

MAINE STATE LEGISLATURE

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No. 1734

H.P. 1217

House of Representatives, March 26, 2007

An Act To Provide Adult Adoptees Access to Information

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator BRYANT of Oxford and
Representative: PATRICK of Rumford.

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

2 **Sec. 1. 18-A MRSA §9-202, sub-§(i)** is enacted to read:

3 (i). Before the surrender and release is executed, the parents shall complete a family
4 history form to provide the medical, genetic, cultural and social history information as set
5 forth in section 9-304, subsection (b), paragraph (1).

6 **Sec. 2. 18-A MRSA §9-304, sub-§(b), ¶(1)**, as enacted by PL 1995, c. 694, Pt.
7 C, §7 and affected by Pt. E, §2, is amended to read:

8 (1). The department, the licensed child-placing agency or any other person who acts
9 to place or assist in placing the child for adoption shall obtain medical ~~and~~, genetic,
10 cultural and social history information on the biological parents and the child by,
11 among other methods, requiring the biological parents to complete the family history
12 form as required in section 9-202, subsection (i). Specifically, the department, the
13 licensed child-placing agency or other person who acts to place or assist in placing
14 the child for adoption shall attempt to obtain:

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

22 (ii) Relevant information concerning the medical, psychological ~~and~~, social
23 history and cultural history of the biological parents, including any known
24 disease or hereditary disposition to disease, the history of use of drugs and
25 alcohol, the health of the biological mother during her pregnancy and the health
26 of the biological parents at the time of the child's birth.

27 **Sec. 3. 18-A MRSA §9-304, sub-§(b), ¶(5)**, as enacted by PL 1995, c. 694, Pt.
28 C, §7 and affected by Pt. E, §2, is amended to read:

29 (5). If, after a child is placed for adoption and either before or after the adoption is
30 final, the child suffers a serious medical or mental illness for which the specific
31 medical, psychological or social history of the biological parents or the child may be
32 useful in diagnosis or treatment, the prospective adoptive or adoptive parents may
33 request that the department, the licensed child-placing agency or other person who
34 placed or assisted to place the child attempt to obtain additional information. The
35 department, licensed child-placing agency or other person shall attempt to obtain the
36 information promptly and shall disclose any information collected to the prospective
37 adoptive or adoptive parents as soon as reasonably possible. The department, the
38 licensed child-placing agency or other person may charge a fee to the prospective
39 adoptive or adoptive parents to cover the cost of obtaining and providing the
40 additional information. Fees collected by the department must be dedicated to defray
41 the costs of obtaining and providing the additional information. Fees may be reduced
42 or waived for low-income prospective adoptive or adoptive parents.

1 This paragraph applies to a request for information by an adoptee who has reached 18
2 years of age if the adoptee or a direct descendant of the adoptee suffers from a serious
3 medical or mental illness for which the specific medical, psychological or social
4 history of the biological parents or the adoptee may be useful in diagnosis or
5 treatment.

6 **Sec. 4. 18-A MRSA §9-310**, as enacted by PL 1995, c. 694, Pt. C, §7 and affected
7 by Pt. E, §2, is repealed and the following enacted in its place:

8 **§9-310. Records confidential**

9 (a). This subsection applies to adoptions decreed on or after August 8, 1953 and
10 before September 1, 2007.

11 (1). Notwithstanding any other provision of law, all Probate Court records relating to
12 adoptions under this subsection are confidential. The Probate Court shall keep
13 records of those adoptions segregated from all other court records.

14 (2). If a Judge of Probate Court determines that examination of records pertaining to
15 a particular adoption under this subsection is proper, the judge may authorize that
16 examination by specified persons; authorize the register of probate to disclose to
17 specified persons any information contained in the records by letter, certificate or
18 copy of the record; or authorize a combination of both examination and disclosure.
19 Examination or disclosure of records is proper only if the birth parents listed on the
20 original birth certificate have consented to the release of identifying information.

21 (b). This subsection applies to adoptions decreed on or after September 1, 2007.

22 (1). Notwithstanding any other provision of law, the Probate Court records relating
23 to adoptions under this subsection are confidential. The Probate Court shall keep
24 records of those adoptions segregated from all other court records.

25 (2). Information contained in the records maintained by the Probate Court is subject
26 to examination or disclosure by letter, certificate or copy of the record or a
27 combination of both examination and disclosure as follows.

28 (i) Except as provided in subparagraph (iii), upon request of the adoptive parents
29 all information in the Probate Court records pertaining to that adoption until the
30 adoptee reaches 18 years of age is available to the adoptive parents of the
31 adoptee.

32 (ii) Except as provided in subparagraph (iii), upon request of the adoptee all
33 information in the Probate Court records pertaining to that adoptee is available to
34 the adoptee on or after the date on which the adoptee reaches 18 years of age.

35 (iii) If a birth parent identified on the original birth certificate submits to the
36 Probate Court within 7 days of the effective date of the consent, surrender and
37 release or termination of parental rights a sworn, notarized statement directing
38 that the name and any personally identifying information about the birth parent
39 on the original birth certificate are to be kept confidential, the register of probate
40 may not disclose that information. The statement must include the following
41 declaration by the birth parent: "I understand that I may provide additional

