

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 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 90 days following adjournment of the 124th  
Legislature, Second Regular Session, unless otherwise indicated.