

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1605

H. P. 1156

House of Representatives, March 17, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lucas of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Concerning the Adoption of State Wards.**

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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.

## STATEMENT OF FACT

A number of children are placed into the custody of the Department of Health and Welfare each year and a substantial number of applications are filed each year with the department by persons desiring to be considered adoptive parents of such children. The consent of the department to the adoption is necessary and there should be a procedure for review of decisions of the department. The purpose of this bill is to offer aggrieved would-be adopting parents a procedure for such review and to determine the status of the children involved as quickly as possible.