

MAINE STATE LEGISLATURE

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L.D. 136

Date: 4/24/23 Majority

(Filing No. H-60)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 82, L.D. 136, "An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine Uniform Probate Code"

Amend the bill in section 1 in subsection 5-A in the 8th line (page 1, line 11 in L.D.) by striking out the following: "paternity;" and inserting the following: '~~paternity~~, parentage'

Amend the bill in section 2 in §251-A in subsection 2 in the 3rd line (page 2, line 34 in L.D.) by inserting after the following: "proceeding" the following: 'under the Maine Juvenile Code brought against the minor child or a proceeding'

Amend the bill by inserting after section 2 the following:

'Sec. 3. 22 MRSA §4031, sub-§3, as amended by PL 2015, c. 296, Pt. C, §28 and affected by Pt. D, §1, is further amended to read:

3. Scope of authority. The court shall consider and act on child protection petitions regardless of other decrees regarding a child's care and custody. The requirements and provisions of Title 19-A, chapter 58 do not apply to child protection proceedings. If custody or parentage is an issue in another pending proceeding, the proceedings may be consolidated in the District Court with respect to the issue of custody, parentage or both. In any event, the court shall make an order on the child protection petition in accordance with this chapter. That order takes precedence over any ~~prior~~ other order regarding the child's care and custody. Nothing in this subsection may be construed to limit the authority of the District Court to determine parentage pursuant to section 4005-F during the pendency of a child protection proceeding; to consolidate a child protection proceeding with another matter; or to resolve a child protection proceeding through the entry of a parental rights and responsibilities order, guardianship order or adoption order.'

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

COMMITTEE AMENDMENT

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SUMMARY

This amendment, which is the majority report of the committee, amends the provision of law governing the legal effect of an order entered in a child protection proceeding, including a preliminary protection order, to clarify that such an order generally takes precedence over any other order regarding the child's care or custody, even if the other order was entered after the preliminary protection order. It also clarifies that this general rule does not limit the authority of the District Court to determine parentage during the pendency of a child protection proceeding, to consolidate a child protection proceeding with another matter or to resolve a child protection proceeding through the entry of a parental rights and responsibilities order, a guardianship order or an adoption order.

The amendment also makes technical changes to the bill, including by replacing the word "paternity" with the word "parentage" to reflect the enactment of the Maine Parentage Act in Public Law 2015, chapter 296, which eliminated paternity proceedings and replaced them with proceedings to adjudicate parentage.

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 136

LR 407(02)

An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine
Uniform Probate Code

Fiscal Note for Bill as Amended by Committee Amendment *A' (H-60)*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Judicial Department associated with the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources.