

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 376

S.P. 156

In Senate, February 12, 2013

An Act To Amend the Laws Concerning the Adoption of Siblings

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative BEAULIEU of Auburn and
Senators: CRAVEN of Androscoggin, LACHOWICZ of Kennebec, VALENTINO of York,
Representative: LIBBY of Lewiston.

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

2 **Sec. 1. 18-A MRSA §9-304, sub-§(e-1)** is enacted to read:

3 (e-1). If the child has siblings, the court shall include in the adoption decree in
4 subsection (f) a requirement that the petitioner facilitate contact between the child and the
5 child's siblings unless the contact is not in the child's best interests.

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

8 (f). If the judge is satisfied with the identity and relations of the parties, of the
9 ability of the petitioner to bring up and educate the child properly, considering the
10 condition of the child's biological parents, of the ability of the petitioner to facilitate
11 contact between the child and the child's siblings if required under subsection (e-1) and of
12 the fitness and propriety of the adoption, the judge shall make a decree setting forth the
13 facts and declaring that from that date the child is the child of the petitioner and that the
14 child's name is changed, without requiring public notice of that change.

15 **Sec. 3. 18-A MRSA §9-305, sub-§(d)** is enacted to read:

16 (d). The court shall determine, based on the information available, whether an
17 adoptee who is a minor has siblings and the status of the relationship between the adoptee
18 and the siblings.

19 **Sec. 4. 22 MRSA §4068, sub-§2**, as enacted by PL 2005, c. 526, §2, is amended
20 to read:

21 **2. Siblings separated through adoption.** The department shall make reasonable
22 efforts to establish agreements with prospective adoptive parents that provide for
23 reasonable contact between an adoptive child and the child's siblings ~~when~~ unless the
24 department believes that the contact will not be in the children's best interests.

25 **SUMMARY**

26 This bill provides that minor siblings who are separated by adoption, whether through
27 child welfare actions or otherwise, may have contact with each other unless it is not in
28 their best interests.

29 Current law requires the Department of Health and Human Services in child welfare
30 cases to make reasonable efforts to establish agreements with adoptive parents of children
31 that provide for reasonable contact with the child's siblings when the department believes
32 the contact is in the child's best interests. This bill requires the agreements unless the
33 contact will not be in the best interests of the child.

34 The bill also provides for contact between siblings who are adopted into different
35 families in cases that are not child welfare cases.