

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1001

H.P. 739

House of Representatives, March 10, 2021

**An Act To Ensure Parents' Access to Their Minor and Adult
Children with Special Needs**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative LEMELIN of Chelsea.
Cosponsored by Senator MOORE of Washington and
Representatives: CONNOR of Lewiston, GRIFFIN of Levant.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the separation of parents and guardians from their children and from the
4 persons with special needs for whom they are responsible who are admitted into a hospital
5 or care facility can cause irreparable damage both psychologically and physically to the
6 parties; and

7 **Whereas,** in any state of emergency the need for access of family members and
8 responsible parties to their children and persons with special needs is acute; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore,

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

14 **Sec. 1. 22 MRSA §20-A** is enacted to read:

15 **§20-A. Right of access to children and persons with special needs**

16 Notwithstanding the provisions of this Title and Title 37-B, chapter 13 to the contrary,
17 a parent or guardian whose child or person with special needs for whom the parent or
18 guardian is responsible is admitted into a hospital or any care facility under this Title is
19 allowed access to the child or person with special needs unless the parent's or guardian's
20 access has been limited by a court of law. If a parent or guardian is unable to exercise
21 access to the child or person with special needs, the parent or guardian may assign another
22 person access to the child or person with special needs in the parent's or guardian's absence.

23 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
24 takes effect when approved.

25 **SUMMARY**

26 This bill directs that, even during a state of emergency, parents and guardians of
27 children and persons with special needs who are admitted into a hospital or care facility be
28 allowed access to the child or person with special needs unless the parent's or guardian's
29 access has been limited by a court. If a parent or guardian is unable to exercise access to
30 the child or person with special needs, the parent or guardian may assign another person
31 access to the child or person with special needs in the parent's or guardian's absence.