

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1852

H.P. 1292

House of Representatives, January 3, 2006

An Act To Amend the Laws Governing Permanency Guardians

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PINGREE of North Haven.

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

4 **Sec. 1. 22 MRSA §4038-C, sub-§7**, as enacted by PL 2005, c. 372, §6, is amended to read:

6 **7. Effect on inheritance rights and public benefits.** The
8 appointment of a permanency guardian does not affect the
inheritance rights between a child and the child's parent or
parents.

10 The appointment of a permanency guardian may not affect the
12 child's entitlement to benefits due that child from any 3rd
person, agency or state or the United States. The permanency
14 guardian's resources and income are not counted in determining
eligibility for any public benefit to which the child may be
16 entitled.

18 The permanency guardianship does not affect the rights and
benefits that a Native American derives from descent from a
20 member of a federally recognized Indian tribe.

22 **Sec. 2. 22 MRSA §4038-C, sub-§11** is enacted to read:

24 **11. Application to pending cases.** The District Court may
appoint a permanency guardian in a proceeding pending on
26 September 17, 2005 or in a proceeding commenced on or after
September 17, 2005.

28 **Sec. 3. 22 MRSA §4038-D, sub-§11** is enacted to read:

30 **11. Application to pending cases.** The department may
32 provide a guardianship subsidy pursuant to this section to a
child who is the subject of a child protection proceeding pending
34 on September 17, 2005 or to a child who is the subject of a child
protection proceeding commenced on or after September 17, 2005.

36
38 **SUMMARY**

40 This bill provides that a permanency guardian's resources
and income are not counted in determining eligibility for any
42 public benefit to which the child who is the subject of the
guardianship may be entitled. It also provides that the District
44 Court may appoint a permanency guardian in a proceeding pending
on September 17, 2005 or commenced on or after September 17,
46 2005, which is the effective date of the law governing permanency
guardians. It also provides that the Department of Health and
48 Human Services may provide a guardianship subsidy to a child who
is the subject of a child protection proceeding pending on
50 September 17, 2005 or commenced on or after that date.