

**§4005-G. Department responsibilities regarding kinship and sibling placement**

**1. Kinship preference.** Except as provided in subsections 3, 5 and 6, in the residential placement of a child, the department shall give preference to an adult relative over a nonrelated caregiver when determining placement for a child, as long as the adult relative meets all relevant state child protection standards.

[PL 2017, c. 411, §11 (NEW).]

**2. Sibling preference.** Except as provided in subsection 3, in the residential placement of a child, the department shall make reasonable efforts to place a child with all of the child's siblings at the earliest possible time unless the placement is contrary to the safety or well-being of the child or one or more of the siblings. If placing a child with all of the child's siblings is impossible or contrary to the safety or well-being of the child or one or more of the siblings, the department shall place the child with as many of the child's siblings as is possible and consistent with the safety and well-being of the child and the siblings.

[PL 2017, c. 411, §11 (NEW).]

**3. Exception; reunification.** The department is not required to apply the placement preferences in subsections 1 and 2 if documented facts support the conclusion that the placement will interfere with active reunification under section 4041. If the court orders the department not to commence reunification or to cease reunification or if the court terminates parental rights pursuant to section 4055, the department must apply the placement preferences in subsections 1 and 2.

[PL 2017, c. 411, §11 (NEW).]

**4. Identification of adult relatives.** Prior to filing a child protection petition under section 4032, the department shall exercise due diligence to ask each individual that the department has identified as a parent of a child that is the subject of the petition to provide the names and contact information of the following:

- A. Relatives who have provided care for the child on a temporary basis in the past; [PL 2017, c. 411, §11 (NEW).]
- B. Relatives who the parent believes would be safe caregivers during family reunification under section 4041; and [PL 2017, c. 411, §11 (NEW).]
- C. Relatives who the parent believes would be able to serve as a safe resource to support family reunification under section 4041, including by safely supervising visits between the parent and the child. [PL 2017, c. 411, §11 (NEW).]

The department shall include the names and contact information of relatives identified by a parent in the petition pursuant to section 4032, subsection 2, paragraphs J and K. When the department identifies or locates a parent after filing the petition, the department shall exercise due diligence to ask that parent to provide the names and contact information of relatives as required by this subsection as soon as possible.

[PL 2017, c. 411, §11 (NEW).]

**5. Background check.** Within 14 days of receiving information about a relative pursuant to subsection 4, the department shall conduct a background check on that relative unless the relative has informed the department that the relative does not want to provide a residential placement for the child or to serve as a safe resource under subsection 4, paragraph C for the child. The background check must include, at a minimum, obtaining public criminal history record information as defined in Title 16, section 703, subsection 8 from the Maine Criminal Justice Information System and determining whether the relative has been the subject of a child abuse and neglect finding in this or another state.

Notwithstanding any other provision of this chapter, the department is not required to consider residential placement of the child with a relative or use a relative as a safe resource under subsection 4, paragraph C if:

A. The department has substantiated any report of child abuse or neglect regarding that relative or a substantially equivalent determination regarding that relative has been made in another state; or [PL 2017, c. 411, §11 (NEW).]

B. The relative has been convicted of a criminal offense relevant to the relative's ability to provide a safe placement for the child or serve as a safe resource under subsection 4, paragraph C. [PL 2017, c. 411, §11 (NEW).]  
[PL 2017, c. 411, §11 (NEW).]

**6. License as a family foster home.** The department is not required to consider residential placement of a child with a relative who does not exercise due diligence to obtain a license as a family foster home, including by applying for a license, attending all required trainings, cooperating with a home study and promptly addressing any problems identified by the department that prevent the department from granting the license. The department is also not required to consider or to continue residential placement of a child with a relative who has exercised due diligence to obtain a license as a family foster home but whose application for a license has been denied. As used in this subsection, "family foster home" has the same meaning as in section 8101, subsection 3.  
[PL 2017, c. 411, §11 (NEW).]

#### SECTION HISTORY

PL 2017, c. 411, §11 (NEW).

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