

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Child and Family Services and Child Protection Act
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §4002, sub-§9-B, as enacted by PL 1997, c. 715, Pt. B, §3, is amended to read:

9-B. Relative. "Relative providing care" means the biological or adoptive parent of the child's biological or adoptive parent, or the biological or adoptive sister, brother, aunt, uncle or cousin of the child ~~with whom the child lives and who has taken responsibility for the child.~~

Sec. 2. 22 MRSA §4003, sub-§3-A, as enacted by PL 2005, c. 374, §1, is amended to read:

3-A. Relative placement. Place children who are taken from the custody of their parents with an adult relative ~~when possible~~ as long as the placement does not put the child in circumstances of jeopardy;

Sec. 3. 22 MRSA §4005-E, sub-§1, as enacted by PL 2001, c. 696, §16, is amended to read:

1. Grandparent visitation and access. A grandparent who is designated as an interested person or a participant under section 4005-D or who has been granted intervenor status under the Maine Rules of Civil Procedure, Rule 24 may request the court to grant reasonable rights of visitation or access. When a child is placed in a prospective adoptive home and the prospective adoptive parents have signed an adoptive placement agreement, a grandparent's right to contact or have access to the child that was granted pursuant to this chapter is suspended. If the adoption is not final within 18 months of adoptive placement, then the grandparent whose rights of contact or access were suspended pursuant to this subsection may resume, as a matter of right and without further court order, contact with the child in accordance with the order granting that contact or access, unless the court determines after a hearing that the contact is not in the child's best interests. A grandparent's rights of visitation or access terminate when the adoption is finalized pursuant to Title 18-A, section 9-308. Nothing in this section prohibits prospective adoptive parents from independently facilitating or permitting contact between a child and a grandparent, especially when a court has previously ordered rights of contact.

Sec. 4. 22 MRSA §4005-E, sub-§2, as enacted by PL 2001, c. 696, §16, is amended to read:

2. Placement. A ~~grandparent~~relative who is designated as an interested person or a participant under section 4005-D or who has been granted intervenor status under the Maine Rules of Civil Procedure, Rule 24 may request the court to order that the child be placed with the ~~grandparent~~relative. A ~~grandparent~~relative who has not been designated as a participant under section 4005-D may make the request for placement in writing. In making a decision on the request, the court shall ~~give the grandparent~~make placement with the relative a priority for consideration for placement if that placement ~~is in the best interests of~~ does not put the child and consistent with section 4003 ~~in circumstances of jeopardy.~~

Sec. 5. 22 MRSA §4008, sub-§2, ¶E-1, as enacted by PL 2005, c. 300, §6, is repealed.

Sec. 6. 22 MRSA §4008, sub-§3, ¶I, as enacted by PL 2003, c. 673, Pt. Z, §4, is amended to read:

I. Any government entity that needs such information in order to carry out its responsibilities under law to protect children from abuse and neglect. For purposes of this paragraph, "government entity" means a federal entity, a state entity of any state, a local government entity of any state or locality or an agent of a federal, state or local government entity; ~~and~~

Sec. 7. 22 MRSA §4008, sub-§3, ¶J, as enacted by PL 2003, c. 673, Pt. Z, §4, is amended to read:

J. To a juvenile court when the child who is the subject of the records has been brought before the court pursuant to Title 15, Part 6-; ~~and~~

Sec. 8. 22 MRSA §4008, sub-§3, ¶K is enacted to read:

K. A relative or other person whom the department is investigating for possible custody or placement of the child.

Sec. 9. 22 MRSA §4036-B, sub-§3, ¶A, as enacted by PL 2003, c. 408, §1, is amended to read:

A. Whether or not the department has made reasonable efforts to prevent the removal of the child from home; ~~and~~

Sec. 10. 22 MRSA §4036-B, sub-§3, ¶B, as enacted by PL 2003, c. 408, §1, is amended to read:

B. If the court finds that the department did not make reasonable efforts to prevent the removal of the child from home, whether or not there is an aggravating factor-; ~~and~~

Sec. 11. 22 MRSA §4036-B, sub-§3, ¶C is enacted to read:

C. Whether or not there is a relative of the child who is interested in placement and whether placement of the child with that relative would put the child in circumstances of jeopardy.

Sec. 12. 22 MRSA §4038-B, sub-§4, ¶A, as enacted by PL 2005, c. 372, §6, is amended to read:

A. The permanency plan must determine whether and when, if applicable, the child will be:

(1) Returned to a parent. Before the court may enter an order returning the custody of the child to a parent, the parent must show that the parent has carried out the responsibilities set forth in section 4041, subsection 1-A, paragraph B; that to the court's satisfaction the parent has rectified and resolved the problems that caused the removal of the child from home and any subsequent problems that would interfere with the parent's ability to care for the child and protect the child from jeopardy; and that the parent can protect the child from jeopardy;

(2) Placed for adoption, in which case the department shall file a petition for termination of parental rights;

(3) Cared for by a permanency guardian, as provided in section 4038-C, or a guardian appointed by the Probate Court pursuant to Title 18-A, sections 5-206 and 5-207;

(4) Placed with a ~~fit and willing~~ relative; or

(5) Placed in another planned permanent living arrangement. The District Court may adopt another planned permanent living arrangement as the permanency plan for the child only after the department has documented to the court a compelling reason for determining that it would not be in the best interests of the child to be returned home, be referred for termination of parental rights or be placed for adoption, be cared for by a permanency guardian or be placed with a ~~fit and willing~~ relative.

Sec. 13. 22 MRSA §4062, sub-§4, as enacted by PL 1999, c. 382, §1, is repealed.

SUMMARY

This bill amends the Child and Family Services and Child Protection Act by expanding the status of relatives in the determination of placement of a child.