

2019 -- H 5136

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

Introduced By: Representatives Williams, Cassar, Vella-Wilkinson, Blazejewski, and Serpa

Date Introduced: January 17, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-7-5 of the General Laws in Chapter 15-7 entitled "Adoption of
2 Children" is hereby amended to read as follows:

3 **15-7-5. Consent required.**

4 (a) The parents of the child, or their survivor, shall, except as provided in this section,
5 consent in writing to the adoption, or the petition shall be dismissed. If neither parent is living, the
6 guardian of the person of the child, or, if there is no guardian, the next of kin, may give consent;
7 or if there is no next of kin, the court may appoint some suitable person to act in the proceedings
8 as next friend of the child, and to give or withhold the consent; provided, that if the child is of the
9 age of fourteen (14) years or over, the adoption shall not be made without the child's consent. In
10 case the child to be adopted is eighteen (18) years or older, the consent of, or notice to, the child's
11 parents or other person in the child's behalf shall not be required.

12 (b)(1) Notwithstanding the provisions of subsection (a) of this section, when the
13 petitioners are one of the natural parents of the child and his or her spouse or one of the
14 grandparents of the child and the child is residing, at the time the petition is filed, with the
15 petitioners, if the noncustodial parent refused to consent to the adoption, the court shall determine
16 whether the noncustodial parent's rights shall be terminated involuntarily. In making the
17 determination, the court shall apply the grounds for termination of parental rights set forth in §
18 15-7-7; provided, that the petitioners need not demonstrate, and the court shall not require, efforts
19 to encourage and strengthen the child's relationship with the noncustodial parent prior to

1 terminating his or her parental rights.

2 (2) Notwithstanding the provisions of subdivision (1) of this subsection, when the
3 petitioners are one of the natural parents of the child and his or her spouse or one of the
4 grandparents of the child and the child is residing, at the time the petition is filed, with the
5 petitioners, and if the noncustodial parent refuses to consent to the adoption, then the court may
6 grant the petition without a noncustodial parent's consent if the petitioners prove by clear and
7 convincing evidence any of the grounds set forth in § 15-7-7(a)(1), (2), or (4). The standard of
8 proof in these cases shall be by clear and convincing evidence and the court shall give primary
9 consideration to the physical, psychological, mental, and intellectual needs of the child insofar as
10 that consideration is not inconsistent with other provisions of this chapter.

11 (c) Notwithstanding the provisions of subsection (a) of this section, when the petitioner is
12 a grandparent with sole custody of the child, and with whom the child is residing at the time the
13 petition is filed, if the noncustodial natural parent(s) or their survivor refuses to consent to the
14 adoption, the court shall determine whether the noncustodial parent(s) or their survivor's rights
15 shall be terminated involuntarily. In making the determination, the court shall apply the grounds
16 for termination of parental rights set forth in §15-7-7; provided, that the petitioner need not
17 demonstrate, and the court shall not require, efforts to encourage and strengthen the child's
18 relationship with the noncustodial parent(s) prior to terminating their parental rights. In addition,
19 when the petitioner is a grandparent with sole custody of the child, and with whom the child is
20 residing at the time the petition is filed, if the noncustodial natural parent(s) or their survivor
21 refuse to consent to the adoption, then the court may grant the petition without the noncustodial
22 parent(s) or their survivor's consent if the petitioner proves by clear and convincing evidence any
23 of the grounds set forth in §§15-7-7(a)(1), (a)(2), or (a)(4). The standard of proof in these cases
24 shall be by clear and convincing evidence and the court shall give primary consideration to the
25 physical, psychological, mental, and intellectual needs of the child insofar as that consideration is
26 not inconsistent with other provisions of this chapter.

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

1 This act would permit a petition for adoption, and if necessary, termination of parental
2 rights, to be filed by a grandparent(s) without the noncustodial parent(s)' consent, when the child
3 is in the sole custody of the grandparent(s).

4 This act would take effect upon passage.

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