

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 141

H. P. 107

House of Representatives, January 7, 1981

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Speaker laid before the House and referred to the Committee on Judiciary.

Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Kelleher of Bangor.

Cosponsor: Mr. Tarbell of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Amend the Subsidized Adoption Law.

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

Sec. 1. 19 MRSA § 541, as last amended by PL 1979, c. 507, § 1, is further amended to read:

§ 541. Authorization

The Department of Human Services is authorized to ~~subsidize the provide~~ adoption ~~of assistance~~ for children in its care or custody who are legally eligible for adoption and who are physically ~~or~~, mentally ~~handicapped~~ or emotionally ~~disturbed~~ ~~handicapped~~ or who by virtue of age ~~or~~, sibling relationship, race or the presence of medical condition otherwise may not be adopted. The Department of Human Services is authorized to use funds for this purpose which are appropriated for child welfare services and funds under Title IV-E and Title IV-B of the United States Social Security Act.

The amount of ~~the subsidy~~ adoption assistance may vary depending upon the resources of the adoptive parents, the special needs of the child, as well as the availability of other resources, but may not exceed the total cost of caring for the child if the child were to remain in the care or custody of the Department of Human Services without regard to the source of the funds which would have been

used to care for the child. ~~The duration of the subsidy may continue until the cessation of legal parental responsibility~~

The duration of the adoption assistance may continue until the cessation of legal parental responsibility, or until the parents are no longer supporting the child, at which time the adoption assistance shall cease, except that if the child has need of educational benefits or has a physical or mental handicap, adoption assistance is authorized to continue until the child has reached age 21 if the child, the parent and the department agree that the need for care and support exists.

Sec. 2. 19 MRSA § 543, as amended by PL 1975, c. 293, § 4, is further amended to read:

A written agreement between the family ~~entering into subsidized adoption~~ receiving adoption assistance and the Department of Human Services must precede the final decree of adoption. In case of ~~subsidies~~ assistance that continues for more than one year, there shall be an annual redetermination of the need for ~~subsidy~~ assistance. If the adopting family moves from the original jurisdiction to another state, the family, if otherwise eligible, shall continue to receive the ~~subsidy~~ adoption assistance.

STATEMENT OF FACT

The changes will assure access to Title IV-E and IV-B funds from the Adoption Assistance and Child Welfare Act which will enable the department to place more special needs children in adoptive homes. Changes will also enable the department to pay educational benefits for 18 to 21 year old adoptees which would otherwise be available only if the child stayed in state custody.