



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 978

H.P. 722

House of Representatives, March 8, 2011

### **An Act To Amend the Probate Code Regarding Powers of Attorney, Education of Children and Guardianship**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative STEVENS of Bangor.  
Cosponsored by Senator ROSEN of Hancock and  
Representatives: BEAULIEU of Auburn, DILL of Cape Elizabeth, NASS of Acton, PRIEST of  
Brunswick, WEBSTER of Freeport, Senators: BLISS of Cumberland, CRAVEN of  
Androscoggin, HASTINGS of Oxford.

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

2 **Sec. 1. 18-A MRSA §5-104, sub-§(a)**, as enacted by PL 1997, c. 455, §7, is  
3 amended to read:

4 (a). A parent or guardian of a minor or incapacitated person, by a properly executed  
5 power of attorney, may delegate to another person, for a period not exceeding ~~6~~ 12  
6 months, any of that parent's or guardian's powers regarding care, custody or property of  
7 the minor child or ward, except the power to consent to marriage or adoption of a minor  
8 ward. A delegation by a ~~court appointed~~ court-appointed guardian becomes effective only  
9 when the power of attorney is filed with the court.

10 **Sec. 2. 18-A MRSA §5-213** is enacted to read:

11 **§5-213. Transitional arrangements for minors**

12 In issuing, modifying or terminating an order of guardianship for a minor under this  
13 Part, the court may enter an order providing for a transitional arrangement for the minor if  
14 the court determines that the arrangement is in the best interest of the minor and will  
15 assist the minor with a transition of custody.

16 **Sec. 3. 20-A MRSA §5207** is enacted to read:

17 **§5207. Kinship family children**

18 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
19 following terms have the following meanings.

20 A. "Kinship family" means a family consisting of a kinship family child, the kinship  
21 parent or kinship parents and any other children in the family.

22 B. "Kinship family child" means a child for whom a kinship parent cares and  
23 assumes responsibility.

24 C. "Kinship parent" means an adult who is not the parent of a kinship family child  
25 and assumes responsibility for the kinship family child and: is related to the kinship  
26 family child by birth, adoption or marriage; has strong emotional ties to the kinship  
27 family child; or has been designated as the kinship parent by the parent of the kinship  
28 family child.

29 **2. School enrollment and participation in educational decisions permitted.**  
30 Notwithstanding section 5202, upon application by the kinship parent, a kinship family  
31 child may enroll in a school in the school administrative unit where the kinship family  
32 resides and a kinship parent may participate in educational decisions for the kinship  
33 family child if:

34 A. The kinship parent is named in a properly executed power of attorney by the  
35 parent or legal guardian of the kinship family child under Title 18-A, section 5-104;  
36 or

