

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 Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings**

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

**Sec. 1. 22 MRSA §4036, sub-§1-A** is enacted to read:

**1-A. Parental rights and responsibilities orders.** The court may enter an order pursuant to Title 19-A, section 1653 if the court determines that the order will protect the child from jeopardy and is in the child's best interest as defined in Title 19-A, section 1653, subsection 3. If the court enters an order pursuant to this subsection:

A. The order has the same force and effect as other orders entered pursuant to Title 19-A, section 1653;

B. The order is subject to modification or termination in the same manner as other orders entered pursuant to Title 19-A, section 1653;

C. Any person who requests a modification or termination of the order must serve the department with the motion or petition;

D. The department is entitled to participate as a full party in any proceedings on a motion to modify or terminate the order;

E. Notwithstanding section 4038, the court may not further review the order and, notwithstanding section 4038-B, may not conduct any further permanency planning hearings; and

F. The court's appointments of the guardian ad litem and attorneys for parents and guardians terminate and the attorneys and guardian ad litem have no further responsibilities to their clients or the court.

### **SUMMARY**

This bill gives the District Court the authority to enter an order in a child protection case under the Child and Family Services and Child Protection Act that establishes parental rights and responsibilities in the same manner as permitted in the Maine Revised Statutes, Title 19-A. The bill also ensures that the Department of Health and Human Services will participate as a full party in any subsequent proceeding to modify or terminate that order.