MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1192

S.P. 397

In Senate, March 6, 2003

An Act To Enhance Juvenile Rehabilitation

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator EDMONDS of Cumberland.

Cosponsored by Senators: LaFOUNTAIN of York, MARTIN of Aroostook, PENDLETON of Cumberland.

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

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- 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, quardian or contempt. The parent, quardian or custodian shall appear in response to the summons 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-net-prevent bars 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 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 custodian.
 - B. If the parent, guardian or custodian fails to appear with the juvenile and the court has not found good cause for not appearing, the court, after notice and hearing on the issue of contempt, may find the parent, guardian or custodian in contempt of court in accordance with the Maine Rules of Criminal Procedure, Rule 42(d).
 - C. This subsection does not create a right for the juvenile to have the juvenile's parent, guardian or custodian present at any proceeding or court-ordered program that the juvenile attends or is required to attend.
 - Sec. 2. 15 MRSA §3314-B is enacted to read:

§3314-B. Counseling, treatment, education or supervision for juveniles and their parents, guardians and custodians

40 Counseling, treatment, education or supervision. In conjunction with a disposition under section 3314, the court may require the juvenile and the juvenile's parent, quardian or 42 custodian to participate in counseling, treatment, education or supervision as determined by the court. The counseling, 44 treatment, education or supervision must be designed to create a 46 favorable environment for sustained, noncriminal behavior and may be provided by the court, court personnel, probation officers, 48 professional counselors or social workers, psychologists, physicians, qualified volunteers or appropriate public, private or volunteer agencies as directed by the court. 50

Costs.		The	court	may	order		a	parent,		quardian		or
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reasonable	costs	of	any co	ounse	linc	ı, t	re	atme	at,	educa	tion	01
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3. Enforcement. After notice and hearing and in accordance with the Maine Rules of Criminal Procedure, Rule 42(d), the court may invoke its contempt powers to enforce its counseling, treatment, education, supervision or other order that applies to the juvenile, the juvenile's parent, guardian or custodian or any other person before the court who is subject to an order to participate in counseling, treatment, education or supervision.

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

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

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SUMMARY

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This bill amends the Maine Juvenile Code to allow the juvenile court to require that the parent, guardian or custodian of a juvenile charged with committing a juvenile crime attend all juvenile court proceedings, unless the court excuses attendance for good cause.

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This bill amends the Maine Juvenile Code to allow a court to order the parent, guardian or 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 supervision as determined by the court.

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