

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1437

H.P. 992

House of Representatives, April 13, 2017

An Act To Establish a Youth-in-care 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 HAMANN of South Portland.
Cosponsored by Senator MILLETT of Cumberland and
Representatives: BABBIDGE of Kennebunk, McCREIGHT of Harpswell, Senator: HILL of
York.

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

2 **Sec. 1. 4 MRSA §185** is enacted to read:

3 **§185. Youth-in-care court**

4 **1. Definition.** As used in this section, unless the context otherwise indicates, "youth-
5 in-care proceedings" means protective custody and termination of parental rights
6 proceedings brought under Title 22, chapter 1071 as well as adoption, divorce, parental
7 rights and responsibilities, grandparents' rights, change of name, guardianship, paternity
8 and protection from abuse or harassment proceedings involving children who are the
9 subjects of pending protective custody or termination of parental rights proceedings
10 brought under Title 22, chapter 1071.

11 **2. Pilot project establishment.** The Chief Justice of the Supreme Judicial Court
12 shall establish a pilot project for a youth-in-care court that has jurisdiction over youth-in-
13 care proceedings within one or more of the judicial districts established by section 153.
14 The youth-in-care court shall provide a system of justice that is responsive to the needs of
15 children involved in youth-in-care proceedings and that provides a child-friendly
16 environment for the resolution of youth-in-care proceedings.

17 **3. Rules.** The Supreme Judicial Court may adopt administrative orders and court
18 rules governing the practice, procedure and administration of the youth-in-care court pilot
19 project, established pursuant to subsection 2.

20 **4. Staff.** The State Court Administrator shall provide staff necessary to support the
21 youth-in-care court pilot project, established pursuant to subsection 2, within the limit of
22 funds available, and shall seek to take full advantage of federal funding, including
23 reimbursements.

24 **Sec. 2. Pilot project evaluation.** The judicial branch shall develop an evaluation
25 process to collect and to analyze information and data from court records, parties,
26 attorneys and, where appropriate, children in cases within the jurisdiction of the youth-in-
27 care court pilot program established pursuant to the Maine Revised Statutes, Title 4,
28 section 185. The evaluation must assess the effect of the pilot program on the timing of
29 court proceedings as well as other measures identified by the judicial branch as relevant
30 to the needs of children in protective custody proceedings.

31 **Sec. 3. Report.** The judicial branch shall submit a report, including findings and
32 recommendations, to the joint standing committee of the Legislature having jurisdiction
33 over judiciary matters by February 15, 2019 on the implementation of the youth-in-care
34 court pilot project established pursuant to the Maine Revised Statutes, Title 4, section 185
35 and on the judicial branch's evaluation of the youth-in-care court pilot project. The joint
36 standing committee may report out a bill related to the report to the First Regular Session
37 of the 129th Legislature.

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SUMMARY

This bill directs the Chief Justice of the Supreme Judicial Court to establish a youth-in-care court with jurisdiction over child protective and termination of parental rights proceedings as well as adoption and child custody proceedings involving youth in the foster care system as a pilot project within one or more judicial districts of the District Court. The bill further directs the judicial branch to evaluate the effectiveness of the pilot project and to submit a report and recommendations regarding the pilot project to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 15, 2019. The joint standing committee may report out a bill related to the report to the First Regular Session of the 129th Legislature.