

MAINE STATE LEGISLATURE

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February 24, 1960

Honorable Francis H. Walter, Chairman
Committee on Judiciary
House of Representatives
Washington, D. C.

Re: Adoption - Alien Children

Dear Sir:

In answer to your inquiry relative to adoption requirements of the State of Maine:

1. Persons who may adopt.

- (a) No requirements or limitations as to age of adopting parents.
- (b) I believe our law would be interpreted as requiring adopting parents to be citizens of the United States.
- (c) Yes.

2. Persons who may be adopted.

- (a) None.
- (b) Depends on age of child. (See pamphlet Ch. 150, § 37)
- (c) Yes.
- (d) Yes, if court has proper jurisdiction.

3. Investigation.

(a) See pamphlet Ch. 158, § 38.

(b) Our law does not anticipate the adoption of a child not residing in this State or one over whom the Court has no jurisdiction. Once the Court obtains jurisdiction, pre-adoption requirements would be the same as with reference to a citizen of Maine.

4. Legal effect of adoption.

(a) Ch. 158, § 40 (pamphlet)

" . . . and the adoption of a child made in any other state, according to the laws of that state, shall have the same force and effect in this state, as to inheritance and all other rights and duties as if said adoption had been made in this state according to the laws of this state."

Our definition of "state" includes U. S. territories and the District of Columbia.

I cannot anticipate how our law court would decide relative to a foreign adoption, however, I would advise anyone to proceed with adoption in the state since we must follow the statute strictly. Adoption is purely statutory being unknown to the common law.

(b) Yes. See pamphlet Ch. 158, § 40.

I have enclosed a "Compilation of the Welfare Laws and Related Activities" and refer you to Pages 105 - 108 of Chapter 158, § 36 - 43, which contain our adoption law.

Honorable Francis H. Walter

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February 24, 1960

As I have stated, this legislation does not anticipate the adoption of alien children or adoption by alien parents. I trust this letter and pamphlet will be of some use to your committee.

Yours very truly,

Frank E. Hancock
Attorney General

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