

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in §1658 by striking out all of the first indented paragraph (page 1, lines 6 to 8 in L.D.) and inserting the following:

This section applies to the termination of parental rights and responsibilities with respect to a specific child conceived as a result of an act of sexual assault by the parent of that child.’

Amend the bill in section 1 in §1658 by striking out all of subsection 3 (page 1, lines 18 to 21 in L.D.) and inserting the following:

**‘3. Termination.** Except as provided in subsection 4, if the petitioner proves the allegation in subsection 2, paragraph A by a preponderance of the evidence, the court shall terminate the parental rights and responsibilities of the parent. If the petitioner proves the allegation in subsection 2, paragraph B by clear and convincing evidence, the court may terminate the parental rights and responsibilities of the parent.’

Amend the bill in section 2 by striking out all of subsection 1-B (page 1, lines 30 to 37 in L.D.) and inserting the following:

**‘1-B. Conception by sexual assault as grounds for termination.** The court may order termination of parental rights if the court finds, based on clear and convincing evidence, that the child was conceived as a result of an act by the parent of sexual assault or a comparable crime in another jurisdiction. For purposes of this subsection, "sexual assault" has the same meaning as in Title 17-A, section 253, 254 or 556. A guilty plea or conviction for sexual assault is considered clear and convincing evidence for purposes of this subsection.’

## SUMMARY

This is the majority report of the Joint Standing Committee on Judiciary.

This amendment allows a court, instead of requires as in the bill, to terminate the parental rights of a person if the court finds by clear and convincing evidence that the child was conceived as a result of an act of sexual assault by that person. The amendment applies the same standard in the child protection laws.