

§9-204. Termination of parental rights

1. Petition for termination; adoption petition brought solely by parent. A petition for termination of parental rights may be brought in the court in which a petition for adoption is properly filed as part of that petition for adoption. A petition for termination of parental rights may not be included as part of a petition for adoption brought solely by another parent of the child unless the adoption is sought to confirm the parentage status of the petitioning parent. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Title 22, chapter 1071, subchapter 6 applies. Except as otherwise provided by this section, a termination of parental rights petition is subject to the provisions of Title 22, chapter 1071, subchapter 6. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

3. Grounds for termination. The court may order termination of parental rights if:

A. The parent consents to the termination after a judge has fully explained the effects of a termination order and the consent is written and voluntarily and knowingly executed in court before a judge; or [PL 2019, c. 664, Pt. B, §1 (AMD).]

B. The court finds, based on clear and convincing evidence, that:

(1) Termination is in the best interest of the child; and

(2) Either:

(a) The parent is unwilling or unable to protect the child from jeopardy, as defined by Title 22, section 4002, subsection 6, and these circumstances are unlikely to change within a time that is reasonably calculated to meet the child's needs;

(b) The parent has been unwilling or unable to take responsibility for the child within a time that is reasonably calculated to meet the child's needs; or

(c) The parent has abandoned the child, as described in Title 22, section 4002, subsection 1-A. [PL 2019, c. 664, Pt. B, §1 (AMD).]

[PL 2019, c. 664, Pt. B, §1 (AMD).]

3-A. Required findings. The court shall make specific written findings addressing the standards in subsection 3, paragraph B and the court shall consider the following:

A. With respect to subsection 3, paragraph B, subparagraph (1), the background and qualities of a prospective adoptive parent who is not already the parent of the child; and [PL 2019, c. 664, Pt. B, §2 (NEW).]

B. With respect to subsection 3, paragraph B, subparagraph (2), the extent to which the parent who is the subject of the petition had opportunities to rehabilitate and to reunify with the child or to maintain a relationship with the child, including actions by the child's other parent to foster or to interfere with a relationship between the parent and the child or services provided by public or nonprofit entities. [PL 2019, c. 664, Pt. B, §2 (NEW).]

[PL 2019, c. 664, Pt. B, §2 (NEW).]

4. Guardian ad litem for child. The court may appoint a guardian ad litem for a child who is the subject of a petition for termination of parental rights under subsection 1. The appointment must be made as soon as possible after the petition for termination of parental rights is initiated.

A. The court shall pay reasonable costs and expenses for the guardian ad litem. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. In general, the guardian ad litem shall act in pursuit of the best interest of the child. The guardian ad litem must be given access to all reports and records relevant to the case and investigate to ascertain the facts. The investigation must include, when possible and appropriate:

- (1) Reviewing records of psychiatric, psychological or physical examinations of the child, parents or other persons having or seeking care or custody of the child;
- (2) Review of relevant school records and other pertinent materials;
- (3) Interviewing the child with or without other persons present; and
- (4) Interviews with parents, guardians, teachers and other persons who have been involved in caring for or treating the child. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

The guardian ad litem may subpoena, examine and cross-examine witnesses and shall make recommendations to the court.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. A, §105 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2019, c. 664, Pt. B, §§1, 2 (AMD).

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