

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 287

H. P. 242

House of Representatives, February 2, 1979

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Kany of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to Revisions of the Adoption Law.

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

Sec. 1. 19 MRSA § 532, 3rd ¶, as amended by PL 1975, c. 293, § 4, is further amended to read:

When a surrender and release has been executed and approved in accordance with section 532-A, the consent to adoption may be given by the ~~duly licensed~~ child placing agency **duly licensed in Maine** or State Department of Human Services to whom a child has been surrendered and released or to whom a surrendered and released child has been transferred.

Sec. 2. 19 MRSA § 532-A, first sentence, as amended by PL 1975, c. 293, § 4, is further amended to read:

The parents or surviving parent of a child, or, if the child is illegitimate, the mother or the mother and putative father if the judge so requires under section 532-C, with the approval of the judge of probate of any county within the State and after a determination by such judge of probate that a surrender and release is for the best interest of all parties, may surrender and release all parental rights or interests in and to such child and the custody and control thereof to a ~~duly licensed~~ child placing agency **duly licensed in Maine** or to the State Department of Human Services for the purpose of enabling such ~~duly licensed~~ child placing agency or

State Department of Human Services to have such child adopted by some suitable person, and its name changed when a change is desirable, and the child made an heir at law under this chapter.

Sec. 3. 19 MRSA § 532-B, first sentence, as amended by PL 1975, c. 293, § 4, is further amended to read:

The surrender and release authorized under section 532-A may, without notice to the parent or parents, be transferred, together with all rights thereunder, from the transferee agency to the Department of Human Services, or from the Department of ~~Health and Welfare~~ Human Services as original transferee to any ~~duly licensed~~ child placing agency **duly licensed in Maine**.

STATEMENT OF FACT

At the beginning of this year, the surrender of a Maine child was approved by a Maine court to a child placing agency which has been licensed in the State of Washington. This created several problems related to the enforcement of the Interstate Compact on the Placement of Children, Title 22, sections 4191 to 4200. None of the parties attempted to comply with the compact. However, the Washington Compact administrator attempted to impose liability on the State of Maine as "sending agency." This revision would eliminate future difficulties in this area by requiring that agencies accepting surrenders of children for adoption be licensed in Maine and would assure that proper arrangements are made for the adoption of children.