

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

Amend the bill by striking out sections 1, 2 and 3 and inserting the following:

Sec. 1. 18-A MRSA §9-311, as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

§ 9-311. Interstate placements

(a). A person or agency who intends to bring a child to this State from another state for the purpose of adoption must provide to the Probate Court the certification of compliance as required by the department pursuant to Title 22, chapter 1153 or 1154, as applicable.

(b). A person or agency who intends to remove a child from this State for the purpose of adoption in another state must obtain from the department certification of compliance with Title 22, chapter 1153 or 1154, as applicable, prior to the removal of the child from this State.

(c). The Probate Court may not grant a petition to adopt a child who has been brought to or will be removed from this State for the purpose of adoption without department certification of compliance with Title 22, chapter 1153 or 1154, as applicable.

(d). An agency or person who fails to comply with this section commits a civil violation for which a penalty of not less than \$100 and not more than \$5,000 may be adjudged.

Sec. 2. 22 MRSA §4005-D, sub-§1, ¶A, as enacted by PL 2001, c. 696, §16, is amended to read:

A. "Foster parent" means a person who has had a child in that person's home for at least 120 days and who is licensed as a family foster home under chapter 1663 whose home is licensed by the department as a family foster home as defined in section 8101, subsection 3 and with whom a child lives pursuant to a court order or agreement of the department.

Sec. 3. 22 MRSA §4005-D, sub-§6, as enacted by PL 2001, c. 696, §16, is amended to read:

6. Foster parents, preadoptive parents and relatives providing care. The foster parent of a child, if any, and any preadoptive parent or relative providing care for the child must be provided notice of and an opportunity the right to be heard in any review or hearing proceeding to be held with respect to the child. The right to be heard includes the right to testify but does not include the right to present other witnesses or evidence, to attend any other portion of the review or hearing proceeding or to have access to pleadings or records. This subsection may not be construed to require that any foster parent, preadoptive parent or relative providing care for the child be made a party to the review or hearing proceeding solely on the basis of the notice and opportunity right to be heard.

The foster parent of a child, if any, and any preadoptive parent or relative providing care for the child may attend a ~~review or hearing proceeding~~ in its entirety under this subsection unless specifically excluded by decision of the presiding judge.

Sec. 4. 22 MRSA §4007, sub-§4, as repealed and replaced by PL 1985, c. 506, Pt. A, §41, is amended to read:

4. Interstate compact. The provisions of the Interstate Compact ~~on for the~~ Placement of Children, sections ~~4191 to 4247~~~~4251 to 4269~~, ~~shall if in effect and ratified by the other state involved, apply to proceedings under this chapter; otherwise, the provisions of the Interstate Compact on Placement of Children, sections 4191 to 4247,~~ apply to proceedings under this chapter. Any report submitted pursuant to the compact ~~shall be~~ is admissible in evidence for purposes of indicating compliance with the compact and the court may rely on evidence to the extent of its probative value.

Sec. 5. 22 MRSA §4033, sub-§5, as enacted by PL 1997, c. 715, Pt. B, §6, is amended to read:

5. Notice to foster parents, preadoptive parents and relatives providing care.

The department shall provide written notice of all ~~reviews and hearings~~~~proceedings~~ in advance of the proceeding to foster parents, preadoptive parents and relatives providing care. The notice must be dated and signed, must include a statement that foster parents, preadoptive parents and relatives providing care are entitled to notice of and ~~an opportunity~~ a right to be heard in any ~~review or hearing proceeding~~ held with respect to the child and must contain the following language:

"The right to be heard includes only the right to testify and does not include the right to present other witnesses or evidence, to attend any other portion of the ~~review or hearing proceeding~~ or to have access to pleadings or records."

A copy of the notice must be filed with the court prior to the ~~review or hearing proceeding.~~'

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

SUMMARY

This amendment deletes provisions of the bill that repealed the existing Interstate Compact on Placement of Children, and retains cross-references to that compact. The revised Interstate Compact for the Placement of Children, included in the bill as the Maine Revised Statutes, Title 22, chapter 1154, does not become effective until at least 35 states ratify it. By retaining the existing compact, this amendment ensures that current law remains in place for the interstate placement of foster children. The existing compact will also govern placements with states that choose not to ratify the revised compact.

This amendment also makes changes to the child protective laws as required by the federal Safe and Timely Interstate Placement of Foster Children Act of 2006. These changes require foster parents, preadoptive families and relative care givers to be provided notice and the right to be heard at any

proceeding concerning the child. Current law refers to an opportunity to be heard at any reviews or hearings.

This amendment also amends the definition of "foster parent" to be consistent with the requirements of federal law.

FISCAL NOTE REQUIRED
(See attached)