

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
ONE HUNDRED AND ELEVENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
Judiciary

BILL SUMMARY



JULY, 1983

Prepared by:

John R. Selser, Legislative Counsel
and
Martha E. Freeman, Legislative Counsel
Judiciary Committee

Office of Legislative Assistants
State House, Station 13 Augusta, Maine 04333
(207) 289-2486

1154 AN ACT TO ESTABLISH CLEARER GUIDE- Thompson PL 1983, c. 183
LINES FOR GUARDIANS AD LITEM AP-
POINTED UNDER THE CHILD AND FAMILY
SERVICES AND CHILD PROTECTION ACT

SUMMARY: Changes the provisions concerning the appointment of guardians ad litem in child protection proceedings; makes the guardian ad litem responsible for only that role, eliminating the requirement under present law that he also be the legal representative of the child; mandates investigation by the guardian, rather than making such investigation optional as current law does; requires the guardian to provide the parties in the child protection proceeding with a written report of his investigation, except that a written report need not be presented prior to a hearing on a preliminary protection order, present law does not require this.

1155 AN ACT CONCERNING A JUDGE HEARING Manning PL 1983, c. 253
A CASE WHERE HIS TOWN OR COUNTY IS
A PARTY

SUMMARY: Repealed a law which allowed the adverse party in a claim against a town or county to unilaterally decide whether a judge who is a resident of that town or county may hear the claim.

1156 AN ACT TO IMPROVE THE CHILD AND Thompson PL 1983, c. 184
FAMILY SERVICES AND CHILD PROTEC-
TION ACT

SUMMARY: Adds a definition of abandonment to the definitions section of the Child and Family Services and Child Protection Act; amends the definition of jeopardy to health or welfare to reflect the addition of concern over abandonment; amends Title 22, section 4034, subsection 3, dealing with consent of the custodial parent to not holding a preliminary hearing when a child protection order is sought. It adds a provision for avoiding the preliminary hearing if the custodian does not appear after being properly notified; amends Title 22, section 4034, subsection 4, dealing with preliminary hearings so that it conforms to the changes made in title 22, section 4034, subsection 3; complies with federal law which requires that orders of disposition be in writing.

Requires the court to hear any relevant evidence regarding proposed disposition.

1157 AN ACT TO PROMOTE EARLY PERMANENCY Thompson PL 1983, c. 185
FOR CHILDREN SUBJECT TO A PROTEC-
TION ORDER

SUMMARY: Assists the State in complying with federal legislation on permanency planning by adding a requirement that review, after the initial review within 18 months of the final protection order, occur at least every 2 years thereafter, unless the child has been emancipated or adopted. Current law provides for mandated review only within 18 months of the protection order. It also provides an exception from the general requirements of mandated review in certain cases.