

**STATE OF MAINE**

PROBATE COURT  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Location of Court

DOCKET NO. \_\_\_\_\_

In the Matter of the Adoption Petition of:

\_\_\_\_\_  
(Name of Adoptee)

PETITION FOR TERMINATION OF  
PARENTAL RIGHTS

A petition to adopt \_\_\_\_\_ (child's name) has been filed by

\_\_\_\_\_  
(name of petitioner(s)). This Petition for Termination  
of Parental Rights is joined with and made a part of the petition for adoption.

This petition is brought in order to terminate the parental rights of \_\_\_\_\_  
\_\_\_\_\_ and \_\_\_\_\_  
(names of mother or father or both) in order that the  
adoption requested in the adoption petition of which this petition is a part and may be granted.

1. No child protection petition is pending or subject to review by the District Court.
2. Petitioner is aware that a guardian ad litem may be appointed for the child, and that the Court shall pay reasonable costs and expenses for the guardian ad litem.
3. The name, date of birth and municipal residence (legal address) of the child are as follows:
  
4. The name and address of the petitioner(s) and his/her (their) relationship to the child are as follows:
  
5. The names and municipal residences (legal address) of each of the child's parents, if known are as follows:

6. Petitioner(s) believe that the following facts constitute the basis for termination:

7. The parental rights of \_\_\_\_\_ and \_\_\_\_\_ should be terminated because such termination is in the best interest of the child and:<sup>1</sup>

a. There was a prior removal of custody and the parent(s) now consents to termination.<sup>2</sup>

OR

One or more of the following are true:<sup>3</sup>

b. The parent(s) is unable or unwilling to protect the child from jeopardy and these circumstances are unlikely to change within a time which is reasonably calculated to meet the child's needs;

c. The parent(s) has been unwilling or unable to take responsibility for the child within a time which is reasonably calculated to meet the child's needs; or

d. The child has been abandoned; or

e. The parent(s) has failed to make a good faith effort to rehabilitate and reunify with the child pursuant to 22-MRSA § 4041.

Petitioner(s) must attach an affidavit reciting facts in support of the above.

An order issued pursuant to this petition shall have the following effects:

- a. It will divest the parent(s) and child of all legal rights, powers, privileges, immunities, duties and obligations to each other as parent(s) and child, except inheritance rights between the child and his parents.
- b. If this order affects only one parent, the rights of the other parent shall not be affected.
- c. A parent whose rights have been terminated shall not be entitled to notice of adoption proceedings relating to the child, nor shall she/he have any right to object to the adoption or to participate in adoption proceedings.
- d. An order terminating parental rights shall not work to disentitle a child to benefits due him from any third party, agency, state, or the United States, including, for example, medical insurance coverage due to the child under a policy of his parent or social security benefits. An order may not affect the rights and benefits that a native American derives from his descent from a member of a federally recognized Indian tribe.<sup>4</sup>

**NOTICE TO PARENTS**

YOU ARE ENTITLED TO LEGAL COUNSEL IN THESE PROCEEDINGS. IF YOU WANT AN ATTORNEY AND ARE UNABLE TO AFFORD ONE, YOU MUST CONTACT THE COURT AS SOON AS POSSIBLE (AND IN ANY EVENT WITHIN 10 DAYS) TO REQUEST THAT THE COURT APPOINT A LAWYER FOR YOU. YOUR REQUEST SHOULD BE MADE IN PERSON AT COURT OR IN WRITING SO THAT YOU MAY PROVE YOU MADE IT. IF YOU REQUEST APPOINTMENT OF A LAWYER, NO HEARING WILL BE SCHEDULED ON THE TERMINATION OF YOUR RIGHTS UNTIL YOUR LAWYER HAS HAD AN OPPORTUNITY TO PREPARE FOR THAT HEARING. THE ADDRESS OF THE COURT WHERE YOU MUST FILE YOUR REQUEST IS

\_\_\_\_\_ COUNTY PROBATE COURT,

Date: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

STATE OF MAINE  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_, 20 \_\_\_\_\_

Then personally appeared the above-named \_\_\_\_\_, who,  
under penalty of perjury, affirmed under oath the truth of the facts in the foregoing petition.

Before me,

Print Name:

\_\_\_\_\_  
Notary Public/Attorney-at-Law/Register of Probate

\_\_\_\_\_  
For Notary Public : Date Commission Expires

Attorney for Petitioner:

\_\_\_\_\_  
(Signature of Attorney and Maine Bar Registration  
Number)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

<sup>1</sup> The grounds for termination are set out in 22 MRSA § 4055 (1). If custody has already been removed from the parent under a protective order issued by the District Court pursuant to 22 MRSA § 4035 or a divorce order or a nullity order issued by a Court of proper jurisdiction under 19 MRSA § 1114 (effective October 1, 1997, new cite 18-A MRSA § 9-204) and the Order removing custody was executed at least three months before the date of this petition, attach the order. See 22 MRSA § 4052(2).

<sup>2</sup> If a parent consents to the termination, a consent form must be executed in Court before a judge and attached to this petition. See 22 MRSA § 4055(1)(B)(1)

<sup>3</sup> See 22 MRSA § 4055 (1)(B)(2)

<sup>4</sup> See 25 USC § 1901