

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1367

S.P. 508

Received by the Secretary, April 14, 1995

An Act Concerning the Termination of Parental Rights.

Referred to the Committee on Judiciary and ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator PINGREE of Knox.

Cosponsored by Representative PLOWMAN of Hampden and

Senators: BENOIT of Franklin, CAREY of Kennebec, FAIRCLOTH of Penobscot,
LONGLEY of Waldo, McCORMICK of Kennebec, O'DEA of Penobscot, PENDEXTER of
Cumberland, RUHLIN of Penobscot, Representatives: CAMERON of Rumford, DEXTER of
Kingfield, DORE of Auburn, KILKELLY of Wiscasset, SIMONEAU of Thomaston.

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

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4 **Sec. 1. 22 MRSA §4002, sub-§1-A, ¶¶A and B**, as enacted by PL 1983, c. 184, §1, are amended to read:

6 A. Failure, for a period of at least ~~one-year~~ 6 months, to communicate meaningfully with the child;

8 B. Failure, for a period of at least ~~one-year~~ 6 months, to maintain regular visitation with the child;

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12 **Sec. 2. 22 MRSA §4035, sub-§4**, as enacted by PL 1991, c. 176, §2, is amended to read:

14 **4. Final protection order.** The court shall issue a final protection order within 18 months of the filing of the child protection petition unless good cause is shown why the order should not be issued within that time period.

20 Notwithstanding any other provision of this subsection, if the court makes a finding pursuant to section 4055, subsection 1-A, then the court shall issue a final protection order within 12 months of the filing of the child protection petition unless good cause is shown why the order should not be issued within that time period. Good cause does not include a scheduling problem.

26 **Sec. 3. 22 MRSA §4055, sub-§1-A, ¶¶A and B**, as enacted by PL 1985, c. 739, §16, are amended to read:

30 A. The parent has acted toward a child in a manner which that is heinous or abhorrent to society or has failed to protect a child in a manner which that is heinous or abhorrent to society, without regard to the intent of the parent; ~~or~~

36 B. The victim of any of the following crimes was a child for whom the parent was responsible or the victim was a child who was a member of a household lived in or frequented by the parent and the parent has been convicted of:

- 40 (1) Murder;
- 42 (2) Felony murder;
- 44 (3) Manslaughter;
- 46 (4) Aiding or soliciting suicide;
- 48 (5) Aggravated assault;
- 50

- 2 (6) Rape;
- 4 (7) Gross sexual misconduct;
- 6 (8) Sexual abuse of minors;
- 8 (9) Incest;
- 10 (10) Kidnapping;
- 12 (11) Promotion of prostitution; or
- 14 (12) A comparable crime in another jurisdiction;

16 **Sec. 4. 22 MRSA §4055, sub-§1-A, ¶¶C to E** are enacted to read:

18 C. The child has been placed in the legal custody or care
20 of the department, the parent has a chronic substance abuse
22 problem, and the parent's prognosis indicates that the child
24 will not be able to return to the custody of the parent
26 within a reasonable period of time, considering the child's
age and the need for a permanent home. The fact that a
parent has been unable to provide safe care of a child for a
period of 12 months due to substance abuse constitutes a
chronic substance abuse problem;

28 D. The child has been placed in the legal custody or care
30 of the department, the court has previously terminated
32 parental rights to another child who is a member of the same
34 family and the parent continues to lack the ability or
36 willingness to show the court that the parent has sought
services that would rehabilitate the parent or the parent
can not show evidence that an additional period of services
would result in reunification in a time reasonably
calculated to meet the needs of the child and the child's
need for a permanent home; or

38 E. The child has been placed in the legal custody or care
40 of the department for at least 12 months, and the parents
42 have been offered or received services to correct the
situation but have refused or have made no significant
effort to correct the situation.

44 **Sec. 5. 22 MRSA §4055, sub-§2**, as amended by PL 1983, c. 772,
46 §9, is further amended to read:

48 **2. Primary considerations.** In deciding to terminate
50 parental rights, the court shall consider the needs of the child,
including the child's age, the child's attachments to relevant
persons, periods of attachments and separation, the child's

2 ability to integrate into a substitute placement or back into his
3 the parent's home and the child's physical and emotional needs.

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STATEMENT OF FACT

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7 This bill amends the definition of abandonment of a child by
8 changing the period of time from one year to 6 months for
9 determining a parent's failure to communicate meaningfully with
10 the child and a parent's failure to maintain regular visitation
11 with the child. The bill also adds additional grounds that may
12 be considered in determining the termination of parental rights.