page 3 by striking out all of
21 the first to 3rd indented paragraphs (page 3, lines 31 to 42 in
22 amendment) and inserting in their place the following:

23 'Further amend the bill by striking out all of section 34.

24 Further amend the bill in section 35 by striking out all of
25 the first 2 lines (page 14, lines 19 and 20 in L.D.) and
26 inserting in their place the following:

27 '**Sec. 35. 22 MRSA §4038, sub-§7-A**, as amended by PL 2001, c.
28 559, Pt. CC, §3, is further amended to read:'

29 Further amend the bill in section 35 in subsection 7-A in
30 the 8th line (page 14, line 29 in L.D.) by striking out the
31 following: "in accordance with section 4042"

32 Further amend the bill in section 35 in subsection 7-A in
33 paragraph B in subparagraph (1) in division (a) in the 5th line
34 (page 14, line 48 in L.D.) by striking out the following: "1" and
35 inserting in its place the following: "1-A" '

36 Further amend the amendment by striking out all of section
37 36.

Further amend the amendment on page 4 by striking out all of
the first indented paragraph (page 4, lines 47 to 50 in
amendment) and inserting in its place the following:

'Further amend the bill in section 37 in paragraph A-2 in
the 3rd line (page 15, line 44 in L.D.) by striking out the
following: "in accordance with section 4042," '

Further amend the amendment on page 5 by striking out all of
the first indented paragraph and section 38 (page 5, lines 2 to
26 in amendment) and inserting in their place the following:

'Further amend the bill by striking out all of sections 38
and 39.'

Further amend the amendment by striking out all of sections
44 and 45.

Further amend the amendment by relettering or renumbering
any nonconsecutive Part letter or section number to read
consecutively.

FISCAL NOTE

This amendment reduces the General Fund cost of the bill by
\$194,180 in fiscal year 2002-03.

SUMMARY

This amendment removes several provisions of the bill as
amended by Committee Amendment "A".

1. This amendment eliminates the elevation of the standard
of proof that is required from "preponderance of the evidence" to
"clear and convincing evidence" when there is a determination
either not to commence or to cease reunification.

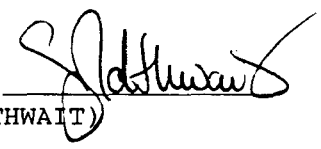
2. This amendment deletes the requirement that the
proceeding within which there is a determination either not to
commence reunification efforts or to cease reunification efforts
must be a full evidentiary hearing.

3. This amendment deletes the specific authority for
court-appointed attorneys to represent parents in certain family
matters proceedings.

4. This amendment also deletes the appropriations and
allocations section and the delayed effective date section.

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L.D. 2149

2 5. This amendment retains current language concerning
4 notice and opportunity to be heard as required by federal
regulations.

6
8 SPONSORED BY: 
 (Senator GOLDTHWAIT)

10 COUNTY: Hancock
12

SENATE AMENDMENT