

Parental Rights Maine

Last Updated: April 2023

Question	Answer
Does the state allow for termination or limitation of parental rights when a child is born from rape?	Yes
Does the state require a conviction for the sexual offense to terminate or limit the rapist's parental rights?	No
May the state terminate or limit parental rights when there was a sexual assault that led to the birth of the child, but no conviction?	yes
What parental rights can be terminated or limited?	Terminated: Custody Visitation
Are there any exceptions to the termination or limitation of a rapist's parental rights?	Reinstatement of Parental Rights - A rapist may petition the court have his parental rights reinstated.
What other rights may be impacted by terminating a rapist's parental rights?	N/A
What is the procedure for termination or limitation of parental rights in these circumstances?	Victim must petition the Court where they last received an order of protection, or may file a termination petition in probate court, or District Court
What proof do you have to show to terminate or limit the rapist parent's parental rights?	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.

Are there any time limits for when a petition must be filed to terminate or limit the rapist parent's rights?	N/A
Does the law apply to both adult victims and underage victims?	Yes.
Does the law have any exceptions for married or co-habiting victims?	N/A
Can a court require the rapist parent to pay child support after parental rights have been terminated?	No.
Statutory Citations	<p>See, 22 M.R.S.A. § 4055.1-B Grounds for termination; see <i>also</i></p> <p>19-A M.R.S.A. § 1658. Termination of parental rights and responsibilities in cases involving sexual assault</p> <p>19-A M.R.S.A. § 1658.4. Exception.</p> <p>22 M.R.S.A. § 4059. Reinstatement of parental rights</p>