

MAINE STATE LEGISLATURE

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R. of S.

L.D. 484

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DATE: 6/6/95

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 364, L.D. 484, Bill, "An Act Concerning Grandparents' Rights of Visitation and Custody"

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Amend the amendment by striking out all of sections 1 to 4 and inserting in their place the following:

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Sec. 1. 19 MRSA §1002, sub-§1, as amended by PL 1993, c. 686, §4 and affected by §13, is further amended to read:

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1. Grandparent. "Grandparent" is the biological or adoptive parent of the child's biological or adoptive parent. "Grandparent" ~~does not include~~ includes the biological or adoptive parent of a child's biological or adoptive parent who ~~consented to adoption under section 1122 or~~ whose parental rights have been terminated pursuant to section 1114 or Title 22, chapter 1071, subchapter VI, but only until the child's adoption.

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Sec. 2. 19 MRSA §1129, sub-§5 is enacted to read:

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5. Notice to grandparents granted visitation or access.
The department shall notify the grandparents of a child when the child is placed for adoption if the department has received notice that the grandparents were granted reasonable rights of visitation or access under chapter 20 or Title 22, section 4005-B.

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Sec. 3. 22 MRSA §4005-B, sub-§1, as enacted by PL 1993, c. 697, §1, is amended to read:

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1. Definition. For the purposes of this section, "grandparent" means the biological or adoptive parent of the child's biological or adoptive parent. "Grandparent" ~~does not include~~ includes the parent of a child's parent who ~~consented to~~

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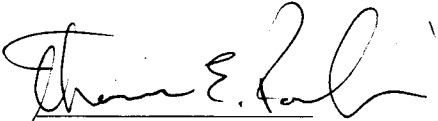
2 adoption or whose parental rights have been terminated, but only
3 until the child is placed for adoption.

4 **Sec. 4. 22 MRSA §4005-B, sub-§6** is enacted to read:

6 6. Reasonable rights of visitation or access. In any
7 proceeding in which standing and intervenor status have been
8 granted, the grandparent may request the court to grant the
9 grandparent reasonable rights of visitation or access. When a
10 child is placed in the prospective adoptive home and the
11 prospective adoptive parents have signed an adoptive placement
12 agreement, a grandparent's right to contact or have access to the
13 child that was granted pursuant to this chapter is suspended. If
14 the adoption is not final within 18 months of adoptive placement,
15 then the grandparent whose rights of contact or access were
16 suspended may resume, as a matter of right and without further
17 court order, contact with the child in accordance with the order
18 granting that contact or access, unless the court determines,
19 after a hearing, that the contact is not in the child's best
20 interest. A grandparent's rights of visitation or access
21 terminate when the adoption is finalized pursuant to Title 19,
22 section 1129. Nothing in this section prohibits prospective
23 adoptive parents from independently facilitating or permitting
24 contact between a child and a grandparent, especially when rights
25 of contact have been previously ordered by a court.'

28 **STATEMENT OF FACT**

30 This amendment replaces the committee amendment. It allows
31 a grandparent to petition for rights of visitation and access
32 even after the parents' rights have been terminated, but only
33 until the child is placed for adoption. Any rights granted under
34 the Grandparents Visitation Act or the intervenor provisions of
35 the child protection laws are suspended when the child is placed
36 for adoption. The department must give notice of the
37 finalization to grandparents who have notified the court that
38 they have rights of visitation or access. The amendment allows
39 for prospective adoptive parents to independently facilitate
40 contact between a child and a grandparent.

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43
44 SPONSORED BY: 
45 (Representative POULIN)

48 TOWN: Oakland

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