

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1064

H.P. 760

House of Representatives, April 5, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

*Ed Pert*  
EDWIN H. PERT, Clerk

Presented by Representative CONLEY of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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**An Act Concerning Jurisdiction over Contested Termination of  
Parental Rights Proceedings.**

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

3 **Sec. 1. 19 MRSA §532, sub-§2, ¶A-1,** as amended by PL 1981, c.  
5 369, §1, is further amended to read:

7 A-1. A parent whose parental rights have been terminated  
under section-533-A of Title 22, chapter 1071, subchapter VI;

9 **Sec. 2. 19 MRSA §533-A,** as enacted by PL 1981, c. 369, §8, is  
11 repealed and the following enacted in its place:

13 **§533-A. Termination of parental rights**

15 1. Jurisdiction. The District Court has exclusive  
17 jurisdiction, pursuant to Title 22, chapter 107, subchapter VI,  
19 to hear a petition to terminate the rights of a parent who  
21 refuses to give the consent to a child's adoption required by  
23 section 532.

25 2. Consent to termination. The Probate Court may accept  
27 the consent of a parent who wishes to terminate parental rights  
29 to a child who is the subject of a petition for adoption pending  
31 before the court, provided the consent is written and voluntarily  
33 and knowingly executed in court before the Judge of Probate and  
35 the effects of termination, as set forth in Title 22, section  
37 4056, have been explained by the judge to the parent prior to  
39 accepting the consent. The signed consent will then be forwarded  
41 to the District Court for further action in accordance with Title  
43 22, section 4051.

45 3. Transfer to District Court. If a petition for  
47 termination is filed in the Probate Court in connection with a  
49 pending adoption proceeding, the petition shall be transferred  
51 forthwith to the District Court in the county where the Probate  
53 Court is located.

**Sec. 3. 22 MRSA §4051,** as amended by PL 1981, c. 369, §13, is  
further amended to read:

**§4051. Venue**

A petition for termination of parental rights shall be  
brought in the court that issued the final protection order or in  
the District Court in the county in which a petition for adoption  
regarding the child is pending. The court, for the convenience of  
the parties or other good cause, may transfer the petition to  
another district or division. ~~A petition for termination of~~  
~~parental rights may also be brought in a Probate Court as part of~~  
~~an adoption proceeding as provided in Title 19, chapter 9, when a~~  
~~child-protective proceeding has not been initiated.~~

**Sec. 4. 22 MRSA §4052, sub-§1,** as enacted by PL 1979, c. 733,  
§18, is amended to read:

1  
3 1. **Petitioner.** A termination petition may be brought by the  
custodian of the child or a person who has filed a petition to  
5 adopt a child in Probate Court.

7  
9 **STATEMENT OF FACT**

11 The Maine Revised Statutes, Title 19, section 533-A,  
12 presently allows a petitioner to file an action for termination  
of parental rights in the Probate Court. The purpose of this  
13 bill is to remove the Probate Court's jurisdiction to hear  
contested hearings on such petitions. It is not the intent of  
14 this bill to remove the Probate Court's authority to accept  
15 consent to such an action. Essentially, Title 19, section 533-A  
would be repealed by this new law.