CHAPTER 511

INTERIM CARE; RUNAWAYS

§3501. Interim care

1. Interim care. A juvenile may be taken into interim care by a law enforcement officer without order by the court when the officer has reasonable grounds to believe that:

A. The juvenile is abandoned, lost or seriously endangered in the juvenile's surroundings and that immediate removal is necessary for the juvenile's protection; or [PL 2019, c. 525, §29 (AMD).]

B. The juvenile has left the care of the juvenile's parent or parents, guardian or legal custodian without the consent of the parent or parents, guardian or legal custodian. [PL 2019, c. 525, §29 (AMD).]

[PL 2019, c. 525, §29 (AMD).]

2. Limit. Under no circumstances shall any juvenile taken into interim care be held involuntarily for more than 6 hours.

[PL 1977, c. 520, §1 (NEW).]

3. Interim care, police record. The taking of a juvenile into interim care pursuant to this section is not an arrest and shall not be designated in any police records as an arrest.

[PL 1977, c. 520, §1 (NEW).]

4. Notification of parents, guardian or custodian. When a juvenile is taken into interim care, the law enforcement officer or the Department of Health and Human Services shall, as soon as possible, notify the juvenile's parent, guardian or legal custodian of the juvenile's whereabouts. If a parent, guardian or legal custodian cannot be located, such notification shall be made to a person with whom the juvenile is residing.

[PL 1981, c. 619, §5 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

5. Interim care, placement.

A. When a law enforcement officer takes a juvenile into interim care, the officer shall contact the Department of Health and Human Services which shall designate a place where the juvenile will be held. [PL 1981, c. 619, §6 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

B. The law enforcement officer shall take the juvenile to the Department of Health and Human Services or to the location specified by the department without unnecessary delay. [PL 1981, c. 619, §7 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

C. [PL 1981, c. 619, §8 (RP).]

[PL 1981, c. 619, §§6-8 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

6. (omitted).

REVISOR'S NOTE: Subsection 6 omitted when section enacted by PL 1977, c. 520, §1

7. Interim care, restriction on placement and transportation.

A. A juvenile taken into interim care may not be placed in a jail or other secure detention or correctional facility intended or used to detain adults accused or convicted of crimes or juveniles accused or adjudicated of juvenile crimes. [PL 1997, c. 752, §28 (AMD).]

B. Notwithstanding paragraph A, a juvenile taken into interim care may be held, if no other appropriate placement is available, in the public sections of a facility described in section 3203-A,

subsection 7, paragraph B if there is an adequate staff to supervise the juvenile's activities at all times or in accordance with section 3203-A, subsection 7-A. [PL 1997, c. 752, §29 (AMD).]

C. To the extent practicable, a juvenile taken into interim care shall not be placed or transported in any police or other vehicle which at the same time contains an adult under arrest. [PL 1977, c. 520, §1 (NEW).]

[PL 1997, c. 752, §§28, 29 (AMD).]

8. Interim care; voluntary services. The Department of Health and Human Services shall inform the juvenile and the juvenile's parent or parents, guardian or legal custodian of social services and encourage them to voluntarily accept social services.

[PL 2019, c. 525, §30 (AMD).]

9. Interim care, identification of juvenile. Fingerprints of a juvenile taken into interim care pursuant to this section may not be obtained from the juvenile. Solely for the purpose of restoring a juvenile to the juvenile's residence, the juvenile's name, address, photograph and other reasonably necessary information may be obtained and transmitted to any appropriate person or agency.

[RR 2023, c. 2, Pt. D, §95 (COR).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §47 (AMD). PL 1981, c. 619, §§5-9 (AMD). PL 1985, c. 439, §18 (AMD). PL 1993, c. 354, §12 (AMD). PL 1997, c. 752, §§28,29 (AMD). PL 2003, c. 689, §B6 (REV). PL 2019, c. 525, §§29, 30 (AMD). RR 2023, c. 2, Pt. D, §95 (COR).

§3502. The Department of Corrections and the Department of Health and Human Services 24-hour referral services

1. Emergency placement decisions. Placement referral services shall be provided by the Department of Corrections and Department of Health and Human Services as follows.

A. The Department of Corrections shall provide for a placement referral service, staffed by juvenile community corrections officers for 24 hours a day. This referral service shall make emergency detention or conditional release decisions pursuant to chapter 505 for all juveniles referred to the department by law enforcement officers. [PL 2001, c. 667, Pt. A, §32 (AMD).]

B. The Department of Health and Human Services shall provide for a placement referral service, staffed by personnel 24 hours a day. This referral service shall make emergency placement decisions pursuant to this chapter for all juveniles referred to the department by law enforcement officers. [PL 1981, c. 619, §10 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

[PL 2001, c. 667, Pt. A, §32 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

2. Placement procedures. Emergency placements shall be arranged by juvenile caseworkers or the Department of Health and Human Services' personnel according to procedures and standards jointly adopted by the Department of Corrections and the Department of Health and Human Services. Placement may include voluntary care or short-term emergency services under Title 22, sections 4021 to 4023.

[PL 1985, c. 439, §20 (AMD).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1979, c. 733, §1 (AMD). PL 1981, c. 493, §3 (AMD). PL 1981, c. 619, §10 (RPR). PL 1985, c. 439, §§19,20 (AMD). PL 2001, c. 667, §A32 (AMD). PL 2003, c. 689, §B6 (REV).

§3503. Juveniles; voluntary return home

If a juvenile who has been taken into interim care under the provisions of section 3501 and the juvenile's parent or parents, guardian or legal custodian agree to the juvenile's return home, the parent

or parents, guardian or legal custodian shall cause the juvenile to be transported home as soon as practicable. If the parent or parents, guardian or legal custodian fails to arrange for the transportation of the juvenile, the juvenile must be transported at the expense of the parent or parents, guardian or legal custodian. [PL 2019, c. 525, §31 (AMD).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §48 (RPR). PL 2019, c. 525, §31 (AMD).

§3504. Runaway juveniles, shelter and family services needs assessment

(REPEALED)

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1979, c. 733, §2 (RP).

§3505. Runaway juveniles, neglect petition

(REPEALED)

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1979, c. 733, §2 (RP).

§3506. Runaway juveniles, emancipation

(REPEALED)

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1979, c. 733, §§3,4 (AMD). PL 1981, c. 619, §11 (RP).

§3506-A. Emancipation

1. Petition for emancipation. If a juvenile is 16 years of age or older and refuses to live in the home provided by the juvenile's parent or parents, guardian or legal custodian, the juvenile may request the District Court in the division in which the juvenile's parent or parents, guardian or legal custodian resides to appoint counsel for the juvenile to petition for emancipation.
[PL 2019, c. 525, §32 (AMD).]

2. Contents of petition. The petition shall state plainly:

A. The facts which bring the juvenile within the court's jurisdiction and which form the basis for the petition; [PL 1981, c. 619, §12 (NEW).]

B. The name, date of birth, sex and residence of the juvenile; and [PL 1981, c. 619, §12 (NEW).]

C. The name and residence of the juvenile's parent or parents, guardian or legal custodian. [PL 2019, c. 525, §33 (AMD).]
[PL 2019, c. 525, §33 (AMD).]

2-A. Mediation. Upon the filing of a petition and prior to a hearing under this section, the court may refer the parties to mediation. Any agreement reached by the parties through mediation on any issues shall be stated in writing, signed by the parties and presented to the court for approval as a court order.
[PL 1989, c. 126, §1 (NEW).]

3. Hearing. On the filing of a petition, the court shall schedule a hearing and shall notify the parent or parents, guardian or custodian of the date of the hearing, the legal consequences of an order of emancipation, the right to be represented by legal counsel and the right to present evidence at the hearing. Notice shall be given in the manner provided in the Maine Rules of Civil Procedure, Rule 4, for service of process.
[PL 1981, c. 619, §12 (NEW).]

4. Order of emancipation. The court shall order emancipation of the juvenile if it determines that:

A. The juvenile has made reasonable provision for the juvenile's room, board, health care and education, vocational training or employment; and [PL 2019, c. 525, §34 (AMD).]

B. The juvenile is sufficiently mature to assume responsibility for the juvenile's own care and it is in the juvenile's best interest to do so. [PL 2019, c. 525, §34 (AMD).]

[PL 2019, c. 525, §34 (AMD).]

5. Denial of petition. If the court determines that the criteria established in subsection 4 are not met, the court shall deny the petition and may recommend that the Department of Health and Human Services provide continuing services and counseling to the family.

[PL 1981, c. 619, §12 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

6. Appeal. Any person named in the petition who is aggrieved by the order of the court may appeal to the Superior Court.

[PL 1981, c. 619, §12 (NEW).]

7. Public proceeding; exception. The court may not exclude the public unless the minor or the minor's parent or parents, guardian or legal custodian requests that the public be excluded and the minor or the minor's parent or parents, guardian or legal custodian does not object. If the public is excluded, only the parties, their attorneys, court officers and witnesses may be present.

[PL 2021, c. 365, §24 (AMD); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 1981, c. 619, §12 (NEW). PL 1989, c. 126, §§1,2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2019, c. 525, §§32-34 (AMD). PL 2021, c. 365, §24 (AMD). PL 2021, c. 365, §37 (AFF).

§3507. Runaway juveniles returned from another state

When a juvenile who has left the care of the juvenile's parents, guardian or legal custodian without that person's consent, is returned to Maine from another state, the juvenile must be referred immediately to a juvenile community corrections officer and must be processed according to the provisions of this chapter. [PL 1999, c. 624, Pt. B, §21 (AMD).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1985, c. 439, §21 (AMD). PL 1999, c. 624, §B21 (AMD).

§3508. Responsibility of the Department of Human Services

(REPEALED)

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1979, c. 733, §5 (RP).

§3509. Interstate Compact for Juveniles

When a juvenile who has left the care of the juvenile's parent or parents, guardian or legal custodian in another state without the consent of the parent or parents, guardian or legal custodian, who has absconded from probation or parole in another state, who has escaped from a detention or correctional facility in another state or who is accused of an offense in another state is found by a law enforcement officer in the State, the juvenile must be referred immediately to a juvenile community corrections officer and must be processed according to the provisions of the Interstate Compact for Juveniles. [PL 2023, c. 136, §8 (NEW).]

SECTION HISTORY

PL 2023, c. 136, §8 (NEW).

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