

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 674

S.P. 210

In Senate, February 8, 2005

An Act To Remove the Jurisdiction of Probate Court in Child Protection Petitions

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRENNAN of Cumberland.
Cosponsored by Representative PELLETIER-SIMPSON of Auburn and
Senators: BARTLETT of Cumberland, BROMLEY of Cumberland, President EDMONDS of
Cumberland, MAYO of Sagadahoc, STRIMLING of Cumberland, Representatives: MARLEY
of Portland, MERRILL of Appleton, MILLS of Farmington.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36

Sec. 1. 22 MRSA §4031, sub-§1, ¶B, as amended by PL 1989, c. 270, §11, is further amended to read:

B. The ~~Probate--Court--and--the~~ Superior Court shall ~~have~~ ~~concurrent~~ has jurisdiction to act on requests for preliminary child protection orders under section 4034. As soon as the action is taken by the ~~Probate--Court--or--the~~ Superior Court, the matter shall must be transferred to the District Court.

Sec. 2. 22 MRSA §4051, as corrected by RR 1997, c. 2, §48, is amended to read:

§4051. Venue

A petition for termination of parental rights must be brought in the court that issued the final protection order. 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 18-A, article ~~IX~~, 9 only when a child protective proceeding has not been initiated.

SUMMARY

This bill amends the child welfare laws to eliminate any role of the Probate Court in child protection petitions or other proceedings. This bill clarifies that a petition for termination of parental rights may be filed in the Probate Court in conjunction with an adoption under the Maine Revised Statutes, Title 18-A, article 9 only when a child protective proceeding has not been initiated for that child.