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**Public Law**  
124th Legislature  
Second Regular Session

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**Chapter 557**  
**H.P. 1151 - L.D. 1623**

**An Act To Expand Options in Child Protection  
Proceedings for Children in Foster Care**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §4005, sub-§3** is enacted to read:

**3. Wishes of child.** The District Court shall consider the wishes of the child, in a manner appropriate to the age of the child, including, but not limited to, whether the child wishes to participate or be heard in court. In addition, when a child's expressed views are inconsistent with those of the guardian ad litem, the court shall consider whether to consult with the child directly, when the child's age is appropriate.

**Sec. 2. 22 MRSA §4038-B, sub-§4, ¶D** is enacted to read:

D. The permanency plan must ensure that all in-state and out-of-state placements are considered to provide the child with all possible permanency options.

**Sec. 3. 22 MRSA §4038-B, sub-§5,** as enacted by PL 2005, c. 372, §6, is amended to read:

**5. Wishes of child.** The District Court shall consider, but is not bound by, the wishes of a child, in a manner appropriate to the age of the child, in making a determination under this section.

**Sec. 4. 22 MRSA §4055, sub-§3,** as amended by PL 1997, c. 715, Pt. A, §12, is further amended to read:

**3. Wishes of child.** The court shall consider, but is not bound by, the wishes of a child 12 years of age or older, in a manner appropriate to the age of the child, in making an order under this section.

**Sec. 5. 22 MRSA §8101, sub-§1,** as amended by PL 2009, c. 211, Pt. B, §19, is further amended to read:

**1. Children's home.** "Children's home" means any residence maintained exclusively or in part for the board and care of one or more children under the age of 18, ~~by anyone other than a relative by blood, marriage or adoption.~~ "Children's home" does not include:

A. A facility established primarily to provide medical care;

- B. A youth camp licensed under section 2495; or
- C. A school established solely for educational purposes except as provided in subsection 4.

Effective July 12, 2010