

§3304. Summons

1. Issuance and contents. The summons issued by the law enforcement officer must include the signature of the law enforcement officer, a brief description of the alleged juvenile crime, the time and place of the alleged juvenile crime and the time and place the juvenile is to appear in court. The summons must also include a statement of the constitutional rights of the juvenile, including the right to have an attorney present at the hearing on the petition and to have an attorney appointed, if indigent. The summons must also include a notice that the case may be informally adjusted by a juvenile community corrections officer.

[PL 1999, c. 624, Pt. B, §14 (AMD).]

2. Voluntary appearance; waiver of service. No summons need issue to any person who appears voluntarily, or who waives service, but any such person shall be provided with a copy of the petition and summons upon appearance or request.

[PL 1977, c. 520, §1 (NEW).]

3. Service. The summons must be directed to and served upon the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated. The summons must be served in hand or by leaving it at the juvenile's and parents', guardian's or legal custodian's dwelling house or usual place of abode with a person of suitable age and discretion residing in that house or by mailing it to the last known address of the juvenile. A copy of the summons must be mailed to the juvenile community corrections officer and the attorney for the State.

A. [PL 1999, c. 266, §5 (RP).]

B. [PL 1999, c. 266, §5 (RP).]

[PL 1999, c. 624, Pt. B, §15 (AMD).]

4. Service at least 48 hours before appearance demanded. The summons must require the person on whom it is served to appear for a hearing at the time and place specified. The time may not be less than 48 hours after service of the summons. If the juvenile is not detained by an order of the court, the summons must require the custodian to produce the juvenile at that time and place.

[PL 1997, c. 350, §4 (AMD).]

5. Service on parents of juvenile. The following applies to service of the summons under subsection 3.

A. If the person or persons to whom a summons is served are the parents of the juvenile and if the juvenile principally resides with only one parent, then service on that parent is sufficient. [PL 1989, c. 741, §13 (NEW).]

B. If the person or persons to whom a summons is served are not the parents or guardian of the juvenile, the summons must also be issued to the parents or guardian or both, notifying them of the pendency of the cause and of the time and place for hearing. The court may waive this requirement if the court finds that the service of the summons is not possible and explains this finding in writing, except as required by section 3314, subsection 1, paragraph C-1 or C-2. [PL 1989, c. 741, §13 (NEW).]

[PL 1989, c. 741, §13 (RPR).]

6. Summons of necessary parties. The court on its own motion or on the motion of any party may require the appearance of any person the court determines necessary to the action and authorize the issuance of a summons directed to that person. Any party to the action may request the issuance of compulsory process by the court requiring the attendance of witnesses on the party's behalf or on the behalf of the juvenile.

[PL 2019, c. 525, §14 (AMD).]

6-A. Attendance of parent, guardian or legal custodian; contempt. The parent, guardian or legal custodian shall appear in response to the summons served pursuant to subsection 5 and shall attend all proceedings concerning the juvenile. The failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, may not prevent the court from continuing with the proceedings against a juvenile who is before the court, except as required in section 3314, subsection 1, paragraphs C-1 and C-2.

A. The court may excuse the attendance of a parent, guardian or legal custodian at a particular proceeding or all proceedings for good cause or if appearing in court will result in undue hardship to the parent, guardian or legal custodian. [PL 2003, c. 142, §1 (NEW); PL 2003, c. 142, §3 (AFF).]

B. If the parent, guardian or legal custodian fails to appear with the juvenile and the court has not found good cause for not appearing, the court, after notice and hearing on the issue of contempt, may find the parent, guardian or legal custodian in contempt of court in accordance with the Maine Rules of Civil Procedure, Rule 66(d). [PL 2007, c. 475, §7 (AMD).]

C. This subsection does not create a right for the juvenile to have the juvenile's parent, guardian or legal custodian present at any proceeding or court-ordered program that the juvenile attends or is required to attend. [PL 2003, c. 142, §1 (NEW); PL 2003, c. 142, §3 (AFF).]
[PL 2007, c. 475, §7 (AMD).]

7. Witness fees and travel expenses. The court may authorize the payment of necessary witness fees and travel expenses incurred by persons summoned or otherwise required to appear, which payments shall not exceed the amount allowed to witnesses for travel by the District Court. [PL 1977, c. 520, §1 (NEW).]

8. Authority of juvenile community corrections officer to issue and serve summons. The Commissioner of Corrections, at the commissioner's discretion, may authorize a juvenile community corrections officer to issue and serve a summons, subject to conditions the commissioner may impose as to when and under what circumstances such authority may be exercised. [PL 2003, c. 16, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §24 (AMD). PL 1979, c. 681, §§16,17 (AMD). PL 1985, c. 439, §13 (AMD). PL 1987, c. 720, §§1,2 (AMD). PL 1989, c. 741, §§12,13 (AMD). PL 1997, c. 350, §§2-4 (AMD). PL 1999, c. 266, §§4,5 (AMD). PL 1999, c. 624, §§B14,15 (AMD). PL 1999, c. 624, §B15 (AMD). PL 2003, c. 16, §1 (AMD). PL 2003, c. 142, §1 (AMD). PL 2003, c. 142, §3 (AFF). PL 2007, c. 475, §7 (AMD). PL 2019, c. 525, §14 (AMD).

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