

MAINE STATE LEGISLATURE

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ROES

L.D. 1107

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 776, L.D. 1107, Bill, "An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case"

Amend the bill in section 1 in subsection 1-A in the first paragraph in the 5th to 7th lines (page 1, lines 8 to 10 in L.D.) by striking out the following: "Before the order is issued, the court shall require notice of intent to dispose of the child protective case through an order awarding parental rights and responsibilities made pursuant to the Maine Rules of Civil Procedure, Rule 4." and inserting the following: 'The court shall ensure that proper notice was given that the child protective case may be disposed of through an order awarding parental rights and responsibilities upon request of a parent.'

Amend the bill in section 1 in subsection 1-A in paragraph A in the first line (page 1, line 12 in L.D.) by inserting after the following: "shall" the following: 'direct the clerk to'

Amend the bill in section 1 in subsection 1-A in paragraph D in the last line (page 1, line 33 in L.D.) by striking out the following: "and"

Amend the bill in section 1 in subsection 1-A by inserting after paragraph D the following:

'D-1. The court may either:

(1) Immediately dismiss the child protection action; or

(2) Enter a provisional order awarding parental rights and responsibilities and, after the passage of a period set by the court not to exceed 6 months, the child protection action must be dismissed, with the order awarding parental rights and responsibilities becoming permanent, unless there is good cause shown in writing to continue the child protection action; and'

Amend the bill in section 1 in subsection 1-A by striking out paragraph F (page 1, lines 37 to 41 in L.D.) and inserting the following:

'F. The ~~When a provisional order awarding parental rights and responsibilities is entered under paragraph D-1, subparagraph (2), the court may terminate the~~

1 appointments of the guardian ad litem and attorneys for parents and guardians. When
2 the child protection action is dismissed under paragraph D-1, subparagraph (1) or (2),
3 the court may shall terminate the appointments of the guardian ad litem and attorneys
4 for parents and guardians, in which case. After the appointments are terminated, the
5 attorneys and guardian ad litem have no further responsibilities to their clients or the
6 court.'

7 **SUMMARY**

8 The bill requires notice to the parties that a family matters case will be opened to
9 dispose of the child protective case through the use of an order awarding parental rights
10 and responsibilities. This amendment clarifies that the court must ensure that proper
11 notice is given, but, unlike the bill, does not apply Rule 4 of the Maine Rules of Civil
12 Procedure.

13 This amendment requires that the court direct the clerk to open a family matters case
14 on behalf of the parties.

15 This amendment provides that the court, upon entering an order awarding parental
16 rights and responsibilities, may dismiss the child protection action or, if the order is a
17 provisional order awarding parental rights and responsibilities, direct that the child
18 protection action must be dismissed upon the expiration of a period not to exceed 6
19 months, at which point the provisional order becomes permanent. This delay in
20 dismissing the child protection action gives the court time to assess whether the
21 provisional order awarding parental rights and responsibilities will meet the best interests
22 of the child. The case will be dismissed unless good cause is shown in writing to
23 continue the case. If the order is provisional, the court has discretion as to whether
24 appointment of the guardian ad litem and any attorneys should be terminated before the
25 dismissal of the child protection action.

26 The bill provides that when a child protection action is dismissed, the court shall
27 terminate the appointments of the guardian ad litem and the attorneys.