

§4031. Jurisdiction; venue

1. Jurisdiction. The following provisions govern jurisdiction.

A. The District Court has jurisdiction over child protection proceedings and jurisdiction over petitions for adoption from permanency guardianship filed by the department. [PL 2011, c. 402, §3 (AMD).]

B. The Probate Court and the Superior Court have concurrent 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 must be transferred to the District Court. [PL 2011, c. 402, §3 (AMD).]

C. [PL 1989, c. 270, §12 (RP).]

D. The District Court has jurisdiction over judicial reviews transferred to the District Court pursuant to Title 18-C, section 9-205. [PL 2017, c. 402, Pt. C, §62 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

[PL 2017, c. 402, Pt. C, §62 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Venue.

A. Petitions must be brought in the district where the child legally resides or where the child is present. When a child is in voluntary placement with the department or an agency, the petition may be brought only in the district where the child legally resides. [RR 2021, c. 2, Pt. B, §188 (COR).]

B. The court, for the convenience of the parties or in the interests of justice, may transfer the petitions to another district or division. [PL 1979, c. 733, §18 (NEW).]

C. A judge from another district, division or county may hear a petition and make a preliminary or final protection order if no judge is available in the district and division in which the petition is filed. [PL 1979, c. 733, §18 (NEW).]

[RR 2021, c. 2, Pt. B, §188 (COR).]

3. Scope of authority. The court shall consider and act on child protection petitions regardless of other decrees regarding a child's care and custody. The requirements and provisions of Title 19-A, chapter 58 do not apply to child protection proceedings. If custody or parentage is an issue in another pending proceeding, the proceedings may be consolidated in the District Court with respect to the issue of custody, parentage or both. In any event, the court shall make an order on the child protection petition in accordance with this chapter. That order takes precedence over any other order regarding the child's care and custody. Nothing in this subsection may be construed to limit the authority of the District Court to determine parentage pursuant to section 4005-F during the pendency of a child protection proceeding; to consolidate a child protection proceeding with another matter; or to resolve a child protection proceeding through the entry of a parental rights and responsibilities order, guardianship order or adoption order.

[PL 2023, c. 63, §3 (AMD).]

SECTION HISTORY

PL 1979, c. 733, §18 (NEW). PL 1985, c. 547 (AMD). PL 1989, c. 270, §§11,12 (AMD). PL 1991, c. 548, §A19 (AMD). PL 1993, c. 686, §9 (AMD). PL 1993, c. 686, §13 (AFF). PL 1995, c. 694, §§D40,41 (AMD). PL 1995, c. 694, §E2 (AFF). RR 1999, c. 1, §29 (COR). PL 2011, c. 402, §3 (AMD). PL 2015, c. 296, Pt. C, §28 (AMD). PL 2015, c. 296, Pt. D, §1 (AFF). PL 2017, c. 402, Pt. C, §62 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). RR 2021, c. 2, Pt. B, §188 (COR). PL 2023, c. 63, §3 (AMD).

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