

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1156

6
7 H.P. 891

House of Representatives, March 10, 1983

8 On Motion of Representative Hobbins of Saco, referred to the Committee
9 on Judiciary. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Thompson of So. Portland.

Cosponsors: Representative Foster of Ellsworth, Representative Hobbins
of Saco and Senator Gill of Cumberland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Improve the Child and Family
18 Services and Child Protection Act.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 Sec. 1. 22 MRSA §4002, sub-§1-A is enacted to
23 read:

24 1-A. Abandonment. "Abandonment" means any conduct
25 on the part of the parent showing an intent to forego
26 parental duties or relinquish parental claims. The
27 intent may be evidenced by:

28 A. Failure, for a period of at least one year, to
29 communicate meaningfully with the child;

30 B. Failure, for a period of at least one year, to
31 maintain regular visitation with the child;

1 C. Failure to participate in any plan or program
2 designed to reunite the parent with the child;

3 D. Deserting the child without affording means of
4 identifying the child and his parent or custo-
5 dian;

6 E. Failure to respond to notice of child protec-
7 tive proceedings; or

8 F. Any other conduct indicating an intent to
9 forego parental duties or relinquish parental
10 claims.

11 Sec. 2. 22 MRSA §4002, sub-§6, ¶C, as enacted by
12 PL 1979, c. 733, §18, is amended to read:

13 C. Absence Abandonment of the child or absence
14 of any person responsible for the child, which
15 creates a threat of serious harm; or

16 Sec. 3. 22 MRSA §4034, sub-§3, as enacted by PL
17 1979, c. 733, §18, is amended to read:

18 3. Custodial consent. If the custodian consents
19 in writing and the consent is voluntarily and know-
20 ingly executed in court before a judge, or the custo-
21 dian does not appear after proper notice has been
22 given, then the hearing on the preliminary protection
23 order may be waived need not be held, except as pro-
24 vided in subsection 4.

25 Sec. 4. 22 MRSA §4034, sub-§4, as enacted by PL
26 1979, c. 733, §18, is amended to read:

27 4. Preliminary hearing. If there is no consent
28 the custodial parent appears and does not consent, or
29 if a noncustodial parent requests a hearing, then the
30 court shall hold a preliminary hearing on that order
31 within 10 days of its issuance or request, unless all
32 parties agree to a later date. The petitioner shall
33 bear the burden of proof. If, after the hearing, the
34 court finds, by a preponderance of the evidence, that
35 returning the child to his custodian would place him
36 in immediate risk of serious harm, it shall continue
37 the order or make another disposition under section
38 4036.

