

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1080, L.D. 1522, Bill, "An Act to Amend the Laws Regarding Child Placing Agency Disclosure of a Child's Background for the Purpose of Adoption"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 19 MRSA §1125, sub-§2, as enacted by PL 1993, c. 686, §5 and affected by §13, is repealed and the following enacted in its place:

2. Child's background. This subsection governs the collection and disclosure of information about the child's background.

A. The department, the licensed child placing agency or any other person who acts to place or assist in placing the child for adoption shall obtain medical and genetic information on the birth parents and the child. Specifically, the department, the licensed child placing agency or any other person who acts to place or assist in placing the child for adoption shall attempt to obtain:

(1) A current medical, psychological and developmental history of the child, including an account of the child's prenatal care, medical condition at birth,

COMMITTEE AMENDMENT

2 results of newborn screening, any drug or medication  
3 taken by the child's birth mother during pregnancy, any  
4 subsequent medical, psychological or psychiatric  
5 examination and diagnosis, any physical, sexual or  
6 emotional abuse suffered by the child and a record of  
7 any immunizations and health care received since birth;  
8 and

9  
10 (2) Relevant information concerning the medical,  
11 psychological and social history of the birth parents,  
12 including any known disease or hereditary disposition  
13 to disease, the history of use of drugs and alcohol,  
14 the health of the birth mother during her pregnancy and  
15 the health of the birth parents at the time of the  
16 child's birth.

17  
18 B. Prior to the child being placed for the purpose of  
19 adoption, the department, the licensed child placing agency  
20 or other person who acts to place or assist in placing the  
21 child for adoption shall provide the information described  
22 in paragraph A to the prospective adoptive parents.

23  
24 C. If the department, the licensed child placing agency or  
25 other person who acts to place or assists in placing the  
26 child for adoption has specific, articulable reasons to  
27 question the truth or accuracy of any of the information  
28 obtained, those reasons must be disclosed in writing to the  
29 prospective adoptive parents.

30  
31 D. The prospective adoptive parents must be informed in  
32 writing if any of the information described in this  
33 subsection can not be obtained, either because the records  
34 are unavailable or because the birth parents are unable or  
35 unwilling to consent to its disclosure or to be interviewed.

36  
37 E. If, after a child is placed for adoption and either  
38 before or after the adoption is final, the child suffers a  
39 serious medical or mental illness for which the specific  
40 medical, psychological or social history of the birth  
41 parents or the child may be useful in diagnosing or treating  
42 such illness, the prospective adoptive or adoptive parents  
43 may request that the department, the licensed child placing  
44 agency, or other person who placed or assisted to place the  
45 child attempt to obtain additional information. The  
46 department, licensed child placing agency or other person  
47 shall attempt to obtain the information promptly and shall  
48 disclose any information collected to the prospective  
49 adoptive or adoptive parents as soon as reasonably  
50 possible. The department, the licensed child placing agency  
51 or other person may charge a fee to the prospective adoptive

1 or adoptive parents to cover the cost of obtaining and  
2 providing such additional information. Fees collected by  
3 the department must be dedicated to defray the costs of  
4 obtaining and providing the additional information. Fees  
5 may be reduced or waived for low-income prospective adoptive  
6 or adoptive parents.

7  
8 F. The department, the licensed child placing agency or  
9 other person who acts to place or assist in placing the  
10 child for adoption shall file the information collected with  
11 the court and, if it appears that the adoption will be  
12 granted and this information has not previously been made  
13 available to the adoptive parents pursuant to Title 22,  
14 section 4008, subsection 3, paragraph G or Title 22, section  
15 8205, the court shall make the information available to the  
16 adoptive parents, prior to issuing the decree pursuant to  
17 subsection 6, with protection for the identity of persons  
18 other than the child.

19  
20 G. If the child to be placed for adoption is from a foreign  
21 country that has jurisdiction over the child and the  
22 prospective adoptive parents are United States citizens,  
23 compliance with federal and international adoption laws is  
24 deemed to be compliance with this subsection.

25 **Sec. 2. 22 MRSA §4008, sub-§3, ¶G, as enacted by PL 1991, c.**  
26 **630, §4, is amended to read:**

27  
28 G. The prospective adoptive parents. Prior to a child  
29 being placed for the purpose of adoption, the department  
30 shall ~~disclose fully to the prospective adoptive parents~~  
31 ~~available information regarding the child's medical and~~  
32 ~~genetic background and any reasonably available background~~  
33 ~~or history that pertains to serious sexual, emotional or~~  
34 ~~physical abuse of or harm to the child, with protection for~~  
35 ~~the identity of persons other than the child~~ comply with the  
36 requirements of Title 19, section 1125, subsection 2 and  
37 section 8205.

38  
39 **Sec. 3. 22 MRSA §8205, as enacted by PL 1991, c. 630, §5, is**  
40 **repealed and the following enacted in its place:**

41 **§8205. Collection and disclosure of information about a**  
42 **child's background**

43 This section governs the collection and disclosure of  
44 information about the child's background.

45  
46 **1. Information to be collected.** The licensed child placing  
47 agency shall obtain medical and genetic information on the birth  
48  
49  
50

parents and the child. Specifically, the licensed child placing agency shall attempt to obtain:

A. A current medical, psychological and developmental history of the child, including an account of the child's prenatal care, medical condition at birth, results of newborn screening, any drug or medication taken by the child's birth mother during pregnancy, any subsequent medical, psychological or psychiatric examination and diagnosis, any physical, sexual or emotional abuse suffered by the child and a record of any immunizations and health care received since birth; and

B. Relevant information concerning the medical, psychological and social history of the birth parents, including any known disease or hereditary disposition to disease, the history of use of drugs and alcohol, the health of the birth mother during her pregnancy and the health of the birth parents at the time of the child's birth.

2. Disclosure before placement. Prior to the child being placed for the purpose of adoption, the licensed child placing agency shall provide the information described in subsection 1 to the prospective adoptive parents.

3. Specific reasons for concern. If the licensed child placing agency has specific, articulable reasons to question the truth or accuracy of any of the information obtained, those reasons must be disclosed in writing to the prospective adoptive parents.

4. Notice that information unavailable. The prospective adoptive parents must be informed in writing if any of the information described in subsection 2 can not be obtained, either because the records are unavailable or because the birth parents are unable or unwilling to consent to its disclosure or to be interviewed.

5. Request for additional information. If, after a child is placed for adoption and either before or after the adoption is final, the child suffers a serious medical or mental illness for which the specific medical, psychological or social history of the birth parents or the child may be useful in diagnosing or treating such illness, the prospective adoptive or adoptive parents may request the child placing agency to attempt to obtain additional information. The child placing agency shall attempt to obtain the information promptly and shall disclose any information collected to the prospective adoptive or adoptive parents as soon as reasonably possible. The licensed child placing agency may charge a fee to the prospective adoptive or

R 48

2 adoptive parents to cover the cost of obtaining and providing the  
3 additional information. Fees collected by the department must be  
4 dedicated to defray the costs of obtaining and providing the  
5 additional information. Fees may be reduced or waived for  
6 low-income prospective adoptive or adoptive parents.

7 6. International adoptions. If the child to be placed for  
8 adoption is from a foreign country that has jurisdiction over the  
9 child and the prospective adoptive parents are United States  
10 citizens, compliance with federal and international adoption laws  
11 is deemed to be compliance with this section.'

12 Further amend the bill by inserting at the end before the  
13 statement of fact the following:

14  
15  
16  
17 **FISCAL NOTE**

18  
19 The Department of Human Services will incur some minor  
20 additional costs to collect and provide more information about  
21 the child and the birth parents. These costs can be absorbed  
22 within the department's existing budgeted resources. The  
23 department may also experience a minor increase in Other Special  
24 Revenue if fees are charged for obtaining and providing the  
25 additional information.'

26  
27 **STATEMENT OF FACT**

28  
29 This amendment replaces the bill. Current law requires the  
30 Department of Human Services and licensed child placing agencies  
31 to obtain medical and genetic information on the birth parents  
32 and a child to be placed for adoption. This amendment retains  
33 that requirement, expands its application to any person who  
34 assists in placing a child for adoption and also requires the  
35 department, agencies and persons assisting in placing children  
36 for adoption to attempt to collect more information about the  
37 child and the birth parents. The information to be sought is  
38 spelled out specifically. The information collected must be  
39 disclosed to the prospective adoptive parents before the adoption  
40 is finalized.

41  
42 If the collector of the information has specific,  
43 articulable reasons to question the truth or accuracy of the  
44 information, those concerns must be noted in writing and provided  
45 to the adoptive parents or prospective adoptive parents. If the  
46 information is not available because the records were not  
47 available or because the birth parents did not cooperate in  
48 providing information, that must be disclosed to the prospective  
49 adoptive parents as well.

R 48

COMMITTEE AMENDMENT "A" to H.P. 1080, L.D. 1522

2           The information collected must be filed with the Probate  
4           Court and made available to the prospective adoptive parents  
          before the adoption is finalized.

6           International adoptions that comply with federal and  
8           international adoption laws are deemed to be in compliance with  
          these requirements.

10           This amendment also adds a fiscal note to the bill.