

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 43 - L.D. 122

An Act to Update Certain Laws Regarding Extended Care and Adoption

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

Sec. 1. 18-C MRSA §9-304, sub-§2, ¶A, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended by amending subparagraph (6) to read:

(6) Information obtained pursuant to this paragraph is confidential. The results of background checks received by the department are for official use only and may not be disseminated outside the department ~~except to a court considering a petition for adoption under subsection 1.~~

Sec. 2. 22 MRSA §4010-C, as amended by PL 2021, c. 714, §1, is further amended to read:

§4010-C. Transition grant program

The Department of Health and Human Services shall establish a transition grant program to provide financial support to eligible individuals to pay for postsecondary education or training programs.

1. Age; enrollment in postsecondary education institution or training program. In order to be eligible to participate in the program, an individual must be at least 23 years of age but less than 27 years of age, must have exited the voluntary extended care and support agreement with the State under section 4037-A at 23 years of age and must be enrolled in a postsecondary education institution or training program.

2. Level of financial support. The transition grant is for postsecondary education or training program support up to the completion of an undergraduate degree or the training program. The level of financial support must be equivalent to the current voluntary extended foster care supports pursuant to section 4037-A. The department shall set duration limits, including a 6-year maximum for a 4-year degree, a 4-year maximum for a 2-year degree and other duration limits for other types of postsecondary education or training programs.

3. Postsecondary education navigator services. The program must include postsecondary education navigator services that provide transitional services and college support. The department shall determine the specifics of those services.

4. Advisory committee. The department shall establish an advisory committee to provide oversight of the implementation of the transition grant program. The advisory committee must include stakeholders in the postsecondary education field, the department's postsecondary education navigator under subsection 6, professionals who work with transitional foster youth, ~~employers~~, representatives of the department and other interested parties. The department shall adopt rules to determine the membership, terms of office and voting procedures of the advisory committee and other specifics of the advisory committee's governance structure. The advisory committee shall provide an annual report to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

5. Limit on number of individuals receiving transition grants. No more than 40 individuals at any one time may receive transition grants under this section.

6. Postsecondary education navigator. The department shall develop the roles and responsibilities for the postsecondary education navigator to provide transitional services and college student support for individuals pursuant to this section. The postsecondary education navigator shall provide data to the advisory committee.

The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 22 MRSA §4037-A, sub-§3, as enacted by PL 2011, c. 402, §5, is repealed and the following enacted in its place:

3. Mandated review. For each person who qualifies for extended care and support under this section and who is 18, 19 or 20 years of age, the District Court shall hold a judicial review hearing at least once every 12 months.

Sec. 4. 22 MRSA §4037-A, sub-§3-A is enacted to read:

3-A. Review on motion. The department, the court or the person who qualifies for extended care and support under this section may move for judicial review.

Sec. 5. 22 MRSA §4037-A, sub-§6 is enacted to read:

6. Judicial review hearing. At a judicial review hearing conducted under subsection 3 or in response to a motion under subsection 3-A, the court shall hear evidence and shall consider the original reason for the extended care and support of the person and the agreement of extended care and support between the department and the person. The court shall, after hearing or by agreement, make written findings, based on a preponderance of the evidence, that determine:

A. The safety of the person in the person's placement;

B. The services needed to transition the person from extended care and support to independent living; and

C. The compliance of the parties to the agreement of extended care and support.

In a judicial review order, the court may order either the department or the person or both to comply with the agreement of extended care and support but may not order the department to pay for a specific placement.

Sec. 6. 22 MRSA §4038, sub-§3, as amended by PL 1997, c. 715, Pt. B, §8, is further amended to read:

3. Notice of review. Notice of the reviews must be given to all parties to the initial proceeding according to District Court Civil Rule 4. Notice may not be given to a parent whose rights have been terminated under subchapter ~~VI~~ 6. The department shall provide written notice of all reviews and hearings in advance of the proceeding to the foster parent, preadoptive parent and relative providing care and to the child if the child is 14 years of age or older. The notice must be dated and signed, must include a statement that the foster parent, preadoptive parent and relative providing care and the child if the child is 14 years of age or older are entitled to notice of and an opportunity to be heard in any review or hearing 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 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.