

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 389

H.P. 305

House of Representatives, January 26, 2007

### **An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SIMPSON of Auburn.  
Cosponsored by Senator MILLS of Somerset.

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

2 **Sec. 1. 22 MRSA §4036, sub-§1-A** is enacted to read:

3 **1-A. Parental rights and responsibilities orders.** The court may enter an order  
4 pursuant to Title 19-A, section 1653 if the court determines that the order will protect the  
5 child from jeopardy and is in the child's best interest as defined in Title 19-A, section  
6 1653, subsection 3. If the court enters an order pursuant to this subsection:

7 A. The order has the same force and effect as other orders entered pursuant to Title  
8 19-A, section 1653;

9 B. The order is subject to modification or termination in the same manner as other  
10 orders entered pursuant to Title 19-A, section 1653;

11 C. Any person who requests a modification or termination of the order must serve  
12 the department with the motion or petition;

13 D. The department is entitled to participate as a full party in any proceedings on a  
14 motion to modify or terminate the order;

15 E. Notwithstanding section 4038, the court may not further review the order and,  
16 notwithstanding section 4038-B, may not conduct any further permanency planning  
17 hearings; and

18 F. The court's appointments of the guardian ad litem and attorneys for parents and  
19 guardians terminate and the attorneys and guardian ad litem have no further  
20 responsibilities to their clients or the court.

21 **SUMMARY**

22 This bill gives the District Court the authority to enter an order in a child protection  
23 case under the Child and Family Services and Child Protection Act that establishes  
24 parental rights and responsibilities in the same manner as permitted in the Maine Revised  
25 Statutes, Title 19-A. The bill also ensures that the Department of Health and Human  
26 Services will participate as a full party in any subsequent proceeding to modify or  
27 terminate that order.