

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2010

H.P. 1507

House of Representatives, December 26, 2001

**An Act to Amend the Laws Governing Background Checks on
Prospective Adoptive Parents.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TESSIER of Fairfield.

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

2 **Sec. 1. 18-A MRSA §9-304, sub-§(a-1),** as corrected by RR 2001,
4 c. 1, §21, is amended to read:

6 (a-1) Upon the filing of a petition for adoption and prior
8 to placement of a minor child, the court shall request a
background check and shall direct the department or a licensed
10 child-placing agency to conduct a study and make a report to the
court.

12 (1) The study must include an investigation of the
14 conditions and antecedents of the child to determine whether
the child is a proper subject for adoption and whether the
16 proposed home is suitable for the child. The department or
licensed child-placing agency shall submit the report to the
18 court within 60 days.

20 (i) If the court has a report that provides
sufficient, current information, the court may waive
22 the requirement of a study and report.

24 (ii) If the petitioner is a blood relative of the
child, the court may waive the requirement of a study
and report.

26 (2) The court shall request a background check for each
28 prospective adoptive parent who is not the biological parent
of the child. The background check must include a screening
30 for child abuse cases in the records of the department and
criminal history record information obtained from the Maine
32 Criminal Justice Information System and the Federal Bureau
of Investigation.

34 (i) The criminal history record information obtained
36 from the Maine Criminal Justice Information System must
include a record of Maine conviction data.

38 (ii) The criminal history record information obtained
40 from the Federal Bureau of Investigation must include
other state and national criminal history record
42 information.

44 (iii) Each prospective parent who is not the
46 biological parent of the child shall submit to having
fingerprints taken. The State Police, upon receipt of
48 the fingerprint card, may charge the court for the
expenses incurred in processing state and national
50 criminal history record checks. The State Police shall
take or cause to be taken the applicant's fingerprints.

2 and shall forward the fingerprints to the State Bureau
of Identification so that the bureau can conduct state
4 and national criminal history record checks. Except
for the portion of the payment, if any, that
6 constitutes the processing fee charged by the Federal
Bureau of Investigation, all money received by the
8 State Police for purposes of this paragraph must be
paid over to the Treasurer of State. The money must be
10 applied to the expenses of administration incurred by
the Department of Public Safety.

12 (iv) The subject of a Federal Bureau of Investigation
criminal history record check may obtain a copy of the
14 criminal history record check by following the
procedures outlined in 28 Code of Federal Regulations,
16 Sections 16.32 and 16.33. The subject of a state
criminal history record check may inspect and review
18 the criminal history record information pursuant to
Title 16, section 620.

20 (v) State and federal criminal history record
22 information may be used by the court for the purpose of
screening prospective adoptive parents in determining
24 whether the adoption is in the best interests of the
child.

26 (vi) Information obtained pursuant to this paragraph
28 is confidential. The results of background checks
received by the court are for official use only and may
30 not be disseminated outside the court except as
required under Title 22, section 4011-A.

32 (vii) The expense of obtaining the information
34 required by this paragraph is incorporated in the
adoption filing fee established in section 9-301. The
36 Probate Court shall collect the total fee and transfer
the appropriate funds to the Department of Public
38 Safety and the department.

40 The court may waiver fingerprinting and background checks of a
42 prospective parent who is not the biological parent of the child
if, within the past 2 years, the fingerprinting and background
44 checks were completed by a licensed child-placing agency in
conjunction with an adoption home study.

46 This subsection does not authorize the court to request a
background check for the biological parent who is also the
48 current legal parent of the child.

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SUMMARY

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4 This bill amends the laws governing background checks on
6 prospective adoptive parents to accept as meeting the requirement
 a background check completed in the prior 2 years by a licensed
 child-placing agency and to require that the background check
 occur prior to placement of the child with the family.