

MAINE STATE LEGISLATURE

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Date: 5/29/07

L.D. 389
(Filing No. H-340)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 305, L.D. 389, Bill, "An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings"

Amend the bill in section 1 in subsection 1-A in the first paragraph in the first line (page 1, line 3 in L.D.) by striking out the following: "The" and inserting the following: 'Upon request of a parent, the'

Amend the bill in section 1 in subsection 1-A by striking out all of paragraphs D to F and inserting the following:

'D. The department is not a party to proceedings to modify or terminate the order unless otherwise ordered by the court. This paragraph may not be construed to limit the department's ability to request a judicial review pursuant to section 4038, subsection 2;

E. Notwithstanding section 4038, the court may order that further judicial reviews may not be held unless requested by a party and, notwithstanding section 4038-B, may order that further permanency planning hearings may not be held; and

F. The court may terminate the appointments of the guardian ad litem and attorneys for parents and guardians, in which case the attorneys and guardian ad litem have no further responsibilities to their clients or the court.'

SUMMARY

This amendment clarifies that a parental rights and responsibilities order may be entered by the court in a child protective case upon the request of a parent.

This amendment replaces the paragraph in the bill that provides party status to the Department of Health and Human Services with regard to a parental rights and responsibilities order issued in the context of a child protective proceeding. Instead, this amendment makes clear that the department is not a party to any proceeding to modify or terminate the parental rights and responsibilities order unless the court orders otherwise.

COMMITTEE AMENDMENT

RWS

COMMITTEE AMENDMENT "*A*" to H.P. 305, L.D. 389

1 The department still has the ability to request judicial review under the existing child
2 protective laws.

3 This amendment gives the court discretion to determine in child protective cases in
4 which the court enters a parental rights and responsibilities order whether further reviews
5 of the child protection order are necessary and whether further permanency planning
6 hearings should be held.

7 This amendment gives the court discretion to determine in the same situations
8 whether the appointments of the guardian ad litem and attorneys for the parents should be
9 terminated.