

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1414

H.P. 910

House of Representatives, March 30, 2023

**An Act to Ensure Involvement of Adopted Youth in the
Determination of Continuing Financial Support Under the Adoption
Assistance Program**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: BRENNAN of Portland, GATTINE of Westbrook, MADIGAN of Waterville,
RECKITT of South Portland, Senator: MOORE of Washington.

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

2 **Sec. 1. 18-C MRSA §9-204, sub-§4**, as enacted by PL 2017, c. 402, Pt. A, §2 and
3 affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

4 **4. Guardian ad litem for child.** The court ~~may~~ shall appoint a guardian ad litem for
5 a child who is the subject of a petition for termination of parental rights under subsection
6 1. The appointment must be made as soon as possible after the petition for termination of
7 parental rights is initiated.

8 A. The court shall pay reasonable costs and expenses for the guardian ad litem.

9 B. In general, the guardian ad litem shall act in pursuit of the best interest of the child.
10 The guardian ad litem must be given access to all reports and records relevant to the
11 case and investigate to ascertain the facts. The investigation must include, when
12 possible and appropriate:

13 (1) Reviewing records of psychiatric, psychological or physical examinations of
14 the child, parents or other persons having or seeking care or custody of the child;

15 (2) Review of relevant school records and other pertinent materials;

16 (3) Interviewing the child with or without other persons present; and

17 (4) Interviews with parents, guardians, teachers and other persons who have been
18 involved in caring for or treating the child.

19 The guardian ad litem may subpoena, examine and cross-examine witnesses and shall make
20 recommendations to the court.

21 **Sec. 2. 18-C MRSA §9-204, sub-§5** is enacted to read:

22 **5. Adoptee upon termination or annulment.** Upon termination of parental rights
23 under this section or annulment of the adoption decree under section 9-315:

24 A. The court shall inform the adoptee of applicable laws and rules and the duration,
25 source and amounts of adoption assistance under section 9-402;

26 B. For an adoptee who is a minor, custody and control of the adoptee revert to the
27 department under section 9-203;

28 C. To the extent allowed by federal law, the adoptee is eligible for assistance under
29 United States Social Security Act, Title IV if the adoptee is adopted by another parent
30 or is placed with a guardian; and

31 D. For an adoptee who is a minor and has not been adopted subsequent to termination
32 of parental rights, within 60 months of the termination the court shall determine a
33 permanency plan for the adoptee pursuant to Title 22, section 4038-B.

34 **Sec. 3. 18-C MRSA §9-315, sub-§1, ¶A**, as enacted by PL 2017, c. 402, Pt. A, §2
35 and affected by PL 2019, c. 417, Pt. B, §14, is amended by enacting at the end a new last
36 blocked paragraph to read:

37 If the court annuls the decree, the provisions of section 9-204, subsection 5 apply.

38 **Sec. 4. 18-C MRSA §9-401, sub-§7**, as amended by PL 2021, c. 348, §22, is further
39 amended to read:

1 1. Upon a petition of termination of parental rights by adoptive parents or annulment
2 of an adoption decree, requiring a guardian ad litem to be appointed for the adoptee and for
3 the adoptee to be informed about adoption assistance; to be placed into the care of the State;
4 to the extent allowed by federal law continue to receive federal adoption assistance after
5 being subsequently adopted or placed with a guardian; and to receive a permanency plan
6 within 60 months of the termination of parental rights or annulment of the decree;

7 2. Requiring the Department of Health and Human Services to ensure that an adoptee
8 16 years of age or older who meets the definition of a special needs child is physically
9 present or is represented by a guardian ad litem for any discussion or determination of
10 whether to continue adoption assistance, understands the determination and the adoptee's
11 rights in making the determination and provides written consent to a determination to
12 continue the assistance;

13 3. Allowing the participation of a legal guardian in the annual redetermination of
14 adoption assistance and requiring transfer of adoption assistance to the legal guardian or
15 guardian ad litem upon the death or termination of parental rights of the adoptive parents;
16 and

17 4. Requiring adoption assistance to continue regardless of the state the child and legal
18 guardian may reside in or move to as long as the legal guardian and child remain eligible
19 under redetermination.