



126th MAINE LEGISLATURE

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Legislative Document

No. 1068

H.P. 761

House of Representatives, March 19, 2013

An Act To Prevent the Reduction in Adoption Subsidy after an Agreement Has Been Signed by the Prospective Adoptive Parents and the Department of Health and Human Services

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. Mac Jarland

MILLICENT M. MacFARLAND Clerk

Presented by Representative BEAVERS of South Berwick. Cosponsored by Senator GRATWICK of Penobscot and Representatives: GILBERT of Jay, GUERIN of Glenburn, NEWENDYKE of Litchfield, ROTUNDO of Lewiston, RYKERSON of Kittery, TIPPING-SPITZ of Orono, Senators: LANGLEY of Hancock, TUTTLE of York.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** adoption assistance payments from the Department of Health and Human 4 Services to prospective adoptive parents are essential to those parents' providing the 5 necessary care and support of the adopted child; and
- 6 **Whereas,** when the Department of Health and Human Services reduces adoption 7 assistance payment amounts after they have been agreed upon by the department and 8 prospective adoptive parents it imposes an economic hardship on the parents and 9 threatens their ability to provide proper care for the child; and
- 10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 11 the meaning of the Constitution of Maine and require the following legislation as 12 immediately necessary for the preservation of the public peace, health and safety; now, 13 therefore,
- 14 Be it enacted by the People of the State of Maine as follows:
- 15 Sec. 1. 18-A MRSA §9-403, sub-\$(a), as enacted by PL 1995, c. 694, Pt. C, §7
 16 and affected by Pt. E, §2, is amended to read:
- 17 (a). A written agreement between the family entering into the program and the 18 department must precede the final decree of adoption, except that an application may be 19 filed subsequent to the finalization of the adoption if there were facts relevant to the 20 child's eligibility that were not presented at the time of the request for assistance or if the 21 child was eligible for participation in the program at the time of placement and the 22 adoptive parents were not apprised of the program.
- Except as provided by section 9-401, subsection (h), once an adoption assistance payment
 is agreed upon and the agreement signed by the prospective adoptive parents, the
 department may not reduce the adoption assistance payment amounts.
- 26 **Emergency clause.** In view of the emergency cited in the preamble, this 27 legislation takes effect when approved.
- 28 SUMMARY
- This bill prohibits the Department of Health and Human Services from reducing its adoption assistance payments to adoptive parents once an adoption assistance payment is agreed upon.