

# MAINE STATE LEGISLATURE

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12/10/87

L.D. 1192

DATE: 4-24-03

(Filing No. S- 77)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reported by:

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**STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 397, L.D. 1192, Bill, "An Act To Enhance Juvenile Rehabilitation"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 15 MRSA §3304, sub-§6-A, as amended by PL 1987, c. 720, §2, is further amended to read:

**6-A. Attendance of parent, guardian or legal custodian; contempt.** The parent, guardian or legal custodian shall appear in response to the summons served pursuant to subsection 5 and shall attend all proceedings concerning the juvenile. The failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, shall may not prevent the court from continuing with the proceedings against a juvenile who is before the court, except as required in section 3314, subsection 1, paragraphs C-1 and C-2.

A. The court may excuse the attendance of a parent, guardian or legal custodian at a particular proceeding or all proceedings for good cause or if appearing in court will result in undue hardship to the parent, guardian or legal custodian.

2 B. If the parent, guardian or legal custodian fails to  
4 appear with the juvenile and the court has not found good  
6 cause for not appearing, the court, after notice and hearing  
on the issue of contempt, may find the parent, guardian or  
legal custodian in contempt of court in accordance with the  
Maine Rules of Criminal Procedure, Rule 42(d).

8 C. This subsection does not create a right for the juvenile  
10 to have the juvenile's parent, guardian or legal custodian  
12 present at any proceeding or court-ordered program that the  
juvenile attends or is required to attend.

14 **Sec. 2. 15 MRSA §3314-B** is enacted to read:

16 **§3314-B. Counseling, treatment, education or case management for**  
18 **juveniles and their parents, guardians and legal**  
**custodians**

20 **1. Counseling, treatment, education or case management.** In  
22 conjunction with a disposition under section 3314, the court may  
24 require the juvenile and the juvenile's parent, guardian or legal  
custodian to participate in counseling, treatment, education or  
case management as determined by the court. The counseling,  
treatment, education or case management must be designed to  
create a favorable environment for sustained noncriminal behavior.

26 **2. Costs.** The court may order a parent, guardian or legal  
28 custodian to pay or cause to be paid all or part of the  
30 reasonable costs of any counseling, treatment, education or case  
management ordered pursuant to this section.

32 **3. Enforcement.** After notice and hearing and in accordance  
34 with the Maine Rules of Criminal Procedure, Rule 42(d), the court  
36 may invoke its contempt powers to enforce its counseling,  
treatment, education, case management or other order that applies  
to the juvenile, the juvenile's parent, guardian or legal  
38 custodian or any other person before the court who is subject to  
an order to participate in counseling, treatment, education or  
case management.

40 **4. Probation.** The court may not revoke a juvenile's  
42 probation because of a failure of the juvenile's parent, guardian  
or legal custodian to comply with an order under this section.

44 **Sec. 3. Application.** This Act applies to juvenile crimes for  
46 which a summons is served on or after the effective date of this  
48 Act.'

F. of S.

**SUMMARY**

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This amendment replaces the bill and makes the following changes.

1. It amends the Maine Juvenile Code to allow the juvenile court to require that the parent, guardian or legal custodian of a juvenile charged with committing a juvenile crime to attend all juvenile court proceedings, unless the court excuses attendance for good cause; however, it clarifies that the failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, may not prevent the court from continuing with the proceedings against a juvenile who is before the court, except as required in the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraphs C-1 and C-2.

2. It amends the Maine Juvenile Code to allow a court to order the parent, guardian or legal custodian of a juvenile adjudicated as having committed a juvenile crime to participate in and pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court.

3. It affirms that the court may invoke its contempt powers to enforce such attendance and court orders.

4. It specifies that the court may not revoke a juvenile's probation because of the failure of the juvenile's parent, guardian or legal custodian to comply with an order to participate in or pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court.

**FISCAL NOTE REQUIRED**  
**(See attached)**

Approved: 04/11/03 *MAC*

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1192**

**An Act To Enhance Juvenile Rehabilitation**



**LR 0434(02)**

**Fiscal Note for Bill as Amended by Committee Amendment *A.S.77***

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund