

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1682

S.P. 627

In Senate, May 23, 2005

An Act To Support Sibling Rights in Child Welfare Custody Matters

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ANDREWS of York. (GOVERNOR'S BILL)

Cosponsored by Senator: BRENNAN of Cumberland, Representative: BURNS of Berwick.

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

Sec. 1. 22 MRSA §4067 is enacted to read:

§4067. Sibling visitation

1. Visitation. The court shall, whenever reasonable and practical and if it determines it would be in the best interests of the child, ensure that a child placed in foster care who is separated from a sibling who is either in another foster or preadoptive home or in the home of a parent or extended family member has access to, and visitation rights with, that sibling throughout the period of placement in the care and custody of the State and subsequent to such placements if the child and the child's sibling are separated through adoption or long-term or short-term placements in foster care.

2. Implementation. The court shall ensure at the time of the initial placement, when a child and the child's sibling are separated through placements in foster, preadoptive or adoptive care, that visitation rights pursuant to subsection 1 are implemented through a schedule of visitations or supervised visitations to be arranged and monitored through the appropriate public or private agency and with the participation of the foster, preadoptive or adoptive parents or extended family members and the child, if reasonable, and other parties who are relevant to the preservation of sibling relationships and visitation rights.

3. Reviews. Periodic reviews must be conducted by the appropriate public or private agency to evaluate the effectiveness and appropriateness of the visitations between siblings placed in care.

4. Request of child. A child who has attained 12 years of age may request visitation rights with a sibling or siblings from whom the child has been separated and who have been placed in care or have been adopted in a foster or adoptive home other than where the child resides.

SUMMARY

This bill empowers the court to order sibling visitation for a child in foster care when it is in the best interests of the child to do so.