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5/16/2025

Senator Carney, Chair
Representative Kuhn, Chair
Members, Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333-0100

Re: LD 1974 – *An Act to Affirm Parental Rights*

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary, thank you for the opportunity to provide information in opposition to LD 1974, *An Act to Affirm Parental Rights*.

This bill would specify that parents are the “joint natural guardians of their minor children” and are jointly entitled to the care, custody, control, and services of their children. It further specifies that the right of a parent to direct the upbringing, education, and care of a child is a fundamental right of the parent. Finally, the bill indicates that the proposed language cannot be construed to affect the decision of a court regarding parental rights and responsibilities or the termination of parental rights.

OCFS is opposed to this bill for several reasons. First, the construction section of this bill leaves out two important court proceedings in which a court can (and should) lawfully interfere with parental rights – preliminary protection orders (PPOs) and jeopardy orders. If LD 1974 were enacted OCFS would have no recourse to seek custody of a child to protect them. The Child and Family Services and Child Protection Act contains a specific process beginning with the removal of the child through a court order (PPO or jeopardy order), covering rehabilitation and reunification, and, if rehabilitation and reunification is unsuccessful, resulting in the Department seeking termination of parental rights. Based on the language proposed in LD 1974 it would not be possible for the Department to seek termination of parental rights if this bill were to be enacted because the Department would have no authority to follow the process outlined above.

OCFS is also opposed to the bill because it gives parents the unilateral ability to control the services of their child. There are several provisions in Maine statute that allow minors to consent to their own care and treatment without the need to consult with or obtain consent from a parent. This proposal would upend that established law and has the potential to endanger minors who would have to seek parental consent in order to obtain care.

If enacted as currently written LD 1974 would have serious implications for OCFS’ ability to keep children safe. This would likely result in injuries and fatalities. For that reason, OCFS would urge the Committee to vote ought not to pass on LD 1974.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

A handwritten signature in black ink that reads "Bobbi L. Johnson, LMSW". The signature is written in a cursive, slightly slanted style.

Bobbi L. Johnson, LMSW

Director

Office of Child and Family Services

Maine Department of Health and Human Services