

MAINE STATE LEGISLATURE

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No. 1048

H.P. 766

House of Representatives, March 6, 2007

An Act To Provide Greater Permanency for Children in Child Protection Proceedings

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FAIRCLOTH of Bangor.
Cosponsored by Senator COURTNEY of York and
Representatives: CONOVER of Oakland, HILL of York, TARDY of Newport.

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

2 **Sec. 1. 4 MRSA §152, sub-§13**, as enacted by PL 1999, c. 731, Pt. ZZZ, §4 and
3 affected by §42, is amended to read:

4 **13. Desertion and nonsupport.** Jurisdiction over complaints for desertion and
5 nonsupport or nonsupport of dependents in the district where either the spouse, the
6 dependent or the respondent resides; ~~and~~

7 **Sec. 2. 4 MRSA §152, sub-§14**, as enacted by PL 1999, c. 731, Pt. ZZZ, §4 and
8 affected by §42, is amended to read:

9 **14. Civil violations.** Jurisdiction over all civil violations, as provided in Title 17-A,
10 section 9, and traffic infractions; and

11 **Sec. 3. 4 MRSA §152, sub-§15** is enacted to read:

12 15. Adoption. Concurrent with the Probate Court, jurisdiction over petitions for
13 adoption when the termination of parental rights has been ordered by the District Court
14 under Title 22, chapter 1071, subchapter 6.

15 **Sec. 4. 18-A MRSA §9-103, sub-§(a)**, as enacted by PL 1995, c. 694, Pt. C, §7
16 and affected by Pt. E, §2, is amended to read:

17 (a). The Probate Court has exclusive jurisdiction over the following:

- 18 (1). ~~Petitions~~ Except as provided in subsection (c), petitions for adoption;
19 (2). Consents and reviews of withholdings of consent by persons other than a parent;
20 (3). Surrenders and releases;
21 (4). Termination of parental rights proceedings brought pursuant to section 9-204;
22 (5). Proceedings to determine the rights of putative fathers of children whose
23 adoptions or surrenders and releases are pending before the Probate Court; and
24 (6). Reviews conducted pursuant to section 9-205.

25 **Sec. 5. 18-A MRSA §9-103, sub-§(c)** is enacted to read:

26 (c). The Probate Court and the District Court have concurrent jurisdiction over
27 petitions for adoption when the termination of parental rights has been ordered by the
28 District Court under Title 22, chapter 1071, subchapter 6.

29 **Sec. 6. 22 MRSA c. 1071, sub-c. 6-A** is enacted to read:

30 **SUBCHAPTER 6-A**

1 **ADOPTION**

2 **§4060. Adoption**

3 **1. Jurisdiction.** A petition for adoption may be filed in District Court if the parental
4 rights were terminated pursuant to subchapter 6. A petition for adoption may also be
5 brought in a Probate Court as provided in Title 18-A, article 9.

6 **2. Venue.** A petition for adoption must be brought in the court that issued the order
7 terminating parental rights. The court, for the convenience of the parties or other good
8 cause, may transfer the petition to another district or division.

9 **3. Applicable law.** Title 18-A, article 9 applies to adoptions initiated under this
10 subchapter, and references to the Probate Court in Title 18-A, article 9 refer to the
11 District Court.

12 **SUMMARY**

13 This bill gives the District Court jurisdiction over adoptions that follow the
14 termination of parental rights in child protection cases. The Probate Court continues to
15 have jurisdiction over these adoptions.