

§9-201. Determination of parentage

1. Affidavit of parentage. When a parent of a child wishes to consent to the adoption of the child or to execute a surrender and release for the purpose of adoption of the child and a putative parent has not consented to the adoption of the child or joined in a surrender and release for the purpose of adoption of the child or waived the right to notice, the parent must file an affidavit of parentage with the court so that the court may determine how to give notice of the proceedings to the putative parent. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Notice of intent to consent or execute surrender and release. If a court finds from the affidavit of the parent submitted pursuant to subsection 1 that the putative parent's whereabouts are known, the court shall order that notice of the parent's intent to consent to adoption or to execute a surrender and release, or the parent's actual consent or surrender and release, for the purpose of adoption of the child, be served upon the putative parent. If the court finds that the putative parent's whereabouts are unknown, the court shall order notice by publication in accordance with the applicable rules of procedure. If the parent does not know or refuses to tell the court who a putative parent is, the court may order publication in accordance with the applicable rules of procedure in a newspaper of general circulation in the area where the petition is filed, where the child was conceived or where the putative parent is most likely to be located. The notice must specify the names of the parent and the child. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

3. Waiver of notice. A putative parent may waive the right to notice under this section in a document acknowledged before a notary public or a judge. The notary public may not be an attorney who represents either the parent or any person who is likely to become the legal guardian, custodian or parent of the child.

A. The waiver of notice must indicate that the putative parent understands that the waiver of notice operates as a consent to adoption or a surrender and release for the purposes of adoption for any adoption of the child and that by signing the waiver of notice the putative parent voluntarily gives up any rights to the child. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. The waiver of notice may state that the putative parent neither admits nor denies parentage. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

4. Determination of parentage of putative parent. If, after notice, the putative parent of the child wishes to establish parentage of the child, the putative parent must, within 20 days after notice has been given or within a longer period of time as ordered by the court, petition the court to initiate proceedings to establish parentage under Title 19-A, chapter 61. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

5. Hearing date. Upon receipt of a petition under subsection 4, the court shall fix a date for a hearing to determine the putative parent's parentage of the child. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

6. Appointment of attorneys. The court shall appoint an attorney who is not the attorney for the putative parent, the parent or the potential transferee agency or a potential adoptive parent to represent the child and to protect the child's interests in the proceedings under this section. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

7. Notice of hearing. Notice of a hearing under this section must be given to a parent, a putative parent, the attorney for the child and any other parties the court determines appropriate. Notice need not be given to a putative parent who has waived the right to notice as provided in subsection 3. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

8. Studies and reports. Upon order of the court, the department or licensed child-placing agency shall furnish studies and reports relevant to the proceedings under this section.
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

9. Findings; effect of parent not waiving notice. If the putative parent is determined to be the child's parent pursuant to one or more of the means of establishing parentage under Title 19-A, chapter 61, and does not execute a waiver of notice pursuant to subsection 3, then a petitioner must bring a petition to terminate the parent's parental rights pursuant to section 9-204 if the petitioner proceeds with the adoption.
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

10. Findings; putative parent does not seek to establish or establish parentage of the child. If the putative parent does not bring a petition to establish parentage under subsection 4 or does not establish parentage of the child under Title 19-A, chapter 61, the court shall rule that the putative parent's consent or surrender and release is not needed for the adoption.
[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. B, §14 (AFF).

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