

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 869

H.P. 555

House of Representatives, March 4, 2025

An Act to Give Grandparents Intervenor Status in Certain Child Protection Proceedings

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative FREDETTE of Newport.

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

2 **Sec. 1. 22 MRSA §4005-D, sub-§5-A** is enacted to read:

3 **5-A. Grandparent's right to intervenor status.** Upon request, the court may
4 designate a grandparent as an intervenor. A judge shall base this decision on whether the
5 department has placed the child in foster care. A grandparent who has been designated as
6 an intervenor under this subsection has the right to be heard and the right to present or
7 cross-examine witnesses, present evidence and have access to pleadings and records.

8 **Sec. 2. 22 MRSA §4005-H, sub-§1**, as enacted by PL 2017, c. 411, §11, is amended
9 to read:

10 **1. Grandparent visitation or access.** A grandparent who is designated as an
11 interested person or a participant or who has been granted intervenor status under section
12 4005-D or ~~who has been granted intervenor status~~ under the Maine Rules of Civil
13 Procedure, Rule 24 may request the court to grant reasonable rights of visitation or access.
14 When a child is placed in a prospective adoptive home and the prospective adoptive parents
15 have signed an adoptive placement agreement, a grandparent's rights of visitation or access
16 that were granted pursuant to this chapter are suspended unless a court determines that it is
17 in the best interest of the child to continue the grandparent's rights of visitation or access.
18 A grandparent's rights of visitation or access terminate when the adoption is finalized
19 pursuant to Title 18-A, section 9-308. Nothing in this section prohibits prospective
20 adoptive parents from independently facilitating or permitting contact between a child and
21 a grandparent, especially when a court has previously ordered rights of visitation or access.

22 For the purposes of this subsection, "grandparent" includes a parent of a child's parent
23 whose parental rights have been terminated, but only until the child is adopted.

24 **SUMMARY**

25 This bill allows, upon request, the court to designate a grandparent as having intervenor
26 status in child protective proceedings, including the right to be heard and the right to present
27 or cross-examine witnesses, present evidence and have access to pleadings and records. A
28 judge is required to base this decision on whether the Department of Health and Human
29 Services has placed the child in foster care.