MAINE STATE LEGISLATURE

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1   **L.D. 1623**

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Majority

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "*A*" to H.P. 1151, L.D. 1623, Bill, "An Act To Expand Options in the Permanency Plan for Children in Foster Care"

Amend the bill by striking out the title and substituting the following:

'An Act To Expand Options in Child Protection Proceedings for Children in Foster Care'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'**Sec. 1. 22 MRSA §4005, sub-§3** is enacted to read:

<u>**3. Wishes of child.** The District Court shall consider the wishes of the child, in a manner appropriate to the age of the child, including, but not limited to, whether the child wishes to participate or be heard in court. In addition, when a child's expressed views are inconsistent with those of the guardian ad litem, the court shall consider whether to consult with the child directly, when the child's age is appropriate.</u>

Sec. 2. 22 MRSA §4038-B, sub-§4, ¶D is enacted to read:

<u>D. The permanency plan must ensure that all in-state and out-of-state placements are considered to provide the child with all possible permanency options.</u>

Sec. 3. 22 MRSA §4038-B, sub-§5, as enacted by PL 2005, c. 372, §6, is amended to read:

5. Wishes of child. The District Court shall consider~~, but is not bound by,~~ the wishes of a child<u>, in a manner appropriate to the age of the child,</u> in making a determination under this section.

Sec. 4. 22 MRSA §4055, sub-§3, as amended by PL 1997, c. 715, Pt. A, §12, is further amended to read:

3. Wishes of child. The court shall consider~~, but is not bound by,~~ the wishes of a child ~~12 years of age or older~~<u>, in a manner appropriate to the age of the child,</u> in making an order under this section.

COMMITTEE AMENDMENT

Sec. 5. 22 MRSA §8101, sub-§1, as amended by PL 2009, c. 211, Pt. B, §19, is further amended to read:

1. Children's home. "Children's home" means any residence maintained exclusively or in part for the board and care of one or more children under the age of 18, by anyone other than a relative by blood, marriage or adoption. "Children's home" does not include:

A. A facility established primarily to provide medical care;

B. A youth camp licensed under section 2495; or

C. A school established solely for educational purposes except as provided in subsection 4.'

SUMMARY

This amendment is the majority report of the committee. This amendment changes and clarifies the title of the bill and strikes the bill language and amends the Maine Revised Statutes, Title 22, section 4005, subsection 3; section 4038-B, subsection 5; and section 4055, subsection 3 to ensure that the wishes of the child are considered by the court in a manner appropriate to the age of the child in child protection matters.

The bill is amended to comply with the federal Adoption and Safe Families Act of 1997, 42 United States Code, Section 675(5)(C); 45 Code of Federal Regulations, Section 1355.20; and the United States Social Security Act, Title IV-E to clarify that all in-state and out-of-state placements must be considered to provide children who are placed in foster care with all possible permanency options.

In addition, the law referring to the licensing of foster homes, Title 22, section 8101, subsection 1, is amended to clarify language defining the type of home that can be licensed as a foster home so that relatives are included among those families that may hold a license and receive the full benefits of licensure.

COMMITTEE AMENDMENT