

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 980

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H. P. 760 House of Representatives, February 25, 1969  
Referred to Committee on Health and Institutional Services. Sent up for  
concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cottrell of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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AN ACT Concerning the Adoption of State Wards.

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**Emergency preamble.** Whereas, a number of children are placed into the custody of the Department of Health and Welfare each year; and

Whereas, a substantial number of applications are filed each year with the Department of Health and Welfare by persons desiring to be considered adoptive parents of children in custody of the Department of Health and Welfare; and

Whereas, the consent of the Department of Health and Welfare to adoption is necessary as a matter of law; and

Whereas, there should be a procedure for review of decisions of the Department of Health and Welfare on application to be considered as adoptive parents; and

Whereas, cases are pending in which the decision of the Department of Health and Welfare should be reviewed; and

Whereas, it is important for the welfare of the children involved that their status be determined as quickly as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 19, § 533-A, additional. Title 19 of the Revised Statutes is amended by adding a new section 533-A, to read as follows:

**§ 533-A. —child in custody of State of Maine**

Any person desiring to adopt a child within the custody of the State of Maine, Department of Health and Welfare, may make application to the Department of Health and Welfare to be considered as possible adoptive parents of a specific child in the custody of the Department of Health and Welfare. The application shall be evaluated and processed by the Department of Health and Welfare in accordance with policies of the Department of Health and Welfare for evaluating and processing any and all applications for adoption. The applicants shall be notified in writing of the decision of the Department of Health and Welfare on the application for adoption. If the applicants are aggrieved by the decision of the Department of Health and Welfare, they may petition for a review of the decision by bringing a motion for review and hearing before the judge of probate in the county in which they reside within 30 days of receipt of the decision of the Department of Health and Welfare. The judge of probate shall fix a time for hearing on said motion and shall order that notice in writing be given to the Department of Health and Welfare at least 10 days before the date set for hearing. Upon hearing, the judge of probate shall consider the merits of the application and of the decision of the Department of Health and Welfare and shall make a determination of suitability of the applicants as adoptive parents which is in the best interest of the child. The decision of the judge of probate shall be final.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.