

MAINE STATE LEGISLATURE

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STATE OF MAINE

SENATE

123RD LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 633, L.D. 1789, Bill, "An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006"

Amend the bill by striking out sections 1, 2 and 3 and inserting the following:

'Sec. 1. 18-A MRSA §9-311, as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

§9-311. Interstate placements

(a). A person or agency who intends to bring a child to this State from another state for the purpose of adoption must provide to the Probate Court the certification of compliance as required by the department pursuant to Title 22, chapter 1153 or 1154, as applicable.

(b). A person or agency who intends to remove a child from this State for the purpose of adoption in another state must obtain from the department certification of compliance with Title 22, chapter 1153 or 1154, as applicable, prior to the removal of the child from this State.

(c). The Probate Court may not grant a petition to adopt a child who has been brought to or will be removed from this State for the purpose of adoption without department certification of compliance with Title 22, chapter 1153 or 1154, as applicable.

(d). An agency or person who fails to comply with this section commits a civil violation for which a penalty of not less than \$100 and not more than \$5,000 may be adjudged.

Sec. 2. 22 MRSA §4005-D, sub-§1, ¶A, as enacted by PL 2001, c. 696, §16, is amended to read:

A. "Foster parent" means a person who has had a child in that person's home for at least 120 days and who is licensed as a family foster home under chapter 1663 whose

COMMITTEE AMENDMENT

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1 home is licensed by the department as a family foster home as defined in section
2 8101, subsection 3 and with whom a child lives pursuant to a court order or
3 agreement of the department.

4 **Sec. 3. 22 MRSA §4005-D, sub-§6**, as enacted by PL 2001, c. 696, §16, is
5 amended to read:

6 **6. Foster parents, preadoptive parents and relatives providing care.** The foster
7 parent of a child, if any, and any preadoptive parent or relative providing care for the
8 child must be provided notice of and ~~an opportunity~~ the right to be heard in any ~~review or~~
9 ~~hearing proceeding~~ to be held with respect to the child. The right to be heard includes the
10 right to testify but does not include the right to present other witnesses or evidence, to
11 attend any other portion of the ~~review or hearing proceeding~~ or to have access to
12 pleadings or records. This subsection may not be construed to require that any foster
13 parent, preadoptive parent or relative providing care for the child be made a party to the
14 ~~review or hearing proceeding~~ solely on the basis of the notice and ~~opportunity~~ right to be
15 heard.

16 The foster parent of a child, if any, and any preadoptive parent or relative providing care
17 for the child may attend a ~~review or hearing proceeding~~ in its entirety under this
18 subsection unless specifically excluded by decision of the presiding judge.

19 **Sec. 4. 22 MRSA §4007, sub-§4**, as repealed and replaced by PL 1985, c. 506,
20 Pt. A, §41, is amended to read:

21 **4. Interstate compact.** The provisions of the Interstate Compact ~~on~~ for the
22 Placement of Children, sections 4191 to 4247 4251 to 4269, shall if in effect and ratified
23 by the other state involved, apply to proceedings under this chapter; otherwise, the
24 provisions of the Interstate Compact on Placement of Children, sections 4191 to 4247,
25 apply to proceedings under this chapter. Any report submitted pursuant to the compact
26 ~~shall be~~ is admissible in evidence for purposes of indicating compliance with the compact
27 and the court may rely on evidence to the extent of its probative value.

28 **Sec. 5. 22 MRSA §4033, sub-§5**, as enacted by PL 1997, c. 715, Pt. B, §6, is
29 amended to read:

30 **5. Notice to foster parents, preadoptive parents and relatives providing care.**
31 The department shall provide written notice of all ~~reviews and hearings proceedings~~ in
32 advance of the proceeding to foster parents, preadoptive parents and relatives providing
33 care. The notice must be dated and signed, must include a statement that foster parents,
34 preadoptive parents and relatives providing care are entitled to notice of and ~~an~~
35 ~~opportunity~~ a right to be heard in any ~~review or hearing proceeding~~ held with respect to
36 the child and must contain the following language:

37 "The right to be heard includes only the right to testify and does not
38 include the right to present other witnesses or evidence, to attend any
39 other portion of the ~~review or hearing proceeding~~ or to have access to
40 pleadings or records."

41 A copy of the notice must be filed with the court prior to the ~~review or hearing~~
42 proceeding.

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COMMITTEE AMENDMENT "A" to S.P. 633, L.D. 1789

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment deletes provisions of the bill that repealed the existing Interstate
5 Compact on Placement of Children, and retains cross-references to that compact. The
6 revised Interstate Compact for the Placement of Children, included in the bill as the
7 Maine Revised Statutes, Title 22, chapter 1154, does not become effective until at least
8 35 states ratify it. By retaining the existing compact, this amendment ensures that current
9 law remains in place for the interstate placement of foster children. The existing compact
10 will also govern placements with states that choose not to ratify the revised compact.

11 This amendment also makes changes to the child protective laws as required by the
12 federal Safe and Timely Interstate Placement of Foster Children Act of 2006. These
13 changes require foster parents, preadoptive families and relative care givers to be
14 provided notice and the right to be heard at any proceeding concerning the child. Current
15 law refers to an opportunity to be heard at any reviews or hearings.

16 This amendment also amends the definition of "foster parent" to be consistent with
17 the requirements of federal law.

18 **FISCAL NOTE REQUIRED**
19 **(See attached)**



Approved: 05/16/07 *MRC*

123rd MAINE LEGISLATURE

LD 1789

LR 816(02)

An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006

Fiscal Note for Bill as Amended by Committee Amendment "A "

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services in implementing this bill can be absorbed by the department utilizing existing budget resources.