

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1637,
L.D. 2166, Bill, "AN ACT to Promote Family Permanen-
cy."

Amend the Bill by inserting after the enacting
clause the following:

'Sec. 1. 19 MRSA §532-C, 6th ¶, as repealed and
replaced by PL 1981, c. 369, §6, is amended to read:

If, after a hearing, the judge finds that the
putative father is the natural father but that, based
on clear and convincing evidence, that parent is un-
willing or unable to protect the child from jeopardy
and these circumstances are unlikely to change within
a time which is reasonably calculated to meet the
child's needs, or has willfully abandoned the child,
or has refused been unwilling or unable to take re-
sponsibility for the child within a time which is
reasonably calculated to meet the child's needs, and
the circumstances are unlikely to change in a reason-
able time, he shall rule, if it appears to be in the
best interest of the child, that the natural father
has not established parental rights to that child and
has abandoned the child, and that only the mother of
the illegitimate child must consent to the adoption
of that child or execute a surrender and release for
the purpose of adoption of that child.

Sec. 2. 19 MRSA §532-C, 7th ¶, as amended by PL
1983, c. 324, is further amended to read:

If the judge finds that the putative father is
the natural father and that he is willing and able to
protect the child from jeopardy, and has not
willfully abandoned the child, and has not refused is

COMMITTEE AMENDMENT "A" to H.P. 1637, L.D. 2166

1 willing and able to take responsibility for the
2 child, he may rule, if it appears to be in the best
3 interest of the child, that the natural father has
4 established parental rights to that child. The natu-
5 ral father may then either consent to the adoption of
6 the child or execute a surrender and release for the
7 purpose of adoption of the child. If the natural fa-
8 ther will not either consent to the adoption of the
9 child or execute a surrender and release for the pur-
10 pose of adoption of the child, the judge may grant
11 the exclusive care and custody of the child to the
12 natural father.'

13 Further amend the Bill in section 4 by inserting
14 at the end the following:

15 'B. When the department discontinues efforts to
16 return the child to a parent, it shall give writ-
17 ten notice of this decision to that parent at his
18 last known address. This notice shall include the
19 specific reasons for the department's decision,
20 the specific efforts the department has made in
21 working with the parent and child and a statement
22 of the parent's rights under section 4038. This
23 notice requirement may be met by service of a
24 copy of a petition to terminate parental rights
25 under subchapter VI.

26 C. If the department discontinues efforts to re-
27 turn the child to a parent, but does not seek
28 termination of parental rights, then subsection
29 1, paragraphs A and B, shall still apply.'

30 Further amend the Bill by renumbering the sec-
31 tions to read consecutively.

32 STATEMENT OF FACT

33 The bill amends the standards used to terminate
34 parental rights in the Revised Statutes, Title 22.
35 The Revised Statutes, Title 19 also contains provi-

COMMITTEE AMENDMENT "A" to H.P. 1637, L.D. 2166

1 sions to terminate parental rights. This amendment
2 incorporates the standards proposed for the Revised
3 Statutes, Title 22 into the appropriate section of
4 the Revised Statutes, Title 19. It also amends sec-
5 tion 4 to reenact 2 paragraphs inadvertently repealed
6 in the original bill.

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