

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 920

S. P. 304

In Senate, February 18, 1953

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Chase of Cumberland

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Declaring All Court Papers, Books and Records Pertaining to Adoption Confidential and Providing for Release Thereof.

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

R. S., c. 145, § 37-A, additional. Chapter 145 of the revised statutes, as amended, is hereby further amended by adding thereto a new section to be numbered 37-A, to read as follows:

'Sec. 37-A. Adoption papers, books and records made confidential; court authority to release same. All papers, books and records relating to any adoption, whether previously decreed or hereafter to be decreed, which are in any court are herewith declared to be confidential. All such papers, books and records shall be safeguarded from coming to the knowledge of, and from inspection and examination by, any person who has not procured authority as hereinafter provided; and no person having knowledge of the information contained in such papers, books or records shall disclose such information to any person unless authorized, as hereinafter provided.

Whenever it is desired to examine or inspect, or otherwise to procure information contained in, such papers, books or records relating to any adoption and herein declared confidential, the person or persons, agency or

agencies, seeking such examination, inspection or information may petition for authorization to the judge of the probate court in which the adoption was decreed. Upon the filing of any such petition the probate judge, within 5 days thereafter, shall transmit a copy of the petition to the state department of health and welfare and to any other agency appearing of record in the said probate court as having participated in the said adoption. The probate judge shall in addition order such notice of the petition as he may deem appropriate to be given to the adoptive parent, or parents; no other notice need be required. In his discretion, the said probate judge may request the state department of health and welfare to study the situation and to submit to him, within such time as he may designate, a report dealing with the need for the release of such papers, books, records or information sought, and its effect upon the welfare of the person adopted, the adopting parent, or parents, and the natural parent, or parents. If, after considering any report submitted, and after hearing any evidence which may be presented by any person or persons having an interest in the adoption, the judge of probate is satisfied that the inspection, examination or information requested is necessary for purposes arising out of, or connected with, the adoption, and will not be harmful to the best interests of the person adopted, the adoptive parent, or parents, and the natural parent, or parents, the probate judge may authorize the examination, inspection or release of information requested in the petition upon such terms, conditions, limitations or restrictions as the judge sees fit to impose.'