

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 942

S.P. 309

In Senate, March 18, 1993

An Act to Amend the Adoption Laws.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAHILL of Sagadahoc.

Cosponsored by Senators: BRANNIGAN of Cumberland, HANLEY of Oxford, Representatives: JOHNSON of South Portland, PINEAU of Jay, PLOWMAN of Hampden.

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

2 **Sec. 1. 17-A MRSA §558** is enacted to read:

4 **§558. Improper compensation for adoption**

6 **1. A person is guilty of improper compensation for adoption**
8 **if that person knowingly pays or offers to pay, accepts or offers**
10 **to accept or arranges for the payment of money or anything of**
12 **value for the placement of a child for adoption, for the consent**
14 **of an adoption or for cooperation in the completion of an**
16 **adoption.**

18 **2. This section does not apply to the payment of expenses**
20 **authorized by Title 19, section 1127 if the payment is not**
22 **contingent upon placement of a child for adoption, consent to**
24 **adoption or cooperation in the completion of an adoption.**

26 **3. Improper compensation for adoption is a Class C crime.**

28 **Sec. 2. 18-A MRSA §2-109, sub-§(1)**, as enacted by PL 1979, c.
30 540, §1, is amended to read:

32 (1) An adopted person is the child of an adopting parent
34 and not of the natural parents except that an adopted child ~~will~~
36 ~~also--inherit~~ inherits from the natural parents and their
38 ~~respective kin if the adoption decree so provides, and except~~
40 ~~that adoption of a child by the spouse of a natural parent has no~~
42 ~~effect on the relationship between the child and either natural~~
44 ~~parent;~~

46 **Sec. 3. 18-A MRSA §5-206**, as enacted by PL 1979, c. 540, §1,
48 is amended to read:

50 **§5-206. Court appointment of guardian of minor; qualifications;**
 priority of minor's nominee

 The court may appoint as guardian any a person whose
appointment ~~would be~~ is in the best interests of the minor. The
court shall appoint a person nominated by the minor, if the minor
is 14 years of age or older, unless the court finds the
appointment contrary to the best interests of the minor. The
court may not appoint a guardian for a minor child who will be
removed from this State for the purpose of adoption.

Sec. 4. 19 MRSA cc. 9 and 10, as amended, are repealed.

Sec. 5. 19 MRSA §1002, sub-§1, as enacted by PL 1991, c. 414,
is amended to read:

- 2 B. "Birth mother" means the female birth parent of a
3 child.
- 4 6. Child. "Child" means a person who is under 18 years of
5 age.
- 6 7. Consent. "Consent" means a voluntary agreement to an
7 adoption by a specific petitioner, executed by a parent or
8 custodian of the adoptee.
- 9 8. Department. "Department" means the Department of Human
10 Services.
- 11 9. Independent adoption. "Independent adoption" means a
12 legal adoption planned and implemented without the involvement of
13 a licensed child placing agency or the department.
- 14 10. Licensed child placing agency. "Licensed child placing
15 agency" means an agency, person, group of persons, organization,
16 association or society licensed to operate in this State pursuant
17 to Title 22, chapter 1671.
- 18 11. Petitioner. "Petitioner" includes both petitioners
19 under a joint petition.
- 20 12. Putative father. "Putative father" means a man who is
21 the alleged biological father of a child but whose paternity has
22 not been legally established.
- 23 13. Surrender and release. "Surrender and release" means a
24 voluntary relinquishment of all parental rights to a child to the
25 department or a child placing agency for the purpose of placement
26 for adoption.
- 27 14. Triad member. "Triad member" means an adoptee, a birth
28 parent or an adoptive parent.

29 **§1103. Jurisdiction**

- 30 1. Probate Court. The Probate Court has exclusive
31 jurisdiction over the following:
- 32 A. Petitions for adoption;
- 33 B. Consents and reviews of withholdings of consent by
34 persons other than a parent;
- 35 C. Surrenders and releases;

2 D. Termination of parental rights proceedings brought
pursuant to section 1114;

4 E. Proceedings to determine the rights of putative fathers
of children whose adoptions or surrenders and releases are
6 pending before the Probate Court; and

8 F. Reviews conducted pursuant to section 1115.

10 2. District Court. The District Court has jurisdiction to
conduct hearings pursuant to section 1104, subsection 4.

12 §1104. Venue; transfer

14 1. Agency or department. If the adoptee is placed by a
16 licensed child placing agency or the department, the petition for
adoption must be filed in the court in the county where:

18 A. The petitioner resides;

20 B. The adoptee resides or was born; or

22 C. An office of the agency that placed the adoptee for
24 adoption is located.

26 2. Independent adoption. If the adoptee is not placed by a
28 licensed child placing agency or the department, the petition for
adoption must be filed in the county where the adoptee resides or
30 where the consent has been filed.

32 3. Authority to transfer, stay or dismiss. If, in the
interests of justice or for the convenience of the parties, the
34 court finds that the matter should be heard in another probate
court, the court may transfer, stay or dismiss the proceeding,
36 subject to any further conditions imposed by the court.

38 4. Mandatory transfer. A probate court with venue pursuant
to this section shall transfer the case to the District Court for
40 a hearing pursuant to Title 22, section 4038-A if:

42 A. The child was the subject of a surrender and release and
adoption did not take place within 18 months; or

44 B. The court has conducted a review pursuant to section
46 1115 and determined that the child is unadoptable and
neither parent is willing or able to resume responsibility
48 for the child or the child would be in jeopardy as defined
by Title 22, section 4002 if custody were restored to either
50 parent.

§1105. Rights of adopted persons

2 Except as otherwise provided by law, an adopted person has
4 all the same rights, including inheritance rights, as a child
born to the adoptive parents. An adoptee also retains the right
6 to inherit from the adoptee's birth parents.

8 **§1106. Legal representation**

10 1. Birth parents generally. The birth parents are entitled
12 to an attorney for any hearing held pursuant to this Act. If the
14 birth mother, the birth father or the putative father wants an
16 attorney, but is unable to afford one, the birth mother, the
18 birth father or the putative father may request the court to
appoint an attorney. If the court finds either or both of them
indigent, the court shall appoint and pay the reasonable costs
and expenses of the attorney of the indigent party. The attorney
may not be the attorney for the adoptive parents.

20 2. Minor birth parent. When the adoptee is unrelated to
22 the petitioner, the court shall appoint an attorney who is not
24 the attorney for the adoptive parents to represent a minor
indigent birth parent at every stage of the proceedings unless
the minor birth parent refuses representation or unless the court
determines that representation is unnecessary.

26 **SUBCHAPTER II**

28 **ESTABLISHMENT OF PATERNAL RIGHTS AND TERMINATION**
30 **OF PARENTAL RIGHTS**

32 **§1111. Establishment of paternity**

34 1. Affidavit required. When the birth mother of a child
36 born out of wedlock wishes to consent to the adoption of the
38 child or to execute a surrender and release for the purpose of
40 adoption of the child and the putative father has not consented
42 to the adoption of the child or joined in a surrender and release
for the purpose of adoption of the child, the birth mother must
file an affidavit of paternity with the judge of probate so that
the judge may determine how to give notice of the proceedings to
the putative father of the child.

44 2. Notification. If the judge finds from the affidavit of
46 the birth mother that the putative father's whereabouts are
48 known, the judge shall order that notice of the mother's intent
50 to consent to adoption or to execute a surrender and release for
the purpose of adoption of the child be served upon the putative
father of the child. If the judge finds that the putative
father's whereabouts are unknown, then the court shall order

2 notice by publication. If the birth mother does not know or
4 refuses to tell the court who the birth father is, the court
6 shall order publication in a newspaper of general circulation in
8 the area where the petition is filed, where the birth mother
10 became pregnant or where the putative father is most likely to be
12 located. The notice must specify the names of the birth mother
14 and the child.

16 3. Request for hearing. If, after notice, the putative
18 father of the child wishes to establish parental rights to the
20 child, the putative father must, within 20 days after notice has
22 been given or within a longer period of time as ordered by the
24 judge, petition the judge of probate to grant to the putative
26 father the exclusive care and custody of the child. The petition
28 must include an allegation that the putative father is in fact
30 the birth father of the child.

32 4. Hearing. Upon receipt of the petition, the judge shall
34 fix a date for a hearing for the purpose of determining the
36 putative father's parental rights to the child.

38 5. Legal representative. The court shall appoint an
40 attorney who is not the attorney for the putative father, the
42 birth mother or the potential transferee to represent the child
44 and to protect the child's interests.

46 6. Notice. Notice of the hearing must be given to the
48 putative father, the birth mother, the attorney for the child and
50 any other parties the judge determines appropriate.

7. Adoptive study. Upon order of the court, either through
its own caseworkers or through a licensed child placing agency or
an adoption professional, the department shall furnish studies
and reports relevant to the proceedings.

8. Consequences. If, after a hearing, the judge finds that
the putative father is the birth father, then the putative father
is deemed the child's parent with all the attendant rights and
responsibilities.

9. Failure to appear after notice. If the judge of probate
finds that the putative father of the child has not petitioned or
appeared within the required period as set out in this section,
the judge shall rule that the putative father has no parental
rights and that only the birth mother of the child need consent
to adoption or a surrender and release.

48 **§1112. Surrender and release; consent**

50 1. Surrender and release or consent to adopt. With the
approval of the judge of probate of any county within the State

2 and after a determination by the judge that a surrender and
3 release or a consent is in the best interests of all parties, the
4 parents or surviving parent of a child may:

5 A. Surrender and release all parental rights to the child
6 and the custody and control of the child to a licensed child
7 placing agency or the department to enable the licensed
8 child placing agency or the department to have the child
9 adopted by some suitable person; or

10 B. Consent to have the child adopted by a specified
11 petitioner.

12 2. Conditions. The court may approve a consent or a
13 surrender and release only if the following conditions are met:

14 A. The child who is the subject of the consent or the
15 surrender and release is 6 weeks of age or older;

16 B. A licensed child placing agency or the department
17 certifies to the court that counseling was provided or was
18 offered and refused;

19 C. The court has, at least 3 days prior to receiving the
20 parent's signature, explained the individual's parental
21 rights and responsibilities and the effects of the consent
22 or the surrender and release; and

23 D. The court determines that the consent or the surrender
24 and release has been duly executed and was given freely
25 after the parent was informed of the parent's rights.

26 3. Records. The original consent or surrender and release
27 must be filed with the petition for adoption of the child in
28 Probate Court. The consent or the surrender and release must be
29 executed in quadruplicate, one copy to the court, one copy to the
30 surrendering party, and the original and one copy to the
31 transferee agency. The copy given to the consenting or
32 surrendering party must contain a statement explaining the
33 importance of keeping the court informed of a current name and
34 address.

35 4. Reciprocity. The court may accept a consent or a
36 surrender and release executed in another state if the procedures
37 in this section have been followed by a court of comparable
38 jurisdiction.

39 5. Validity. To be valid, a consent or a surrender and
40 release executed in this State must be in accordance with this
41 Act.

2 **6. Acknowledgement.** Consent may be acknowledged before a
4 notary public who is not an attorney or a partner, associate or
6 employee of an attorney for the adopting parents if consent is
8 given by:

10 A. The department or a licensed child placing agency;

12 B. A public agency or duly licensed private agency to whom
14 parental rights have been transferred under the law of
16 another state or country; or

18 C. The parents, guardian or legal custodian when one of the
20 petitioners is a blood relative of the child.

22 **7. Irrevocability.** Except as provided in subsections 8 and
24 9, a consent or a surrender and release is final and irrevocable
26 when duly executed.

28 **8. Finality.** A consent is final only for the adoption
30 consented to and, if that adoption petition is withdrawn or
32 dismissed or if the adoption is not finalized within 18 months of
34 the execution of the consent, a review must be held pursuant to
36 section 1115.

38 **9. Rights of birth father.** If, at the time of the
40 execution of the birth mother's consent or surrender and release,
42 the birth father's parental rights have not been determined, then
44 the birth mother's consent or surrender and release is not final
46 until the birth father's rights are determined pursuant to
48 section 1111 and the birth mother receives notice of all
50 proceedings pertaining to the child.

**§1113. Duties and responsibilities subsequent to surrender and
release**

The surrender and release authorized pursuant to section
1112, without notice to the parent or parents, may be transferred
together with all rights under section 1112 from the transferee
agency to the department or from the department as original
transferee to any licensed child placing agency. If the licensed
child placing agency or the department is unable to find a
suitable adoptive home for any child surrendered and released by
a parent or parents, then the licensed child placing agency or
the department to whom custody and control of that child have
been surrendered and released or transferred shall request a
review pursuant to section 1115.

§1114. Termination of parental rights

1 1. Petition. A petition for termination of parental rights
2 may be brought in Probate Court as part of an adoption petition,
3 except when a child protection proceeding is pending or subject
4 to review by the District Court.

6 2. Applicability of other laws. Except as otherwise
7 provided by this section, a termination of parental rights
8 petition is subject to the provisions of Title 22, chapter 1071,
9 subchapter VI.

10 3. Guardian ad litem. The following provisions govern a
11 guardian ad litem.

14 A. The court shall appoint a guardian ad litem for the
15 child. The court shall pay reasonable costs and expenses
16 for the guardian ad litem. The appointment must be made as
17 soon as possible after the petition for termination of
18 parental rights is initiated.

20 B. The guardian ad litem must be given access to all
21 reports and records relevant to the case. In general, the
22 guardian ad litem shall represent the child. The guardian
23 ad litem may conduct an investigation to ascertain the facts
24 that includes:

26 (1) Reviewing records of psychiatric, psychological or
27 physical examinations of the child, parents or other
28 persons having or seeking care or custody of the child;

30 (2) Interviewing the child with or without other
31 persons present;

32 (3) Interviewing, subpoenaing, examining and
33 cross-examining witnesses; and

34 (4) Making recommendations to the court.

36
38 §1115. Review

40 1. Mandatory review. The court shall conduct a judicial
41 review if:

42 A. A child is not adopted within 18 months of execution of
43 a surrender and release;

44 B. The adoption is not finalized within 18 months of the
45 consent to an adoption by a parent or parents; or

46 C. An adoption petition is not finalized within 18 months.
47
48
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2 has important facts necessary to the petitioner in
3 presenting the petitioner's case. The judge shall consider
4 the following:

5 (1) Whether the custodian determined the needs and
6 interests of the child;

7 (2) Whether the custodian determined the ability of
8 the petitioner and other prospective families to meet
9 the child's needs;

10 (3) Whether the custodian made its decision consistent
11 with the facts;

12 (4) Whether the harm of removing the child from the
13 child's current placement outweighs any inadequacies of
14 that placement; and

15 (5) All other factors that have a bearing on a
16 determination of the reasonableness of the agency's
17 decision in withholding its consent; and

18 D. A guardian appointed by the court, if the adoptee is a
19 child, when the child has no living parent, guardian or
20 legal custodian who may consent.

21 2. Consent not required. Consent to adoption is not
22 required of the following:

23 A. A putative father who received notice and who failed to
24 respond to the notice within the prescribed time period;

25 B. A parent whose parental rights have been terminated
26 under Title 22, chapter 1071, subchapter VI;

27 C. The parents who have executed a surrender and release
28 pursuant to section 1112;

29 D. A parent whose parental rights have been voluntarily or
30 judicially terminated and transferred to a public agency or
31 a duly licensed private agency pursuant to the laws of
32 another state or country; and

33 E. The parents of an adoptee who is 18 years of age or
34 older.

35 **§1123. Petition**

36 1. Requirements. A petition for adoption must be sworn by
37 the petitioner and include the following:

- 2 A. The full name, age and place of residence of the
4 petitioner and, if married, the place and date of marriage;
- 6 B. The date and place of birth of the adoptee, if known;
- 8 C. The birth name of the adoptee, any other names by which
10 the adoptee has been known and the adoptee's proposed new
12 name, if any;
- 14 D. The residence of the adoptee at the time of the filing
16 of the petition;
- 18 E. When the petitioner intends to acquire custody if the
20 adoptee is a child and is not in the custody of a petitioner;
- 22 F. The petitioner's intention to establish a parent and
24 child relationship between the petitioner and the adoptee
26 and a statement that the petitioner is a fit and proper
28 person able to care and provide for the adoptee's welfare;
- 30 G. The names and addresses of all persons known to the
32 petitioner that affect the custody, visitation or access to
34 the adoptee;
- 36 H. The relationship, if any, of the petitioner to the
38 adoptee;
- 40 I. The name and address of the licensed child placing
42 agency, if any; and
- 44 J. The names and addresses of all persons known to the
46 petitioner at the time of filing from whom consent to the
48 adoption is required.

36 **2. Information to birth parents.** A petitioner shall
38 indicate to the court what information the petitioner is willing
40 to share with the birth parents and under what circumstances and
42 provide a mechanism for updating that information.

44 **3. Caption.** The caption of a petition for adoption must be
46 styled "In the Matter of the Adoption Petition of (name of
48 adoptee) ." The petitioner must also be designated in the
caption.

46 **§1124. Notice of petition; service**

48 **1. Persons.** The petitioner shall serve notice of a
petition to adopt on any person, agency or institution whose

2 consent is required by section 1122 and any other person
3 designated by the court.

4 2. Service. Service must be made in accordance with the
5 Maine Rules of Civil Procedure.

6 **§1125. Adoption; home study; investigation**

8
9
10 1. Home study; nonrelative placement. Prior to an adoptive
11 placement of a child when the petitioner is unrelated to the
12 adoptee, the department, a licensed child placing agency or an
13 adoption professional shall conduct an adoptive home study. This
14 home study must include a determination as to whether the
15 adoptive family meets the standards of approval for an agency
16 adoption and a recommendation regarding approval of the proposed
17 family to receive an adoptive placement. Once a home study has
18 been completed and approved, the individual or family is eligible
19 to receive placement of a child for the purpose of adoption.

20 2. Home study; relative adoption. The court shall request
21 a home study prior to finalization in a relative adoption when
22 the birth parents' parental rights have been terminated. In
23 stepparent and relative adoptions, except when the birth parents'
24 parental rights have been terminated, the court may request a
25 home study prior to finalization. Prior to determining whether
26 to request a study, the court shall request that the department
27 provide a criminal record report and a report of any referral for
28 child protection the department has received. Documentation that
29 prenatal and postnatal counseling were offered or provided must
30 be given to the court.

31 3. Records. A copy of the completed home study for an
32 independent adoption must be sent to the department to ensure
33 continued compliance with licensing standards.

34
35 4. Denial; petition for review. If an individual or a
36 couple is denied approval for placement of an adoptee following
37 an adoptive home study, the individual or the couple may petition
38 the Probate Court for a review of eligibility to adopt. If the
39 court approves the individual or the couple for adoption, the
40 individual or the couple may receive an adoptive placement.

41
42 5. Adoption investigation requirements. Except as provided
43 in subsection 2, a decree of adoption may not be issued without
44 an adoption investigation conducted by the department, a licensed
45 child placing agency or an adoption professional that includes:

46
47 A. If the adoptee is a child, the child's background and a
48 determination of whether adoption is appropriate for the
49 child;
50

2 B. The suitability of the petitioner and the petitioner's
3 home for the adoptee;

4
5 C. The medical histories of the adoptee and the biological
6 parents. The histories must be provided to the petitioner
7 in writing before the decree is entered;

8
9 D. The costs, expenses and professional fees connected with
10 the adoption; and

11 E. Any other circumstances that are relevant to the
12 placement of the adoptee with, and adoption by, the
13 petitioner.

14
15 6. Responsibility for investigation. The investigation
16 must be made by the agency where the adoptee has been placed. If
17 an adoptee has not been placed, the court having jurisdiction
18 over the adoption shall request the department to conduct an
19 investigation either through the department's caseworkers or
20 through a licensed child placing agency or an adoption
21 professional. The department may charge a reasonable fee for
22 adoption investigation services.

23
24 7. Postplacement visit. An adoption investigation must
25 include at least one postplacement home visit with the entire
26 family.

27
28 8. Investigator's report. The investigator shall complete
29 and file a written report with the court within 90 days of the
30 request. The report must include the investigator's
31 recommendation and the reason for that recommendation.

32
33 9. Extensions. Upon a showing of good cause and after
34 notice to the petitioner, the court may grant an extension of
35 time for filing a report to the investigating agency.

36
37 §1126. Evidence; procedure

38
39 1. Interview adoptee. The judge may interview any adoptee,
40 and shall interview an adoptee who is 12 years of age or older,
41 outside the presence of the prospective adoptive parents to
42 determine the adoptee's attitudes and desires about the adoption
43 and other relevant issues.

44
45 2. In camera inspection. The judge may conduct an in
46 camera inspection of records of relevant child protective
47 proceedings and may disclose only that information necessary for
48 the determination of any issue before the court. Any disclosure

2 of information must be done pursuant to Title 22, section 4008,
3 subsection 3.

4 3. Recording. The parties may request a recording of the
5 proceedings. The requesting party shall pay the expense of the
6 recording.

8 §1127. Allowable payments; expenses

10 1. Allowable payments. Only the following expenses may be
11 paid by or on behalf of a petitioner in any proceeding under this
12 Act:

14 A. The actual cost of legal services related to the
15 consent or the surrender and release and to the adoption
16 process;

18 B. Prenatal and postnatal counseling expenses for the birth
19 mother;

20 C. Prenatal, birthing and other related medical expenses
21 for the birth mother;

24 D. Necessary transportation expenses to obtain the services
25 listed in paragraphs A, B and C;

26 E. Foster care expenses for the child;

28 F. Necessary living expenses for the birth mother and the
29 child; and

32 G. For the birth father, legal and counseling expenses
33 related to the consent, the surrender and release and the
34 adoption process.

36 2. Accounting. Prior to the dispositional hearing pursuant
37 to section 1129, the petitioner shall file a full accounting of
38 all disbursements of anything of value made or agreed to be made
39 by or on behalf of the petitioner in connection with the
40 adoption. The accounting report must be signed under penalty of
41 perjury and must be submitted to the court on or before the final
42 decree is granted. The accounting report must be itemized and
43 show the services related to the adoption or to the placement of
44 the adoptee for adoption that were received by the adoptee's
45 parents, by the adoptee, or on behalf of the petitioner. The
46 accounting must include the dates of each payment and the names
47 and addresses of each attorney, physician, hospital, licensed
48 adoption agency or other person or organization who received any
49 funds or anything of value from the petitioner in connection with
50 the adoption or the placement of the adoptee with the petitioner.

2 or participated in any way in the handling of the funds, either
3 directly or indirectly.

4 3. Payments disallowed. Payment of interstate
5 transportation costs of the birth mother for the purposes of
6 adoption is not allowable.

7 4. Payments not contingent. Payment for expenses allowable
8 under subsection 1, if provided, may not be contingent upon any
9 future decision a birth parent may make pertaining to the child.
10 Other expenses or payments to birth parents are not authorized.

11 **§1128. Adoption not granted**

12
13 If the court determines that it is unable to finalize an
14 adoption to which birth parents have consented, the court shall
15 notify the birth parents that the court has not granted the
16 adoption and shall conduct a review pursuant to section 1115.

17 **§1129. Final decree; dispositional hearing**

18
19 1. Findings. The court shall grant a final decree of
20 adoption if:

21
22 A. All necessary consents, relinquishments or terminations
23 of parental rights have been duly executed and filed with
24 the court;

25
26 B. Certification has been filed with the court that
27 prenatal and postnatal counseling were offered or provided
28 to the birth mother;

29
30 C. A report, when required by section 1125, has been filed
31 with the court;

32
33 D. Service of the notice of pendency of the adoption
34 proceeding has been made to all persons entitled to receive
35 notice pursuant to section 1124;

36
37 E. A list of all disbursements as required by section 1127
38 has been filed with the court;

39
40 F. The petitioner is a suitable adopting parent and desires
41 to establish a parent and child relationship between the
42 petitioner and the adoptee;

43
44 G. The best interests of the adoptee are served by the
45 adoption; and

46
47 H. All other requirements of this Act have been met.
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49
50

2 2. Best interests of adoptee. In determining the best
interests of the adoptee, the court shall consider and evaluate
4 the following factors to give the adoptee a permanent home at the
earliest possible date:

6 A. The love, affection and other emotional ties existing
8 between the adoptee and the adopting person or persons, the
birth parent or birth parents or the putative father;

10 B. The capacity and disposition of the adopting person or
12 persons, the birth parent or birth parents or the putative
14 father to give the adoptee love, affection and guidance and
to educate and create a milieu that fosters the religion,
16 racial identity and culture of the adoptee; and

18 C. The capacity and disposition of the adopting person or
20 persons, the birth parent or birth parents or the putative
22 father to provide the adoptee with food, clothing,
education, permanence, medical care or other remedial care
recognized and permitted in place of medical care under the
laws of this State and other material needs.

24 3. Final decree. The court shall enter its findings in a
written decree that includes the new name of the adoptee and any
26 other name by which the adoptee has been known. The final decree
must further order that from the date of the decree the adoptee
28 is the child of the petitioner and must be accorded the status
set forth in section 1105.

30 4. Notice upon finalization. Upon finalization of an
32 adoption, the birth parents who consented to an adoption or who
executed a surrender and release must be notified of the
34 finalization by certified mail, restricted delivery and return
receipt requested, at their last known address. When the birth
36 parents' rights have been terminated pursuant to Title 22,
section 4055, the notice must be given to the department and the
38 department shall notify the birth parents of the finalization by
certified mail, restricted delivery and return receipt requested,
40 at their last known address. Actual receipt of the notice is not
a precondition of finalization and does not affect the rights or
42 responsibilities of adoptees or adoptive parents.

44 **§1130. Appeals**

46 1. Appeal to Supreme Judicial Court. Any party may appeal
48 from any order entered under this Act to the Supreme Judicial
Court sitting as the Law Court, as in other civil actions, but no
bond to prosecute an appeal is required of a child or next friend
50 and no costs may be awarded against either.

2 2. Expedited appeals. An appeal from any order under this
Act must be expedited.

4 3. Representation. An attorney or guardian ad litem
6 appointed to represent a party in an adoption proceeding in
Probate Court continues to represent the interests of that client
8 in any appeal unless otherwise ordered by the court.

10 §1131. Records; release of information

12 1. Records confidential. All probate court records related
14 to any adoption decreed on or after August 8, 1953 are declared
to be confidential. Upon the entry of the final order of
16 adoption, the clerk shall transmit a certificate of adoption to
the Department of Human Services, Office of Vital Statistics.
18 The original records must be kept segregated from all other court
records and may be examined only upon authorization by a judge of
the Probate Court.

20 2. Petition for copies. If a birth parent of a minor
22 adoptee petitions the court to receive copies of an amended birth
certificate, an adoption decree or a petition for adoption, the
24 court or an authorized child placing agency shall determine the
willingness of the adoptive parents to have the information
26 released. If the adoptive parents object, the court may not
release the information.

28 3. Consent or surrender and release. Upon request of a
30 birth parent, the Probate Court shall release information as to
whether or not a consent or a surrender and release was filed in
32 that court.

34 4. Court identification; surrender and release or consent.
The department or a licensed child placing agency may release the
36 name and location of the Probate Court where a consent or a
surrender and release was filed or executed upon request of any
of the following parties:

38 A. A birth parent;

40 B. The legal guardian or next of kin of an incapacitated or
42 deceased birth parent;

44 C. The subject of a surrender and release or a consent;

46 D. The guardian of a child subject of a surrender and
48 release or a consent; or

50 E. The guardian or next of kin of an incapacitated or
deceased subject of a surrender and release or a consent.

2 **5. Court identification; adoption finalized.** The
3 department or a licensed child placing agency may release the
4 name and location of the Probate Court where an adoption was
5 finalized upon request of any of the following parties:

6 A. An adult adoptee;

7 B. A birth parent or an adoptive parent;

8 C. A birth grandparent or an adoptive grandparent of an
9 adult adoptee;

10 D. An adult biological sibling, a stepsibling or an adopted
11 sibling of an adult adoptee;

12 E. An adult biological descendant of an adult adoptee;

13 F. A spouse of any individual listed in paragraphs A to E;

14 G. The legal guardian of any individual listed in
15 paragraphs A to E;

16 H. A person who has the written consent of a triad member;
17 or

18 I. The next of kin of a deceased triad member.

19 **6. Triad information.** The court shall release certain
20 nonidentifying information regarding a triad member pursuant to
21 this subsection.

22 A. The following parties may petition for information under
23 this subsection:

24 (1) An adult adoptee;

25 (2) A birth parent;

26 (3) An adoptive parent;

27 (4) A birth grandparent or an adoptive grandparent of
28 an adult adoptee;

29 (5) An adult biological sibling, a stepsibling or an
30 adopted sibling of an adult adoptee;

31 (6) An adult biological descendant of an adult adoptee;

- 2 (7) A spouse of any individual listed in subparagraphs
3 (1) to (6);
- 4 (8) The legal guardian of any individual listed in
5 subparagraphs (1) to (6);
- 6 (9) A person who has the written consent of a triad
7 member; or
- 8 (10) The next of kin of a deceased triad member.

12 B. The court shall release, to a petitioner listed in
13 paragraph A, nonidentifying information regarding a triad
14 member, which may include:

- 16 (1) Health and medical histories of the adoptee's
17 biological parents;
- 18 (2) The health and medical history of the adoptee;
- 20 (3) The adoptee's general family background including
21 ancestral information without name references or
22 geographical designations;
- 24 (4) Physical descriptions; and
- 26 (5) The length of time the adoptee was in the care and
27 custody of the department or a child placing agency.

30 7. Adoption records. The court shall release certain
31 adoption records pursuant to this subsection.

32 A. Any of the following parties may petition for records
33 under this subsection:

- 36 (1) An adult adoptee;
- 38 (2) A birth parent or an adoptive parent of an adult
39 adoptee;
- 40 (3) A birth grandparent or an adoptive grandparent of
41 an adult adoptee;
- 44 (4) An adult biological sibling, a stepsibling or an
45 adopted sibling of an adult adoptee;
- 46 (5) An adult biological descendant of an adult adoptee;
- 48 (6) The spouse of any individual listed in
49 subparagraphs (1) to (5);

2 (7) The legal guardian of any individual listed in
3 subparagraphs (1) to (5);

4 (8) A person who has the written consent of a triad
5 member; and

6 (9) The next of kin of a deceased triad member.

7 B. After following the procedures set out in paragraphs C
8 to E, the court shall release to a petitioner listed in
9 paragraph A the following adoption records:

10 (1) The record of live birth;

11 (2) The amended birth certificate;

12 (3) The adoption decree;

13 (4) The petition for adoption; and

14 (5) The surrender and release, the consent or the
15 order of termination of parental rights.

16 C. When the petition is filed, the court shall provide the
17 petitioner with educational material describing the legal
18 rights of persons involved in the adoption process regarding
19 release of information and information regarding support
20 services available for a person who wishes to conduct an
21 adoption search.

22 D. The court, either directly or through an intermediary,
23 shall attempt to inform other triad members of the request
24 in order to allow other triad members an opportunity to
25 object to the release of information.

26 E. Unless the court determines that the petition is
27 fraudulent or was filed with criminal or malicious intent,
28 or that jeopardy as defined in Title 22, section 4002 will
29 occur if the information is released, the court shall
30 release the information requested whether or not another
31 triad member objects.

32 8. Schedule. The court shall respond to a request pursuant
33 to this section within 30 days from the receipt of a completed
34 petition.

35 §1132. Medical and other information

2 1. Medically significant information. Upon request, the
3 court, the department or a licensed child placing agency shall
4 pass any information that is medically significant to a triad
5 member.

6 2. Medical history. A triad member may petition to receive
7 from the court, department or licensed child placing agency
8 medical history and information that has not been filed with the
9 court, the department or a licensed child placing agency. Upon
10 the receipt of the request, the court, through the department or
11 the licensed child placing agency, shall conduct a diligent
12 search to obtain the history. When information is found, that
13 information must be provided to the petitioner. Record searches
14 must be conducted by individuals authorized by the court or the
15 department.

16 3. Information from triad member. When a triad member
17 wishes to pass information to another member of the triad, the
18 triad member shall give the information to the Probate Court and
19 the adoption agency, if any. The court or adoption agency, if
20 any, shall give a copy of the information to the other triad
21 member as requested and retain the original.

22
23 **§1133. Interstate placements**

24 1. Adoption of child from another state. A person or
25 agency who intends to bring a child to this State from another
26 state for the purpose of adoption must provide to the Probate
27 Court the certification of compliance as required by the
28 department pursuant to Title 22, chapter 1153 .

29 2. Adoption of child taken to another state. A person or
30 agency who intends to remove a child from this State for the
31 purpose of adoption in another state must obtain from the
32 department certification of compliance with Title 22, chapter
33 1153, prior to the removal of the child from this State.

34 3. Probate Court; petition without certification. The
35 Probate Court may not grant a petition to adopt a child who has
36 been brought to or will be removed from this State for the
37 purpose of adoption without department certification of
38 compliance with Title 22, chapter 1153.

39 4. Civil violation. An agency or person who fails to
40 comply with this section commits a civil violation for which a
41 fine of not less than \$100 and not more than \$5,000 may be
42 adjudged.

43
44 **§1134. Foreign adoptions**

2 If an adoption in a foreign country has been finalized and
4 the adopting parents are seeking an adoption under the laws of
6 this State to give recognition to the foreign adoption, a judge
8 of probate may enter a decree of adoption based solely upon a
10 judgment of adoption in a foreign county and may order a change
12 of name if requested by the adopting parents.

8 **§1135. Advertisement**

10 Advertising for adoption services or soliciting adoptions is
12 prohibited, except that licensed child placing agencies and
14 adoption professionals may advertise in accordance with rules
16 adopted by the department.

16 **§1136. Immunity from liability for good faith reporting;**
18 **proceedings**

18 A person, including an agent of the department,
20 participating in good faith in reporting violations of this Act
22 or participating in a related child protection investigation or
24 proceeding, including, but not limited to, a home study
26 investigating team or other investigating or treatment team, is
28 immune from any criminal or civil liability for reporting or
30 participating in the investigation or proceeding. For purposes
32 of this section, "good faith" does not include instances when a
34 false report is made and the person knows the report is false.

28 **§1137. Annulment of the adoption decree**

30 1. Grounds. A judge of probate may, on petition of 2 or
32 more persons, after notice and hearing, reverse and annul a
34 decree of the Probate Court if the court finds that the adoption
36 was obtained as a result of fraud, duress, error or illegal
38 procedures.

36 2. Notice. Notice of a petition to annul must be given to
38 the birth parents, except those whose parental rights were
40 terminated through a proceeding pursuant to Title 22, section
42 4055, subsection 1, paragraph B, subparagraph (2), and to all
44 parties to the adoption including the adoptive parents, an
46 adoptee who is 14 years of age or older and the agency involved
48 in the adoption.

44 **SUBCHAPTER IV**

46 **ADOPTION ASSISTANCE PROGRAM**

48 **§1141. Authorization; special needs children**

2 1. Assistance authorized. Subject to rules and regulations
4 adopted by the department and the federal Department of Health
6 and Human Services, the department may provide, through the
8 Adoption Assistance Program created in this subchapter, adoption
10 assistance for special needs children in its care or custody or
12 in the custody of another public or nonprofit private licensed
14 child placing agency if those children are legally eligible for
16 adoption and, when reasonable but unsuccessful efforts have been
18 made to place them without adoption assistance, would not
20 otherwise be adopted without the assistance of this program.

22 2. Expense reimbursement. The department shall, subject to
24 rules and regulations adopted by the department and the federal
26 Department of Health and Human Services, reimburse adoptive
28 parents of a special needs child for one-time adoption expenses.

30 3. Special needs child defined. A "special needs child"
32 refers to a child who:

34 A. Has a physical, mental or emotional handicap that makes
36 placement difficult;

38 B. Has a medical condition that makes placement difficult;

40 C. Is a member of a sibling group that includes at least
42 one member who is difficult to place;

44 D. Is, because of age or race, difficult to place;

46 E. Has been a victim of physical, emotional or sexual abuse
48 or neglect that places the child at risk for future
50 emotional difficulties; or

52 F. Has factors in the child's background such as severe
54 mental illness, substance abuse, prostitution, genetic or
56 medical conditions or illnesses that place the child at risk
58 for future problems.

60 4. Funds. For the purposes of this section, the department
62 is authorized to use funds that are appropriated for child
64 welfare services and funds provided under the United States
66 Social Security Act, Titles IV-B and IV-E.

68 5. Amount. The amount of adoption assistance may vary
70 depending upon the resources of the adoptive parents and the
72 special needs of the child, as well as the availability of other
74 resources, but may not exceed the total cost of caring for the
76 child if the child were to remain in the care or custody of the
78 department, without regard to the source of the funds.

2 6. Duration. The duration of assistance may continue until
4 the cessation of legal parental responsibility or until the
6 parents are no longer supporting the child, at which time the
8 adoption assistance ceases, except that, if the child has need of
educational benefits or has a physical, mental or emotional
handicap, adoption assistance may continue until the adoptee has
attained 21 years of age if the adoptee, the parent and the
department agree that the need for care and support exists.

10 7. Out-of-state children. Children who are in the custody
12 of another person or agency in another state who are brought to
14 this State for the purpose of adoption are not eligible for
16 adoption assistance through the state's Adoption Assistance
Program except for reimbursement of nonrecurring expenses if the
child meets the requirements of the United States Social Security
Act, 42 United States Code, Section 673 (c).

18 §1142. Eligibility and terms

20 Foster parents interested in adopting an eligible child in
22 their care and other persons interested in adopting an eligible
24 child may apply for adoption assistance. All applicants for
26 adoption assistance must meet department standards for adoption
with the exception of financial ability. Assistance may be
provided for special needs only, for a limited period of time,
for a long period of time or for a combination. The adoption
assistance may vary depending on the special needs of the child.

28 §1143. Administration

30 1. Written agreement. A written agreement between the
32 family entering into the Adoption Assistance Program and the
34 department must precede the final decree of adoption, except that
36 an application may be filed subsequent to the finalization of the
38 adoption if there were facts relevant to the child's eligibility
that were not presented at the time of the request for assistance
or if the child was eligible for participation in the program at
the time of placement and the adoptive parents were not apprised
of the program.

40 2. Annual redetermination. If assistance continues for
42 more than one year, the need for assistance must be annually
44 redetermined. Adoption assistance continues regardless of the
46 state in which the adoptive parents reside, or the state to which
the adoptive parents move, as long as the family continues to be
eligible based on the annual redetermination of need.

48 3. Transferral to legal guardian. Upon the death of both
50 adoptive parents, adoption assistance may be transferred to the
legal guardian as long as the child continues to be eligible for

2 adoption assistance pursuant to the terms of the most recent
3 adoption assistance agreement with the adoptive parents. The
4 department shall enter into a new assistance agreement with the
5 legal guardian.

6 **§1144. Rules**

8 The department shall adopt rules for the Adoption Assistance
9 Program consistent with this subchapter within 90 days of the
10 effective date of this section.

12 **§1145. Effective date**

14 This Act takes effect on July 1, 1994.

16 **Sec. 7. 22 MRSA §2765, sub-§1**, as amended by PL 1989, c. 818,
17 **§8**, is further amended to read:

18 **1. New certificate of birth.** The state registrar shall
19 establish a new certificate of birth for a person born in this
20 State when he the state registrar receives the following:

22 A. A certificate of adoption as provided in Title 19,
23 section 533 1129, or a certified copy of the decree of
24 adoption along with the information necessary to identify
25 the original certificate and establish the new certificate
26 of birth, except that a new certificate may not be
27 established if so requested by the adopting parents or the
28 adopted person if the adopted person is at least 18 years of
29 age;

32 B. A request that a new certificate be established and such
33 evidence as the department may require by ~~regulation~~ rule
34 proving that such the person has been legitimated.

36 **Sec. 8. 22 MRSA §2765, sub-§1-A, ¶A**, as amended by PL 1991, c.
37 167, **§1**, is further amended to read:

40 A. A certificate of adoption as provided in Title 19,
41 section 533 1129; and

42 **Sec. 9. 22 MRSA §4008, sub-§3, ¶B**, as amended by PL 1985, c.
43 739, **§5**, is further amended to read:

44 B. A court on its finding that access to those records may
45 be necessary for the determination of any issue before the
46 court or a court requesting a report from the department
47 pursuant to Title 19, section 533-~~e~~ 751 or 1129. Access to
48 such a report or record ~~shall be~~ is limited to counsel of
49 record unless otherwise ordered by the court. Access to
50

2 actual reports or records shall-be is limited to in camera
inspection, unless the court determines that public
4 disclosure of the information is necessary for the
resolution of an issue pending before it the court;

6 **Sec. 10. 22 MRSA §4031, sub-§1, ¶D** is enacted to read:

8 D. The District Court has jurisdiction over judicial
10 reviews transferred to the District Court pursuant to Title
19, section 1115.

12 **Sec. 11. 22 MRSA §4037**, as amended by PL 1981, c. 369, §11,
is further amended to read:

14 **§4037. Authority of custodian**

16 When custody of the child is ordered to the department or
18 other custodian under a preliminary or final protection order, he
shall-have the custodian has full custody of the child subject to
20 the terms of the order and other applicable law. Custody shall
does not include the right to initiate adoption proceedings
22 without parental consent, except as provided under Title 19,
section 532 1122.

24 **Sec. 12. 22 MRSA §4038-A** is enacted to read:

26 **§4038-A. Transfer to District Court**

28 If a case is transferred to the District Court pursuant to
30 Title 19, section 1115, the court shall conduct a hearing and
32 enter a dispositional order using the same standards as set forth
in section 4036. The court after the hearing and entering of a
34 dispositional order shall conduct reviews in accordance with
section 4038.

36 **Sec. 13. 22 MRSA §7701, sub-§1**, as enacted by PL 1975, c. 719,
§6, is amended to read:

38 **1. Children.** As used in this subtitle, the word "children"
40 shall-mean means persons who are not related by blood or marriage
to, or who have not been legally adopted by, the licensee or
42 administrator of any facility, defined in seetiens section 8101,
8201 section 8201-A, subsection 3 or section 8301, which provide
44 services to these children.

46 **Sec. 14. 22 MRSA §7701, sub-§2**, as amended by PL 1989, c. 502,
Pt. A, §80, is further amended to read:

48 **2. Facility.** As used in this subtitle, the word "facility"
50 means any of the places defined in section 7901-A, subsection 3,

2 sections section 8001, section 8101, 8201 section 8201-A,
3 subsection 3 or section 8301.

4 **Sec. 15. 22 MRSA c. 1671, first 2 lines,** are repealed and the
5 following enacted in their place:

6 **CHAPTER 1671**

7 **ADOPTION SERVICES**

8 **Sec. 16. 22 MRSA §8201,** as amended by PL 1983, c. 625, is
9 repealed.

10 **Sec. 17. 22 MRSA §8201-A** is enacted to read:

11 **§8201-A. Definitions**

12 As used in this chapter, unless the context otherwise
13 indicates, the following terms have the following meanings.

14 **1. Adoption professional.** "Adoption professional" means a
15 person having specialized training and experience in adoption
16 services.

17 **2. Adoption services.** "Adoption services" means services
18 related to adoptions, including, but not limited to, adoptive
19 home studies, search services and adoption counseling services.

20 **3. Child placing agency.** "Child placing agency" means a
21 licensed facility that advertises itself or holds itself out as
22 finding homes for or otherwise placing children who are under 18
23 years of age in homes where care is provided on the basis of 24
24 hours a day.

25 **Sec. 18. 22 MRSA §8202, sub-§3** is enacted to read:

26 **3. Adoption professionals.** The department shall adopt
27 rules setting standards for licensing adoption professionals.
28 The department shall maintain a list of licensed adoption
29 professionals and provide a copy of the list upon request.

30 **Sec. 19. 24-A MRSA §2834, first ¶,** as enacted by PL 1975, c.
31 770, §108, is amended to read:

32 All group and blanket health insurance policies providing
33 coverage on an expense incurred basis which ~~that~~ provide coverage
34 for a family member of the insured or subscriber shall ~~must~~, as
35 ~~to such family members' coverage,~~ also provide that the health
36 insurance benefits applicable for children shall be payable with
37 respect ~~to~~ for a newly born child of the insured or subscriber

2 from the moment of birth. An adopted child is deemed to be newly
3 born to the adoptive parents from the date of the signed
4 placement agreement. Preexisting conditions of an adopted child
5 may not be excluded from coverage.

8 STATEMENT OF FACT

10 This bill is a recodification and revision of the adoption
11 laws. It incorporates the recommendations of the Adoption Task
12 Force, which studied adoption issues for a year and issued its
13 report in March 1988.

14 The policies and procedures established in the bill are
15 designed: to ensure that the decision to place a child for
16 adoption is not hurried or coerced and is made willingly with
17 sufficient information and counseling; to place all children
18 eligible for adoption into permanent homes as quickly and as
19 safely as possible once the decision is made; to ensure that
20 adoptive families have the same rights, privileges and
21 responsibilities as all families; and to allow for greater access
22 by birth parents, adoptees and adoptive parents to certain
23 information.

24 The bill accomplishes the following:

26 1. Makes the payment or acceptance of money, or the offer
27 of either, for the placement of a child for adoption or for the
28 consent to an adoption a Class C crime;

29 2. Amends the Probate Code to provide that adopted persons
30 inherit from both their natural parents and their adoptive
31 parents;

32 3. Prohibits the appointment of a guardian for a minor
33 child who will be removed from the State for the purpose of
34 adoption;

35 4. Repeals the current adoption laws and replaces them with
36 the Adoption Act that sets forth:

37 A. The jurisdiction and venue of the Probate Court in
38 regard to matters related to consents, surrender and
39 releases and adoption and a mechanism to transfer to the
40 District Court certain cases when an adoption does not take
41 place;

42 B. The rights of adopted persons;

- 2 C. The rights of adult and minor birth parents to legal
representation;
- 4 D. Notice and other requirements for establishing paternity
of a putative father;
- 6
- 8 E. Procedures for a surrender and release and a consent for
adoption; duties subsequent to a surrender and release; and
10 a judicial review when a child is surrendered and released
but not subsequently adopted;
- 12 F. Procedures for termination of parental rights including
the appointment of a guardian ad litem for a child in such a
14 proceeding;
- 16 G. Procedures and notice requirements for judicial review;
- 18 H. Who may petition for adoption and for change of name;
- 20 I. Who is required and who is not required to consent to an
adoption;
- 22
- 24 J. The requirements, notice and service of the petition;
- 26
- 28 K. The requirements for adoptive home studies;
- 30
- 32 L. The requirements regarding evidence and procedures for
adoption hearings;
- 34
- 36 M. The allowable expenses and the requirement of an
accounting of all disbursements made or agreed to be made in
38 connection with an adoption. Under the Adoption Act,
payment for allowable expenses may not be contingent upon
34 any future decision a birth parent makes pertaining to a
child;
- 40
- 42 N. Provisions for a final decree of adoption and a
dispositional hearing including notice of final adoption;
- 44
- 46 O. Requirements and procedures for appeal to the Supreme
Judicial Court by any party;
- 48
- 44 P. Provisions making probate records confidential;
provisions are included, however, for the release of certain
nonidentifying information to specified individuals and the
46 release of identifying information to certain individuals
when certain standards are met;

- 2 Q. A provision that allows medical, genetic and other
medically significant information to be transferred between
a birth parent, an adoptee and an adoptive parent;
- 4
- 6 R. Requirements for certification of compliance with the
Interstate Compact on Placement of Children, the Maine
Revised Statutes, Title 22, chapter 1153, before an adoption
8 may be decreed and before a child may be taken to another
state for the purpose of adoption;
- 10
- 12 S. Authorization for a judge of probate to enter a decree
of adoption based solely upon a judgment of adoption in a
foreign country;
- 14
- 16 T. A prohibition on advertisements for adoption, except by
licensed child placing agencies and adoption professionals
in accordance with rules of the Department of Human Services;
- 18
- 20 U. Immunity from liability for good faith reporting of
violations of the Adoption Act; and
- 22
- 24 V. Provisions for annulment of an adoption decree if the
Probate Court finds that the adoption was obtained as a
result of fraud, duress, error or illegal procedures;
- 26 5. Authorizes the Department of Human Services, subject to
rules and regulations adopted by the department and the federal
28 Department of Health and Human Services, to provide an adoption
assistance program for certain special needs children. The bill
30 defines special needs children; authorizes the use of funds for
adoption assistance; sets forth eligibility requirements and
32 certain limitations on the amount and duration of adoption
assistance; and sets forth requirements regarding the
34 administration of the adoption assistance program, including a
written agreement between the family and the department,
36 provisions for annual redetermination of the need for assistance
and provisions for the transfer of adoption assistance to a legal
38 guardian upon the death of both adoptive parents;
- 40 6. Cross-references the Child and Family Services and Child
Protection Act authorizing the District Court to conduct judicial
42 reviews of cases transferred from the Probate Court under the
Adoption Act;
- 44
- 46 7. Requires the District Court to conduct hearings and
issue dispositional orders using the same standards for judicial
review as for reviews of child protection proceedings;
- 48
- 50 8. Defines "adoption professional," "adoption services" and
"child placing agency" within the laws governing licensure. The

2 bill further authorizes the Department of Human Services to adopt
3 rules setting forth standards for licensing adoption
4 professionals and for maintaining and disseminating a list of
5 adoption professionals; and

6 9. For the purpose of medical insurance, requires that
7 adopted children be deemed newly born to the adoptive parents
8 from the date of signing an adoption placement agreement. The
9 bill further provides that preexisting conditions of an adopted
10 child may not be excluded from coverage.