

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 730

H. P. 1602

House of Representatives, February 14, 1939.

Referred to Committee on Judiciary. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Everett of Norridgewock.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Custodial Care of Children

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

P. L., 1933, c. 1, § 205, amended. Section 205 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

‘Sec. 205. Orders of court to divest parent of legal rights, but not to relieve of responsibility for support; appeal; condition of child may be investigated and decree altered; guardianship. Orders and decrees provided for in the preceding 4 sections shall have the same effect to divest the parent or parents of all legal rights in respect to said child as specified in section 38 of chapter 80, but shall not relieve the parent or parents of liability for the support of such child or from the penalties for failure to support which are provided in sections 44, 45, 46, 47 and 48 of chapter 129. Such original orders shall not extend beyond the time when the child shall reach the age of 18 years; but upon application by the department the court, for sufficient cause, may extend such orders to the time when the child shall reach the age of 21 years. The children’s institution or organization or suitable person or department to which said child is committed shall have full custody and control over said child thereafter for said time and, if no other guardian is appointed, the department shall have all the powers as to the person, property, earnings and education of every child committed to its custody, during the term of

commitment, which a guardian has as to a ward, and shall have authority to give the consent required in section 36 of chapter 80. An appeal may be taken from the order or decree of any probate or municipal court determining the custody of the child under the provisions of sections 201 to 213, inclusive, to the next term of the superior court to be holden within the county not earlier than 14 days after the date of said order or decree. The proceedings under such appeal from the probate court shall follow the form prescribed for appeal from probate courts and under such appeal from a municipal court shall follow the provisions of any special charter of the municipal court concerned, but pending action upon any such appeal the court may order the custody of the child to be retained by said suitable person, children's institution or child welfare organization or department. Upon application by the department, by a municipal board, by the parent or parents or guardian of any such child, or by the children's institution or child welfare organization or suitable person to which such child may have been committed, to the court making the commitment said court shall examine into the conditions and welfare of the said child and may at any time make such further order in relation to his care, custody, support and education as justice may demand and may discharge any child from custody or restore its custody to its parents, or either of them, if satisfied that the objects of commitment have been accomplished; **this latter provision shall not apply, however, to a child who was legally adopted subsequent to the date of commitment.'**