

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 181

S.P. 78

In Senate, January 11, 1999

An Act Providing for Post-adoption Contact in Limited Situations.

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 LaFOUNTAIN of York.
Cosponsored by Representative PLOWMAN of Hampden and
Senator PENDLETON of Cumberland, Representative: SULLIVAN of Biddeford.

2 the birth parent or parents and the maintenance of birth-family
3 history would be in the best interests of the prospective adoptee.

4 (c) In determining if the agreement is in the best
5 interests of the prospective adoptee, the court shall consider
6 the following factors as favoring communication between the
7 prospective adoptee and the birth parent or parents:

8
9 (1) Whether the prospective adoptee and birth parent or
10 parents lived together for a substantial period of time;

11 (2) Whether the prospective adoptee exhibits attachment or
12 bonding to the birth parent or parents; and

13 (3) Whether the adoption is a foster-parent adoption when
14 the birth parent or parents have relinquished the
15 prospective adoptee due to an inability to adequately parent
16 the prospective adoptee.

17
18
19 (d) If the court approves the agreement, the birth parent
20 or parents are entitled to notice of the adoption proceedings to
21 the extent authorized by the terms of the agreement.

22
23 **§9-504. Failure to comply with court order; effect**

24
25 Failure to comply with the terms of an order entered
26 pursuant to section 9-503 is not grounds for setting aside an
27 adoption decree, for revocation of a written consent to adoption
28 after the consent has been approved by the court, or for
29 revocation of a relinquishment of parental rights after the
30 relinquishment has been accepted in writing by the court as
31 provided in Title 22, section 4055, subsection 1, paragraph B,
32 subparagraph (1).

33 **§9-505. Enforcement of order; modification; exceptional**
34 **circumstances arise**

35
36
37 An order entered pursuant to section 9-503 may be enforced
38 by a civil action, and the prevailing party may be awarded, as
39 part of the costs of the action, reasonable attorney's fees. The
40 court may not modify an order issued under section 9-503 unless
41 it finds that the modification is necessary to serve the best
42 interests of the adoptee and:

43
44 (a) The modification is agreed to by the adoptive parent or
45 parents and the birth parent or parents; or

46
47 (b) Exceptional circumstances have arisen since the order
48 was entered that justify modification of the order.

