



132nd MAINE LEGISLATURE

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Legislative Document

No. 122

S.P. 43

In Senate, January 8, 2025

An Act to Update Certain Laws Regarding Extended Care and Adoption

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.

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

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

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

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

11 **§4010-C. Transition grant program**

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

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

20 **2. Level of financial support.** The transition grant is for postsecondary education or
21 training program support up to the completion of an undergraduate degree or the training
22 program. The level of financial support must be equivalent to the current voluntary
23 extended foster care supports pursuant to section 4037-A. The department shall set
24 duration limits, including a 6-year maximum for a 4-year degree, a 4-year maximum for a
25 2-year degree and other duration limits for other types of postsecondary education or
26 training programs.

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

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

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

42 **6. Postsecondary education navigator.** The department shall develop the roles and
43 responsibilities for the postsecondary education navigator to provide transitional services

1 and college student support for individuals pursuant to this section. The postsecondary
2 education navigator shall provide data to the advisory committee.

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

5 **Sec. 3. 22 MRSA §4037-A, sub-§3**, as enacted by PL 2011, c. 402, §5, is amended
6 to read:

7 **3. Judicial review.** ~~The District Court shall hold a judicial review for each person~~
8 ~~who qualifies for care and support under this section at least once every 12 months. For~~
9 each person who qualifies for extended care and support under this section and who is 18,
10 19 or 20 years of age, the District Court shall hold a judicial review at least once every 12
11 months. The court shall hear evidence and shall consider the original reason for the
12 extended care and support of the person and the agreement of extended care and support
13 between the department and the person. The court shall, after hearing or by agreement,
14 make written findings, based on a preponderance of the evidence, that determine:

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

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

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

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

22 **Sec. 4. 22 MRSA §4038, sub-§3**, as amended by PL 1997, c. 715, Pt. B, §8, is
23 further amended to read:

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

33 "The right to be heard includes only the right to testify and does not include the
34 right to present other witnesses or evidence, to attend any other portion of the
35 review or hearing or to have access to pleadings or records."

36 A copy of the notice must be filed with the court prior to the review or hearing.

37 SUMMARY

38 This bill amends the Child and Family Services and Child Protection Act to update the
39 process for judicial reviews for youth in the care of the Department of Health and Human
40 Services and in the extended care program and to authorize grants under the transition grant
41 program to be provided to individuals in a training program. It removes an exception in

1 the laws governing adoption allowing a court considering a petition for adoption of a minor
2 child to receive results of a background check conducted by the department.