

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1596

H.P. 1155

House of Representatives, April 18, 2019

An Act To Enhance the Long-term Stability of Certain At-risk Youth

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BAILEY of Saco.
Cosponsored by Representatives: CLOUTIER of Lewiston, EVANGELOS of Friendship,
TALBOT ROSS of Portland.

1 A. "At-risk" means there is reasonable cause to suspect that a child's health, safety
2 and welfare is in jeopardy due to abuse, neglect, abandonment or similar
3 circumstances and that return to the child's or the child's parent's country of origin or
4 country of last habitual residence would not be in the best interest of the child.

5 B. Notwithstanding section 4002, subsection 2, "child" means an unmarried person
6 who has not attained 21 years of age.

7 C. "Court" includes, but is not limited to, the Probate Court and District Court, or
8 any other state court with juvenile jurisdiction.

9 D. "Dependent on the court" means subject to the jurisdiction of a court competent to
10 make decisions concerning the protection, well-being, care and custody of a child for
11 findings, orders or referrals to support the health, safety and welfare of a child or to
12 remedy the effects on a child of abuse, neglect, abandonment or similar
13 circumstances.

14 E. "Noncitizen" means any person who is not a United States citizen.

15 F. "Similar circumstances" means conditions that have an effect on a child
16 comparable to abuse, neglect or abandonment, including, but not limited to, the death
17 of a parent.

18 **2. Petition for special findings and rulings for certain at-risk noncitizen**
19 **children.** An at-risk noncitizen child may petition the court for special findings. Upon
20 reviewing the petition or complaint seeking special findings, any supporting affidavits
21 and other evidence presented, the court shall issue findings of fact and rulings of law that
22 must determine whether the child who is the subject of the proceeding:

23 A. Is dependent on the court;

24 B. Has suffered from abuse, neglect, abandonment or similar circumstances;

25 C. May not be viably reunified with one or both parents due to abuse, neglect,
26 abandonment or similar circumstances; and

27 D. May not be returned to the child's or the child's parent's country of origin or
28 country of last habitual residence because it is not in the best interest of the child.

29 A court making a decision under this subsection is acting as a juvenile court in that it has
30 jurisdiction over a child.

31 The health and safety of the child must be of paramount concern. When considering the
32 child's health and safety, the court shall consider whether present or past living conditions
33 will adversely affect the child's physical, mental or emotional health.

34 The at-risk noncitizen child is not required to name as a respondent a parent with whom
35 reunification may be a viable option.

36 **3. Notice.** If the identity or location of the child's parents is unknown or if the
37 parents reside outside of the United States, the court may serve notice using any
38 alternative method of service the court determines is appropriate or waive service when
39 the child is described in 8 United States Code, Section 1101(a)(27)(J)(2019) and 8 United
40 States Code, Section 1357(h)(2019).

