

§4052. Termination petition; petitioners; time filed; contents

1. Petitioner. A termination petition may be brought by the custodial parent of the child, by the parent or guardian of another parent of the child if that parent is a minor, by a person who has filed a petition to adopt the child pursuant to Title 18-C, Article 9 or by the department. If the petitioner is a parent of the child or a parent or guardian of another parent of the child if that parent is a minor, the court shall follow the requirements of Title 19-A, section 1658. If the petitioner is also petitioning to adopt the child, the court shall follow the requirements of Title 18-C, section 9-204. [PL 2021, c. 340, §3 (AMD).]

2. Time filed.
[PL 1997, c. 715, Pt. B, §13 (RP).]

2-A. Department as petitioner or as party. The department shall file a termination petition or seek to be joined as a party to any pending petition:

A. When a child has been in foster care for 15 of the most recent 22 months. The department must file the petition before the end of the child's 15th month in foster care. In calculating when to file a termination petition:

- (1) The time the child has been in foster care begins when the child is considered to have entered foster care as specified in section 4038-B, subsection 1, paragraph B;
- (2) When a child experiences multiple exits from and entries into foster care during the 22-month period, all periods in foster care must be accumulated; and
- (3) The time in foster care does not include trial home visits or times during which the child is a runaway.

This paragraph does not apply if the department is required to undertake reunification efforts and the department has not provided to the family of the child such services as the court determines to be necessary for the safe return of the child to the child's home consistent with the time period in the case plan; [PL 2005, c. 372, §7 (AMD).]

B. Within 60 days of a court order that includes a finding of an aggravating factor and an order to cease reunification; or [PL 2003, c. 408, §7 (AMD).]

C. Within 60 days of a court finding that the child has been abandoned. [PL 2003, c. 408, §7 (NEW).]

The department is not required to file a termination petition if the department has chosen to have the child cared for by a relative or the department has documented to the court a compelling reason for determining that filing such a petition would not be in the best interests of the child. [PL 2005, c. 372, §7 (AMD).]

3. Contents of petition. A termination petition must be sworn and must include at least the following:

A. The name, date and place of birth and municipal residence, if known, of the child; [PL 1979, c. 733, §18 (NEW).]

B. The name and address of the petitioner and the nature of the petitioner's relationship to the child; [PL 2021, c. 340, §4 (AMD).]

C. The name and municipal residence, if known, of each of the child's parents; [PL 1979, c. 733, §18 (NEW).]

D. The names and address of the guardian ad litem of the child in any related child protection proceeding, parental rights and responsibilities proceeding or adoption proceeding; [PL 2021, c. 340, §4 (AMD).]

E. A summary statement of the facts that the petitioner believes constitute the basis for the request for termination; [PL 2021, c. 340, §4 (AMD).]

F. An allegation that is sufficient for termination; [PL 2021, c. 340, §4 (AMD).]

G. A statement of the effects of a termination order; and [PL 1979, c. 733, §18 (NEW).]

H. A statement that the parents are entitled to legal counsel in the termination proceedings and that, if they want an attorney and are unable to afford one, they should contact the court as soon as possible to request appointed counsel. [PL 1979, c. 733, §18 (NEW).]

[PL 2021, c. 340, §4 (AMD).]

4. Hearing date. On the filing of a petition, the court shall set a time and date for a hearing. [PL 1979, c. 733, §18 (NEW).]

SECTION HISTORY

PL 1979, c. 733, §18 (NEW). PL 1981, c. 369, §14 (AMD). PL 1983, c. 249, §1 (AMD). PL 1995, c. 694, §D47 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 475, §§7,8 (AMD). PL 1997, c. 475, §11 (AFF). PL 1997, c. 715, §§B12-14 (AMD). PL 2003, c. 408, §7 (AMD). PL 2005, c. 372, §7 (AMD). PL 2021, c. 340, §§3, 4 (AMD).

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