

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 157 - L.D. 222

An Act To Update the Maine Parentage Act

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

Sec. 1. 19-A MRSA §1844, sub-§1, ¶A, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

A. All signatories to an acknowledgment of paternity parentage or denial of parentage as provided in subchapter 3; and

Sec. 2. 19-A MRSA §1851, sub-§3, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

3. Acknowledgment. An effective voluntary acknowledgment of paternity parentage under subchapter 3;

Sec. 3. 19-A MRSA c. 61, sub-c. 3, headnote is amended to read:

SUBCHAPTER 3

VOLUNTARY ACKNOWLEDGMENT OF PATERNITY PARENTAGE

Sec. 4. 19-A MRSA §1861, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1861. Acknowledgment of paternity parentage

~~The woman who gives birth to a child and a man, not her spouse, claiming to be the genetic father of the child~~ following persons may sign an acknowledgment of paternity with intent parentage to establish paternity parentage of a child:

1. Woman who gave birth. A woman who gave birth to the child and who is not a gestational carrier;

2. Alleged genetic parent. A person who is the alleged genetic parent of the child and who is not a donor;

3. Presumed parent. A presumed parent of the child pursuant to subchapter 4, except that a presumed parent pursuant to section 1881, subsection 3 must meet the requirements of that subsection and may not submit an acknowledgment of parentage for at least 2 years from the time the child was born or adopted; and

4. Intended parent. An intended parent of the child pursuant to subchapter 7.

Sec. 5. 19-A MRSA §1862, as corrected by RR 2015, c. 1, §12, is amended to read:

§1862. Execution of acknowledgment of paternity parentage

1. Requirements. An acknowledgment of paternity parentage under section 1861 must:

A. Be in a record;

B. Be signed, or otherwise authenticated, under penalty of perjury by the woman giving who gave birth to the child, other than a gestational carrier, and by the ~~man~~ person seeking to establish his paternity parentage of the child;

C. State that:

(1) There is no other presumed parent of the child or, if there is another presumed parent, state that parent's full name; and

(2) There is no other acknowledged ~~father and no parent,~~ adjudicated parent ~~of the child or intended parent pursuant to subchapter 7~~ other than the woman giving who gave birth to the child;

D. State whether there has been genetic testing and, if so, that the acknowledging ~~man's~~ person's claim of paternity parentage is consistent with the results of the testing; and

~~E. State that the man signing the acknowledgment believes himself to be the biological father; and~~

F. State that the signatories understand that the acknowledgment is the equivalent of a court determination of paternity parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years.

2. Notice. ~~Before the woman giving birth or alleged father may sign an acknowledgment of paternity~~ an acknowledgment is executed under section 1861, the woman giving who gave birth and the ~~putative father~~ acknowledging parent must be given oral and written notice of the alternatives to, the legal consequences of and the rights and responsibilities that arise from signing the acknowledgment.

3. Acknowledgment voidable. An acknowledgment of paternity parentage under section 1861 is voidable if it:

A. States that another person is a presumed parent, unless a denial of parentage signed or otherwise authenticated by the presumed parent is filed with the State Registrar of Vital Statistics;

B. States that another person is an acknowledged ~~father or parent,~~ adjudicated parent or intended parent; or

C. Falsely denies the existence of a ~~presumed parent, acknowledged father or adjudicated parent~~ with rights of parentage of the child under this chapter.

~~4. Presumed parent.~~ A man who is a presumed parent under section 1881, subsection 3 may sign or otherwise authenticate an acknowledgment of paternity in accordance with the requirements of this subchapter.

Sec. 6. 19-A MRSA §1863, first ¶, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

A person presumed to be a parent under section 1881 or an alleged genetic parent may execute a denial of parentage only in the limited circumstances set forth in this section. A denial of parentage is valid only if:

Sec. 7. 19-A MRSA §1863, sub-§1, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

1. Acknowledgment. An acknowledgment of paternity parentage signed or otherwise authenticated by ~~another man~~ is filed pursuant to this subchapter;

Sec. 8. 19-A MRSA §1863, sub-§3, ¶A, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

A. Acknowledged paternity parentage, unless the previous acknowledgment has been rescinded pursuant to section 1867 or successfully challenged pursuant to section 1868; or

Sec. 9. 19-A MRSA §1864, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1864. Filing of an acknowledgment of ~~paternity and related~~ parentage or denial of parentage

1. Acknowledgment and denial. An acknowledgment of ~~paternity and related parentage and~~ denial of parentage under this subchapter must be signed after the birth of the child and filed with the State Registrar of Vital Statistics and may be contained in a single document or may be signed in counterparts ~~and may be~~ filed separately or simultaneously. If the acknowledgment and denial are both necessary, neither is valid until both are filed.

2. Effective date. Subject to subsection 1, an acknowledgment of paternity parentage or denial of parentage takes effect on the date of the birth of the child or on the filing of the document with the State Registrar of Vital Statistics, whichever occurs later.

3. Signed by minor. An acknowledgment of paternity parentage or denial of parentage signed by a minor is valid if it is otherwise in compliance with this chapter.

Sec. 10. 19-A MRSA §1865, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1865. Equivalent to adjudication

1. Acknowledgment. Except as otherwise provided in sections 1867 and 1868, a valid acknowledgment of paternity parentage under section 1861 filed with the State Registrar of Vital Statistics is equivalent to an adjudication of parentage of a child and confers upon the acknowledged ~~father~~ parent all of the rights and duties of a parent.

2. Denial. Except as otherwise provided in section 1867 and section 1868, subsection 1, a valid denial of parentage under section 1863 filed with the State Registrar of Vital

Statistics in conjunction with a valid acknowledgment of paternity parentage under section 1861 is equivalent to an adjudication of the nonparentage of the presumed parent or alleged genetic parent and discharges the presumed parent or alleged genetic parent from all rights and duties of a parent.

Sec. 11. 19-A MRS §1866, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1866. No filing fee

The State Registrar of Vital Statistics may not charge a fee for filing an acknowledgment of paternity parentage or denial of parentage ~~under section 1864~~.

Sec. 12. 19-A MRS §1867, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1867. Proceeding for rescission

A signatory may rescind an acknowledgment of paternity parentage or denial of parentage under this subchapter by commencing a court proceeding to rescind before the earlier of: subject to section 1869, subsection 4.

1. Sixty days after effective date Timing. ~~Sixty days after the effective date of the acknowledgment or denial, as provided in section 1864; and~~ The court proceeding to rescind an acknowledgment of parentage or denial of parentage must be commenced before the earlier of:

A. Sixty days after the effective date of the acknowledgment or denial, as provided in section 1864; and

B. The date of the first hearing, in a court proceeding to which the signatory is a party, to adjudicate an issue relating to the child, including a proceeding seeking child support.

~~**2. Date of first hearing.** The date of the first hearing, in a proceeding to which the signatory is a party, before a court to adjudicate an issue relating to the child, including a proceeding seeking child support.~~

3. Notice. If an acknowledgment of parentage is rescinded under this section, any associated denial of parentage becomes invalid, and the Office of Data, Research and Vital Statistics shall notify the woman who gave birth to the child and any person who signed a denial of parentage of the child that the acknowledgment of parentage has been rescinded. Failure to give notice required by this section does not affect the validity of the rescission.

Sec. 13. 19-A MRS §1868, as corrected by RR 2015, c. 1, §13, is amended to read:

§1868. Challenge to acknowledgment

1. Challenge by signatory. After the period for rescission under section 1867 has expired, a signatory of an acknowledgment of paternity parentage or denial of parentage may commence a proceeding to challenge the acknowledgment or denial only:

A. On the basis of fraud, duress, coercion, threat of harm or material mistake of fact; and

B. Within 2 years after the acknowledgment or denial is filed with the State Registrar of Vital Statistics.

2. Challenge by person not a signatory. If an acknowledgment of paternity parentage has been made in accordance with this subchapter, ~~an individual~~ a person who is neither the child nor a signatory to the acknowledgment of paternity parentage and who seeks to challenge the validity of the acknowledgment and adjudicate parentage must commence a proceeding not later than 2 years after the effective date of the acknowledgment, as provided in section 1864, unless the ~~individual~~ person did not know and could not reasonably have known of the ~~individual's person's~~ person's potential ~~genetic~~ parentage on account of material misrepresentation or concealment, in which case the proceeding must be commenced no later than 2 years after discovery.

3. Burden of proof. A party challenging an acknowledgment of paternity parentage or denial of parentage pursuant to this section has the burden of proof.

4. Consolidation. A court proceeding in which the validity of an acknowledgment of parentage is challenged may be consolidated with any other pending court actions regarding the child.

Sec. 14. 19-A MRSA §1869, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1869. Procedure for rescission or challenge

1. Every signatory party. Every signatory to an acknowledgment of paternity parentage and ~~any related~~ denial of parentage under this subchapter must be made a party to a proceeding under section 1867 or 1868 to rescind or challenge the acknowledgment or denial.

2. Submission to personal jurisdiction. For the purpose of rescission of or challenge to an acknowledgment of paternity parentage or denial of parentage, a signatory submits to personal jurisdiction of this State by signing the acknowledgment or denial, effective upon the filing of the document with the State Registrar of Vital Statistics pursuant to section 1864.

3. Suspension of legal responsibilities. Except for good cause shown, during the pendency of a proceeding under section 1867 or 1868 to rescind or challenge an acknowledgment of paternity parentage or denial of parentage, the court may not suspend the legal responsibilities of a signatory arising from the acknowledgment, including the duty to pay child support.

4. Proceeding to rescind or challenge. A proceeding under section 1867 or 1868 to rescind or challenge an acknowledgment of paternity parentage or denial of parentage must be conducted as a proceeding to adjudicate parentage under subchapter 1.

5. Amendment to birth record. At the conclusion of a proceeding under section 1867 or 1868 to rescind or challenge an acknowledgment of paternity parentage or denial of parentage, the court shall order the State Registrar of Vital Statistics to amend the birth record of the child, if appropriate.

Sec. 15. 19-A MRSA §1870, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1870. Ratification not permitted

A court or administrative agency conducting a judicial or administrative proceeding may not ratify an unchallenged acknowledgment of paternity parentage under section 1861.

Sec. 16. 19-A MRSA §1871, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1871. Forms for acknowledgment and denial of paternity parentage

To facilitate compliance with this subchapter, the State Registrar of Vital Statistics shall prescribe forms for the acknowledgment of paternity parentage and the denial of parentage. A valid acknowledgment of paternity parentage or denial of parentage is not affected by a later modification of the prescribed form.

Sec. 17. 19-A MRSA §1872, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

§1872. Release of information

The State Registrar of Vital Statistics may release information relating to an acknowledgment of paternity parentage under section 1861 as provided in Title 22, section 2706.

Sec. 18. 19-A MRSA §1924, sub-§3, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

3. Consent form. Consent under subsection 1 executed via a consent form adopted by the Office of Data, Research and Vital Statistics must be accepted and relied upon for purposes of issuing a birth record. Nothing in this subsection precludes a person from filing a voluntary acknowledgment of parentage under subchapter 3.

Sec. 19. 19-A MRSA §3016, sub-§10, as enacted by PL 2003, c. 436, §25, is amended to read:

10. Voluntary acknowledgment admissible. A voluntary acknowledgment of paternity parentage, certified as a true copy, is admissible to establish parentage of the child.

Sec. 20. Effective date. This Act takes effect October 1, 2021.