

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1965

Legislative Document

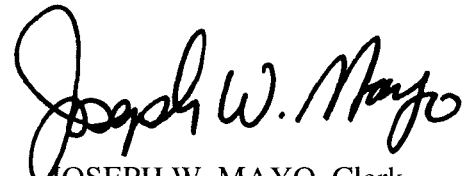
No. 1522

H.P. 1080

House of Representatives, May 11, 1965

**An Act to Amend the Laws Regarding Child Placing Agency Disclosure
of a Child's Background for the Purpose of Adoption.**

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative ROWE of Portland.

2
3 **Be it enacted by the People of the State of Maine as follows:**

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5 §5 and affected by §13, is repealed and the following enacted in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

7 **2. Child's background.** The investigation and disclosure of
8 the child's background are governed by section 1125-A.

9 **Sec. 2. 19 MRSA §1125-A** is enacted to read:

10 **§1125-A. Disclosure of child's background**

11 **1. Investigation.** Before a child is placed for the purpose
12 of adoption, the department, a licensed child placing agency or
13 any other person who acts to place or to assist in placing the
14 child for adoption must attempt to obtain the information
15 described in subsection 2 by reviewing records and by
16 interviewing both birth parents. The information obtained must
17 be disclosed in writing, in raw data or summary form, to the
18 prospective adoptive parents before the child is placed for the
19 purpose of adoption.

20 **A.** The identity of the persons who conduct the interview
21 with the birth parents or who conduct the records review to
22 obtain the information required in subsection 2 must be
23 disclosed in writing to the prospective adoptive parents.

24 **B.** If the persons who conduct the interview with the birth
25 parents or who conduct the records review have any specific,
26 articulable reasons to question the truth of any of the
27 information provided by the birth parents or contained in
28 records, those reasons must be disclosed in writing to the
29 prospective adoptive parents.

30 **C.** The prospective adoptive parents must be informed in
31 writing if any of the information described in subsection 2
32 can not be obtained, either because the records are
33 unavailable or because the birth parents are unable or
34 unwilling to consent to its disclosure or to be interviewed.

35 **D.** If, at any time after initial provision of information
36 described in subsection 2 to the prospective adoptive
37 parents, the department, the licensed adoption agency or
38 other person who acts to place or assists in placing the
39 child obtains or becomes aware of additional information
40 described in subsection 2, including any specific,
41 articulable reasons to question the truth of the information
42 provided by the birth parents or contained in records, that
43 information must be disclosed in writing to the prospective
44 adoptive parents as soon as reasonably possible.

2 E. Unless confidentiality has been waived, all information
3 provided to prospective adoptive parents must be edited to
4 exclude the identity of birth parents or other relatives of
5 the child who furnished the information.

6 2. Information to be disclosed. To the extent available,
7 the following information must be disclosed to the prospective
8 adoptive parents:

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

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

25 3. Delegation of duties. The duty to attempt to obtain the
26 information described in subsection 2 may be delegated to a
27 sending licensed child placing agency in another United States
28 state or territory if:

29 A. The sending agency is lawfully licensed as a child
30 placing agency in another United States state or territory;

31 B. The sending agency gives the child placing agency in
32 this State or other person who acts to place or assists in
33 placing the child for adoption written assurances that it
34 understands and will comply with the requirements of this
35 section including:

36 (1) The duty to attempt to obtain the information
37 described in subsection 2 by reviewing records and by
38 interviewing both birth parents;

39 (2) The duty to disclose any specific, articulable
40 reasons for questioning the truth of any of the
41 information provided by the birth parents or contained
42 in records;

43 (3) The duty to disclose if any of the information
44 described in subsection 2 can not be obtained; and

45

2 (4) The duty to disclose, as soon as reasonably
4 possible, additional relevant information that becomes
 available after information described in subsection 2
 has been initially disclosed; and

6 C. The sending agency describes in writing all efforts
8 actually made to obtain the information described in
 subsection 2.

10 **4. Subsequent request for information.** If, after a child is
12 placed for adoption and either before or after the adoption is
14 final, the child suffers a serious medical or mental illness for
16 which specific medical, psychological or social history of the
18 birth parents or the child may be useful in diagnosing or
20 treating such illness, the prospective adoptive or adoptive
22 parents may request the department, the child placing agency or
 other person who placed or assisted to place the child to attempt
 to obtain additional information. The department, child placing
 agency or other person 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.

24 **5. International adoptions.** If the child to be placed for
26 adoption is from a foreign country that has jurisdiction over the
28 child and the prospective adoptive parents are United States
 citizens, compliance with federal and international adoption laws
 must be deemed as compliance with this section.

30 **6. Rules.** The department shall adopt rules to carry out
32 the purposes of this section and Title 22, section 8205.

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

36 G. The prospective adoptive parents. Prior to a child
38 being placed for the purpose of adoption, the department
40 shall ~~disclose--fully--to--the--prospective--adoptive--parents~~
42 ~~available--information--regarding--the--child's--medical--and~~
44 ~~genetic--background--and--any--reasonably--available--background~~
 ~~or--history--that--pertains--to--serious--sexual--emotional--or~~
 ~~physical--abuse--of--or--harm--to--the--child--with--protection--for~~
 ~~the--identity--of--persons--other--than--the--child~~ comply with the
 requirements of Title 19, section 1125-A.

46 **Sec. 4. 22 MRSA §8205,** as enacted by PL 1991, c. 630, §5, is
48 repealed and the following enacted in its place:

50 **§8205. Disclosure of child's background**

52 **1. Investigation.** Before a child is placed for the purpose
 of adoption, a child placing agency or any other person who acts

2 to place or to assist in placing the child for adoption must
3 attempt to obtain the information described in subsection 2 by
4 reviewing records and by interviewing both birth parents. The
5 information obtained must be disclosed in writing, in raw data
6 or summary form, to the prospective adoptive parents before the
7 child is placed for the purpose of adoption.

8 A. The identity of the persons who conduct the interview
9 with the birth parents or who conduct the records review to
10 obtain the information required in subsection 2 must be
11 disclosed in writing to the prospective adoptive parents.

12 B. If the persons who conduct the interview with the birth
13 parents or who conduct the records review have any specific,
14 articulable reasons to question the truth of any of the
15 information provided by the birth parents or contained in
16 records, those reasons must be disclosed in writing to the
17 prospective adoptive parents.

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

23 D. If, at any time after initial provision of information
24 described in subsection 2 to the prospective adoptive
25 parents, the child placing agency or other person who acts
26 to place or assists in placing the child obtains or becomes
27 aware of additional information described in subsection 2,
28 including any specific, articulable reasons to question the
29 truth of the information provided by the birth parents or
30 contained in records, that information must be disclosed in
31 writing to the prospective adoptive parents as soon as
32 reasonably possible.

33 E. Unless confidentiality has been waived, all information
34 provided to prospective adoptive parents must be edited to
35 exclude the identity of birth parents or other relatives of
36 the child who furnished the information.

37 **2. Information to be disclosed.** To the extent available,
38 the following information must be disclosed to the prospective
39 adoptive parents:

40 A. A current medical and psychological history of the
41 child, including an account of the child's prenatal care,
42 medical condition at birth, results of newborn screening,
43 any drug or medication taken by the child's birth mother
44 during pregnancy, any subsequent medical, psychological or
45 psychiatric examination and diagnosis, any physical, sexual

2 or emotional abuse suffered by the child and a record of any
immunizations and health care received since birth; and

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

12 3. Delegation of duties. The duty to attempt to obtain the
information described in subsection 2 may be delegated by a child
14 placing agency or other person who acts to place or assists in
placing the child for adoption to a sending child placing agency
16 in another United States state or territory if:

18 A. The sending agency is lawfully licensed as a child
placing agency in another United States state or territory:

20 B. The sending agency gives the child placing agency in
22 this State or other person who acts to place or assists in
placing the child for adoption written assurances that it
24 understands and will comply with the requirements of this
section including:

26 (1) The duty to attempt to obtain the information
28 described in subsection 2 by reviewing records and by
interviewing both birth parents;

30 (2) The duty to disclose any specific, articulable
32 reasons for questioning the truth of any of the
information provided by the birth parents or contained
34 in records;

36 (3) The duty to disclose if any of the information
described in subsection 2 can not be obtained; and

38 (4) The duty to disclose, as soon as reasonably
40 possible, additional relevant information that becomes
available after information described in subsection 2
42 has been initially disclosed; and

44 C. The sending agency describes in writing all efforts
actually made to obtain the information described in
46 subsection 2.

48 4. Subsequent request for information. If, after a child is
placed for adoption and either before or after the adoption is
50 final, the child suffers a serious medical or mental illness for
which specific medical, psychological or social history of the
52 birth parents or the child may be useful in diagnosing or

2 treating such illness, the prospective adoptive or adoptive
3 parents may request the child placing agency or other person who
4 placed or assisted to place the child to attempt to obtain
5 additional information. The child placing agency or other person
6 shall attempt to obtain the information promptly, and shall
7 disclose any information collected to the prospective adoptive or
8 adoptive parents as soon as reasonably possible.

10 5. International adoptions. If the child to be placed for
11 adoption is from a foreign country that has jurisdiction over the
12 child and the prospective adoptive parents are United States
13 citizens, compliance with federal and international adoption laws
14 must be deemed as compliance with this section.

16 6. Rules. The department shall adopt rules to carry out
17 the purposes of this section and Title 19, section 1125-A.

18 STATEMENT OF FACT

20
22 This bill provides specific requirements for the collection
and disclosure of pertinent information concerning a child to be
placed for adoption.