

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
109TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. S-207)

COMMITTEE AMENDMENT " A " to S.P. 455, L.D. 1385, Bill,  
"AN ACT to Clarify the Consent Requirements for Adoptions."

Amend the Bill by striking out everything after the  
amending clause and inserting in its place the following:

'§532. Consent for adoptions

1. Consent required. Before any adoption is granted,  
written consent to the adoption must be given by the child, if  
he is at least 14 years old, and by each of his living parents,  
except as provided in subsection 2.

2. Consent not required. Consent to adoption shall not  
be required of the following:

A. A parent who has been adjudged, after notice and hearing,  
to:

(1) have willfully abandoned the child; or

(2) be unwilling or unable to undertake parental re-  
sponsibility;

B. A father who is not required to give consent under sec-  
tion 532-C;

C. A parent of a child in the custody of the Department of Human Services under Title 22, section 3792, and placed for adoption after the effective date of this section, when the parent has also been adjudged, after notice and hearing, to be unwilling or unable to undertake parental responsibility;

D. The parents who have executed a surrender and release under section 532-A; or

E. A parent who has voluntarily terminated or who has had judicially transferred his parental rights and those rights have been transferred to a duly licensed public or private agency under the law of another state or country.

3. Consent when custody is transferred. When parental consent is not required under subsection 2, paragraph C, D or E, then the written consent of the person or agency having custody or guardianship, or to whom the child has been surrendered, must be given.

4. Consent given before a probate judge. Except as provided in subsection 5, consent shall be given in front of a judge of probate. Before consent is given, the judge shall fully explain the effect of that consent, and shall make a determination that the consent is freely and knowledgeably given

5. Consent before a justice of the peace or notary public. Consent may be acknowledged before a justice of the peace or notary public, who is not an attorney nor an employee of an attorney for the adopting parents if:

A. One of the adopting parents is a blood relative of the child;

B. The adopting parents have received the child from the Department of Human Services or from an adoption agency duly licensed in Maine;

C. The consent is being given by a putative father required to give consent under this section; or

D. An agency or person is giving consent as required under subsection 3.

Statement of Fact

This amendment clarifies the language of the bill. The amendment also removes the specific grounds for not requiring consent of a parent who has not communicated with his child nor supported him for one year. In place of that provision is a general neglect of parental responsibility standard.

Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 18, 1979

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