

MAINE STATE LEGISLATURE

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L.D. 1888

Date: 3-28-22

(Filing No. H-857)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1398, L.D. 1888, "An Act To Amend the Laws Affecting Sex Offenders and Petitions for Child Custody"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend Laws Affecting Sex Offenders and Petitions for the Determination of Parental Rights and Responsibilities'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 19-A MRSA §1653, sub-§6-C is enacted to read:

6-C. Forensic risk assessment. Upon motion from either party or upon the court's own motion, the court may order a parent to complete a forensic risk assessment performed by a licensed clinical social worker, psychologist or psychiatrist qualified to conduct psychosexual evaluations.

A. In determining whether to order a forensic risk assessment, the court may consider:

- (1) The existence of any court findings, including but not limited to a criminal conviction, that the parent has committed a child-related sexual offense as defined in subsection 6-A, paragraph A or dissemination of sexually explicit material or possession of sexually explicit material as described in Title 17-A, chapter 12;
- (2) The existence of substantiated findings of abuse or neglect under Title 22, section 4004, subsection 2, paragraph C-1, or an equivalent finding from another state, against the parent involving a child-related sexual offense as defined in subsection 6-A, paragraph A or dissemination of sexually explicit material or possession of sexually explicit material as described in Title 17-A, chapter 12;
- (3) Whether a guardian ad litem appointed to the case recommends the assessment;
and
- (4) Any other factor the court considers relevant.

COMMITTEE AMENDMENT

ROFS

1 B. The court may order that the person performing the forensic risk assessment may
2 interview the parent who is the subject of the order and any other parent of the child
3 and have access to court documents, records of any interview with the child and other
4 relevant documents.

5 C. The court shall order that the parent ordered to complete the forensic risk
6 assessment is responsible for any fees associated with the assessment unless another
7 parent agrees to pay part or all of the fees.

8 D. If the parent ordered to complete the forensic risk assessment has completed an
9 assessment in the past year, the court may order the parent to release that assessment
10 to the court, the guardian ad litem or another party and may order the parent to complete
11 a new assessment only if the court determines a new assessment is necessary.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
13 number to read consecutively.

14 **SUMMARY**

15 This amendment replaces the bill. It amends the title to reflect that, as amended, the
16 legislation applies to petitions to determine parental rights and responsibilities.

17 The amendment provides express authority for a court to order a forensic risk
18 assessment in a parental rights and responsibilities proceeding. The assessment must be
19 performed by a licensed clinical social worker, psychologist or psychiatrist qualified to
20 perform psychosexual evaluations.

21 In determining whether to order an assessment, the court may consider the existence
22 of court findings, including convictions for child-related sexual offenses, dissemination of
23 sexually explicit material or possession of sexually explicit material, substantiated findings
24 of child abuse or neglect involving child-related sexual offenses or sexual exploitation of a
25 minor, a recommendation for the assessment by a guardian ad litem and any other factor
26 the court considers relevant. The court may order that the person performing the forensic
27 risk assessment may interview certain parents and have access to court documents, records
28 of any interview with the child and other relevant documents.

29 The court must order the parent who is ordered to complete the forensic risk assessment
30 to pay all the fees associated with the assessment unless another parent agrees to pay for
31 the assessment.

32 If the parent has already completed a forensic risk assessment in the past year, the court
33 may order the parent to release the assessment to the court, the guardian ad litem or another
34 party and may require the parent to complete a new assessment only if the court determines
35 a new assessment is necessary.

36 **FISCAL NOTE REQUIRED**

37 (See attached)



130th MAINE LEGISLATURE

LD 1888

LR 2505(03)

An Act To Amend the Laws Affecting Sex Offenders and Petitions for Child Custody

Fiscal Note for Bill as Amended by Committee Amendment

A(H-851)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.