

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1265

H.P. 937

House of Representatives, March 11, 2003

An Act To Allow a Judge to Grant Visitation Rights to a Parent of a Child in Foster Care

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative THOMAS of Orono.

Cosponsored by Representatives: DUDLEY of Portland, DUNLAP of Old Town, FISCHER of Presque Isle, LAVERRIERE-BOUCHER of Biddeford, MARLEY of Portland, RINES of Wiscasset.

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

4 **Sec. 1. 22 MRSA §4056, sub-§§1 and 3,** as enacted by PL 1979, c. 733, §18, are amended to read:

6 **1. Parent and child divested of rights.** An Except as otherwise provided in an order issued under section 4056-A, an order terminating parental rights divests the parent and child of all legal rights, powers, privileges, immunities, duties and obligations to each other as parent and child, except the inheritance inheritance rights between the child and his the child's parent.

14 **3. Parent not entitled to participate in adoption proceedings.** -A- Except as otherwise provided in an order issued under section 4056-A, a parent whose rights have been terminated shall is not be entitled to notice of the child's adoption proceedings, nor shall--he does the parent have any right to object to the adoption or participate in the proceedings.

20 **Sec. 2. 22 MRSA §4056-A** is enacted to read:

22 **§4056-A. Visitation after termination; adoption proceedings**

24 **1. Visitation.** The court may order that a parent whose rights are terminated under this subchapter be granted visitation rights with the child if the court finds that such visitation is in the best interests of the child.

30 **2. Notice of adoption proceedings; participation.** The court may order that the parent whose rights are terminated under this subchapter be given notice and the opportunity to participate in the child's adoption proceedings if the court finds it is in the best interests of the child.

36 **SUMMARY**

38 This bill gives a court discretion to provide continuing
40 contact between a parent and child when the parent's parental
42 rights are terminated. If the court finds that visitation with
44 the parent is in the best interests of the child, the court may
46 issue an order granting such visitation. Similarly, the court
may order that the parent be given notice of adoption proceedings
and an opportunity to participate in those proceedings if notice
to the parent and the parent's participation are in the best
interests of the child.