

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 732

H.P. 545 House of Representatives, March 12, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Brunswick.

Cosponsored by Representatives POULIOT of Lewiston,
TAYLOR of Camden and Senator BRANNIGAN of Cumberland.

STATE OF MAINE

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

AN ACT to Provide for Payment of Fees for
Independent Adoption Studies.

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2
3

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

6 19 MRSA §533, as amended by PL 1981, c. 390, §§1
7 and 2, is further amended by adding after the first
8 paragraph a new paragraph to read:

9 When the court refers a petition to adopt a child
10 unrelated to one of the petitioners to the department
11 for investigation, the court shall order the peti-
12 tioners to pay to the department the cost of conduct-
13 ing the investigation. Revenue from the investiga-
14 tions shall be dedicated to the department to defray
15 the cost of these services. Whoever participates in
16 making a report under this section or participates in

1 a judicial proceeding resulting from the report shall
2 be immune from civil or criminal liability, unless
3 the person acted in bad faith or with malicious pur-
4 pose. If the family claims inability to pay based on
5 indigence, the court shall make a determination
6 whether part or all of the cost of the adoption study
7 service will be waived based on full financial dis-
8 closure to the court, including all expenses and fees
9 paid in relation to the adoption.

10

STATEMENT OF FACT

11 The Department of Human Services is required by
12 law in the Maine Revised Statutes, Title 19, chapter
13 9, section 533, to conduct an investigation of the
14 child, his antecedents and adoptive parents, when the
15 request is made by the Probate Court with reference
16 to an adoption petition filed by a nonrelative of the
17 child. The law also requires that the report be
18 filed in the court within 45 days of the request un-
19 less an extension is granted. The numbers of these
20 requests are increasing steadily and take caseworker
21 time away from serving the children already in the
22 department's custody. Caseworkers, who already have
23 large caseloads, frequently cannot conduct the inves-
24 tigation and submit the report within the required 45
25 days. If the adoptive parents paid for these ser-
26 vices rendered by the department, this dedicated rev-
27 enue would help defray the costs of these services,
28 perhaps permitting the department to hire additional
29 caseworkers to provide this specific service.

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