

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 362

H.P. 268

House of Representatives, February 2, 2017

An Act To Allow Relative Caregivers Standing in Court

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PICCHIOTTI of Fairfield.

Cosponsored by Representatives: CRAIG of Brewer, GUERIN of Glenburn, PRESCOTT of Waterboro, SIROCKI of Scarborough, STROM of Pittsfield, TUELL of East Machias,
Senator: WHITTEMORE of Somerset.

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

2 **Sec. 1. 22 MRSA §4005-D, sub-§6**, as amended by PL 2007, c. 255, §3, is
3 further amended to read:

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

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

15 **Sec. 2. 22 MRSA §4005-D, sub-§6-A** is enacted to read:

16 **6-A. Relatives providing care.** A relative caregiver has an unconditional right to
17 intervene and to obtain the rights of a party in a proceeding under this chapter pursuant to
18 the Maine Rules of Civil Procedure, Rule 24(a).

19 **SUMMARY**

20 This bill specifies that a relative caregiver involved in a child protection proceeding
21 has an unconditional right to intervene in the proceeding.