

MAINE STATE LEGISLATURE

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L.D. 1754

DATE: 3-2-04

(Filing No. H-728)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1276, L.D. 1754, Bill, "An Act To Permit Background Checks on Prospective Adoptive Parents"

Amend the bill in section 1 in subsection (a-1) by striking out the first blocked paragraph (page 2, lines 39 to 46 in L.D.)

Further amend the bill by inserting after section 1 the following:

Sec. 2. 18-A MRSA §9-304, sub-§(a-2) is enacted to read:

(a-2) The department may, pursuant to rules adopted by the department, at any time before the filing of the petition for adoption, conduct background checks for each prospective adoptive parent of a minor child in its custody.

(1) The department may request a background check for each prospective adoptive parent who is not the biological parent of the child. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

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

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

2 (iii) Each prospective parent who is not the
3 biological parent of the child shall submit to having
4 fingerprints taken. The State Police, upon receipt of
5 the fingerprint card, may charge the department for the
6 expenses incurred in processing state and national
7 criminal history record checks. The State Police shall
8 take or cause to be taken the applicant's fingerprints
9 and shall forward the fingerprints to the State Bureau
10 of Identification so that the bureau can conduct state
11 and national criminal history record checks. Except
12 for the portion of the payment, if any, that
13 constitutes the processing fee charged by the Federal
14 Bureau of Investigation, all money received by the
15 State Police for purposes of this paragraph must be
16 paid over to the Treasurer of State. The money must be
17 applied to the expenses of administration incurred by
18 the Department of Public Safety.

19 (iv) The subject of a Federal Bureau of Investigation
20 criminal history record check may obtain a copy of the
21 criminal history record check by following the
22 procedures outlined in 28 Code of Federal Regulations,
23 Sections 16.32 and 16.33. The subject of a state
24 criminal history record check may inspect and review
25 the criminal history record information pursuant to
26 Title 16, section 620.

27 (v) State and federal criminal history record
28 information may be used by the department for the
29 purpose of screening prospective adoptive parents in
30 determining whether the adoption is in the best
31 interests of the child.

32 (vi) Information obtained pursuant to this paragraph
33 is confidential. The results of background checks
34 received by the department are for official use only
35 and may not be disseminated outside the department
36 except to a court considering an adoption petition
37 under subsection (a-1).

38 (2) Rules adopted by the department pursuant to this
39 subsection are routine technical rules as defined in Title
40 5, chapter 375, subchapter 2-A.'

SUMMARY

This amendment replaces the bill.

COMMITTEE AMENDMENT "A" to H.P. 1276, L.D. 1754

2 Current law requires the Probate Court to request background
checks, including a fingerprint-based national criminal history
4 record check, for all adoptions once the adoption petition has
been filed with the Probate Court. This amendment gives the
6 Department of Human Services the authority to use the same basic
procedure to conduct background checks earlier in the adoption
8 process.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1754

An Act To Permit Background Checks on Prospective Adoptive Parents

LR 2642(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor Revenue Increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Human Services and to the Department of Public Safety in implementing this legislation can be absorbed by the departments utilizing existing resources.

The Department of Public Safety may collect a minor amount of additional General Fund revenue through background check fees collected from certain adoptive parents.