§4036. Disposition and principles

1. Disposition. In a protection order, the court may order one or more of the following:

A. No change in custody; [PL 1979, c. 733, §18 (NEW).]

B. Departmental supervision of the child and family in the child's home; [PL 1979, c. 733, §18 (NEW).]

C. That the child, the custodians, the parents and other appropriate family members accept treatment or services to ameliorate the circumstances related to the jeopardy; [PL 1979, c. 733, §18 (NEW).]

D. Necessary emergency medical treatment for the child when the custodians are unwilling or unable to consent; [PL 1979, c. 733, §18 (NEW).]

E. Emancipation of the child, if the requirements of Title 15, section 3506-A are met; [PL 1983, c. 480, Pt. B, §27 (AMD).]

F. Removal of the child from the child's custodian and granting custody to a noncustodial parent, other person or the department; [RR 2021, c. 2, Pt. B, §189 (COR).]

F-1. Removal of the perpetrator from the child's home, prohibiting direct or indirect contact with the child by the perpetrator and prohibiting other specific acts by the perpetrator which the court finds may threaten the child; [PL 1985, c. 164 (NEW).]

F-2. Visitation between the child and a sibling pursuant to section 4068; [PL 2005, c. 526, §1 (NEW).]

G. Payment by the parents of a reasonable amount of support for the child as determined or modified according to Title 19-A, chapter 63; [PL 1995, c. 694, Pt. D, §42 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF).]

G-1. [PL 1997, c. 715, Pt. A, §10 (RP).]

G-2. If the court's jeopardy order includes a finding of an aggravating factor, the court may order the department to cease reunification, in which case a permanency planning hearing must commence within 30 days of the order to cease reunification. [PL 1997, c. 715, Pt. A, §11 (NEW).]

H. Other specific conditions governing custody; or [PL 1995, c. 405, §22 (AMD).]

I. The court may not order and the State may not pay for the defendant to attend a domestic violence intervention program unless the program is certified under Title 19-A, section 4116. [PL 2021, c. 647, Pt. B, §51 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

[RR 2021, c. 2, Pt. B, §189 (COR).]

1-A. Parental rights and responsibilities orders. Upon request of a parent, the court may enter an order awarding parental rights and responsibilities 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. The court shall ensure that proper notice was given that the child protective case may be disposed of through an order awarding parental rights and responsibilities upon request of a parent. If the court enters an order pursuant to this subsection:

A. The court shall direct the clerk to open a family matters case on behalf of the parties and require the case to be appropriately docketed without a separate initial filing by the parties. The court shall require the parties to complete the income affidavits, child support worksheets and supporting documentation as required in Title 19-A, chapter 63. The court shall enter the order awarding parental rights and responsibilities pursuant to Title 19-A, section 1653; [PL 2013, c. 294, §1 (AMD).]

A-1. The order awarding parental rights and responsibilities may not include reference to or discussion of the child protective case, although the court may identify any jeopardy that remains as a finding of fact. Child protective case documents are confidential, and the court shall seal and keep confidential any documents from the child protective case that are made a part of the record of the family matters case opened under paragraph A; [PL 2013, c. 294, §1 (NEW).]

B. The order awarding parental rights and responsibilities is subject to modification or termination in the same manner as other orders entered pursuant to Title 19-A, section 1653; [PL 2013, c. 294, §1 (AMD).]

C. Any person who requests a modification or termination of the order awarding parental rights and responsibilities must serve the department with the motion or petition; [PL 2013, c. 294, §1 (AMD).]

D. The department is not a party to proceedings to modify or terminate the order awarding parental rights and responsibilities unless otherwise ordered by the court; [PL 2013, c. 294, §1 (AMD).]

D-1. The court may either:

(1) Immediately dismiss the child protection action; or

(2) Enter a provisional order awarding parental rights and responsibilities and, after the passage of a period set by the court not to exceed 6 months, the child protection action must be dismissed, with the order awarding parental rights and responsibilities becoming permanent, unless there is good cause shown in writing to continue the child protection action; and [PL 2013, c. 294, §1 (NEW).]

E. [PL 2013, c. 294, §1 (RP).]

F. When a provisional order awarding parental rights and responsibilities is entered under paragraph D-1, subparagraph (2), the court may terminate the appointments of the guardian ad litem and attorneys for parents and guardians. When the child protection action is dismissed under paragraph D-1, subparagraph (1) or (2), the court shall terminate the appointments of the guardian ad litem and attorneys for parents and guardians. After the appointments are terminated, the attorneys and guardian ad litem have no further responsibilities to their clients or the court. [PL 2013, c. 294, §1 (AMD).]

[PL 2013, c. 294, §1 (AMD).]

2. Principles. In determining the disposition, the court shall apply the following principles in this priority:

A. Protect the child from jeopardy to the child's health or welfare; [RR 2021, c. 2, Pt. B, §190 (COR).]

B. Give custody to a parent if appropriate conditions can be applied; [PL 1979, c. 733, §18 (NEW).]

C. Make disposition in the best interests of the child; and [PL 1979, c. 733, §18 (NEW).]

D. Terminate department custody at the earliest possible time. [PL 1979, c. 733, §18 (NEW).]

[RR 2021, c. 2, Pt. B, §190 (COR).]

2-A. Determination of parentage. In a protection order or in a judicial review order, the court may determine the parentage of the child. The court's determination of the child's parentage must be made pursuant to Title 19-A, chapter 61 and has the same legal effect as a determination of parentage made pursuant to that chapter.

[PL 2015, c. 296, Pt. C, §29 (NEW); PL 2015, c. 296, Pt. D, §1 (AFF).]

3. Time of order. The order may be for a specified period, with a review at the end of that period, or it may be for an indeterminate period, not beyond age 18.

[PL 1979, c. 733, §18 (NEW).]

4. Disposition of child in custody of department. The court may not order that a child who has been ordered into the custody of the department be placed with a parent. Nothing in this subsection prevents the department from placing a child in its custody in the home of a parent for a trial period.
[PL 1985, c. 739, §10 (NEW).]

5. Notice of criminal penalties. If an order is issued under this section that contains a provision subject to criminal penalties under section 4036-A, the order must indicate in a clear and conspicuous manner the potential consequences of violating the order.
[PL 1993, c. 443, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 733, §18 (NEW). PL 1983, c. 480, §B27 (AMD). PL 1985, c. 164 (AMD). PL 1985, c. 739, §§8-10 (AMD). PL 1989, c. 834, §B15 (AMD). PL 1993, c. 443, §1 (AMD). PL 1995, c. 405, §§21-23 (AMD). PL 1995, c. 694, §§D42,43 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 715, §§A10,11 (AMD). PL 2005, c. 526, §1 (AMD). PL 2007, c. 256, §1 (AMD). PL 2013, c. 294, §1 (AMD). PL 2015, c. 296, Pt. C, §29 (AMD). PL 2015, c. 296, Pt. D, §1 (AFF). PL 2021, c. 174, §12 (AMD). PL 2021, c. 647, Pt. B, §51 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF). RR 2021, c. 2, Pt. B, §§189, 190 (COR).

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