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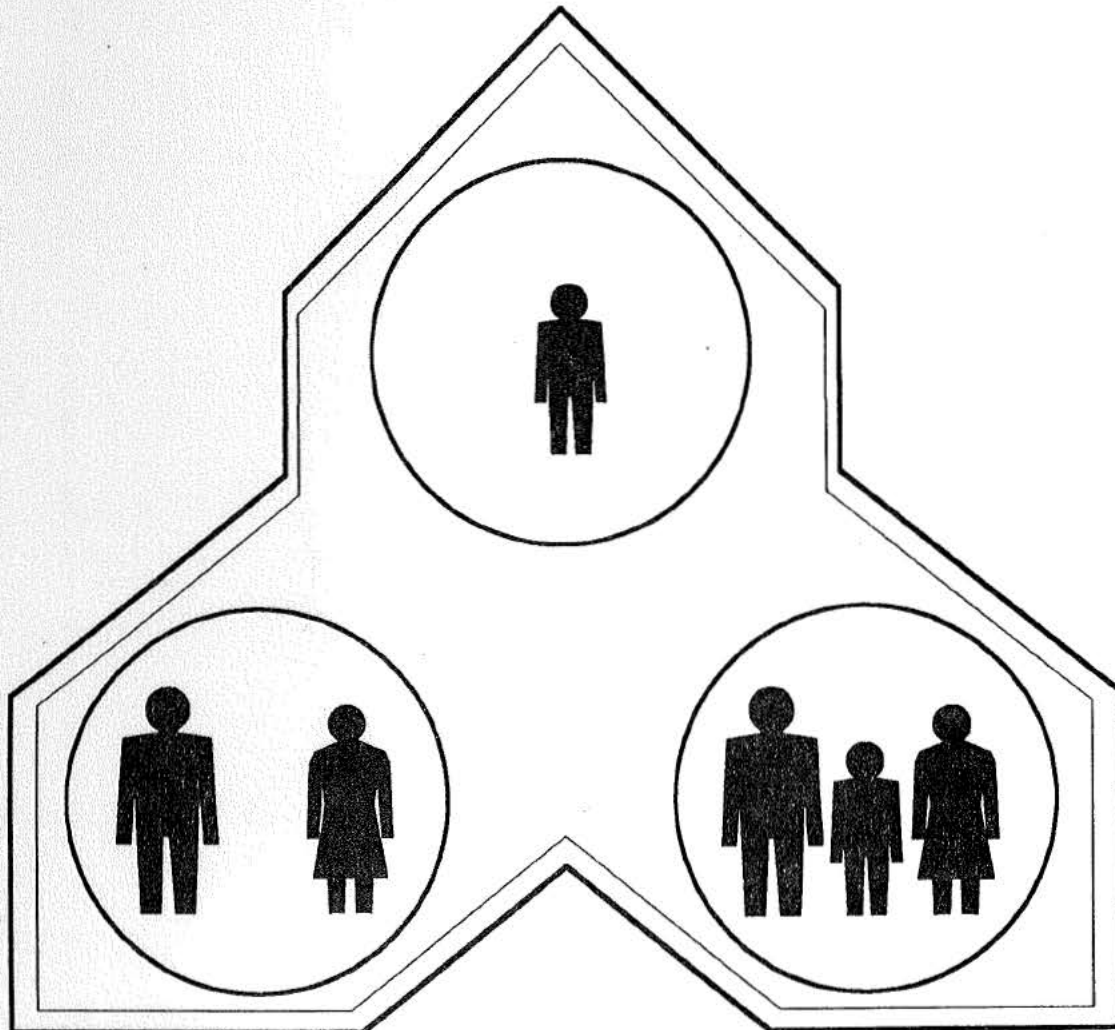


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L.U.O.

ADOPTION

A LIFE LONG PROCESS



REPORT OF THE ADOPTION TASK FORCE
MAINE DEPARTMENT OF HUMAN SERVICES

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MARCH 1989

John R. McKernan Jr.
Governor



Rollin Ives
Commissioner

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ERRATA: Page 50

Recommendation 60-A:
That advertisements for adoption be banned in Maine.
(Voted on 1/19/89)

STATE OF
MAINE
AUG 1989

ADOPTION

A LIFE LONG PROCESS

REPORT OF THE ADOPTION TASK FORCE

MAINE DEPARTMENT OF HUMAN SERVICES

Produced under Appropriation Number 1320.1040

MARCH 30, 1989



John R. McKernan
Governor

SEP 23 1989
Rollin Ives
Commissioner

March 30, 1989

Rollin Ives, Commissioner
Department of Human Services
State House, Station 11
Augusta, Maine 04333

Dear Commissioner Ives:

On behalf of the members of the Adoption Task Force, we are pleased to present our recommendations for improving the lifelong process of adoption within the State of Maine. We commend you for your farsightedness in establishing this Task Force to do the first review of adoption in Maine since 1963. The importance of this project becomes overwhelmingly apparent when one recognizes that the adoption process affects conservatively one-half of the residential population of Maine. In recognition of the problems facing adoption in our society, you involved over thirty citizens of Maine, representing virtually all aspects of adoption, who tirelessly worked countless hours on subcommittees and on the Task Force.

During the past year, the Task Force embarked upon and completed an exhaustive review of the issues presented by adoption. This Report now sets forth recommendations necessary for desperately needed improvements in the adoption process in Maine. In formulating these recommendations, the Task Force took into consideration the rights and needs of each member of the adoption triad (birth parents, adoptees and adoptive parents), as well as the interests of society as a whole.

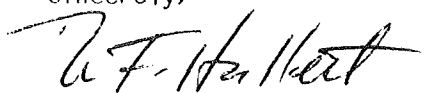
Combining personal experience, testimony at public hearings, and over 1,000 responses to questionnaires, a vision has emerged of the future of the adoptive process in the State of Maine. Three proposed legislative bills presented with this Report: (1) re-codify Maine adoption law; (2) propose an organizational structure created specifically to deal with adoption issues; and (3) propose changes for Vital Records and the Adoption Reunion Registry. These bills, together with recommended changes in rules, policy and practice, provide the basis for sound adoption practice and programs in Maine.

It has been a year of tremendous work for many people. It has also been a year of tremendous personal growth for Task Force members. People who came from divergent backgrounds and opinions struggled with difficult issues and came to essential agreement in presenting the recommendations in this report. Throughout the past year, the Task Force has received many kind words from the community. As an adoptee said:

"All people responsible for creating the Adoption Task Force and for carrying out the work of the Adoption Task Force are to be commended for recognizing the problem and taking action to bring adoption laws in the State of Maine up-to-date. Thank you."

Again, we thank you for this opportunity to look at past and present adoption practices and to help change the future of adoption. We now look to you for your commitment and support in gaining the resources necessary to implement this direly needed reform in adoption practice, reform we hope will set precedence nationwide.

Sincerely,


Thomas F. Hallett, Esquire
Co-Chairman
Adoption Task Force

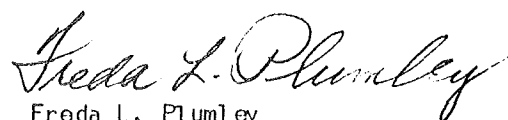

Freda L. Plumley
Co-Chairman
Adoption Task Force

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Acknowledgements

It is with gratitude that we acknowledge these people who contributed to the success of this review of adoption in Maine. Without their generosity and support this review could not have been as complete as it was.

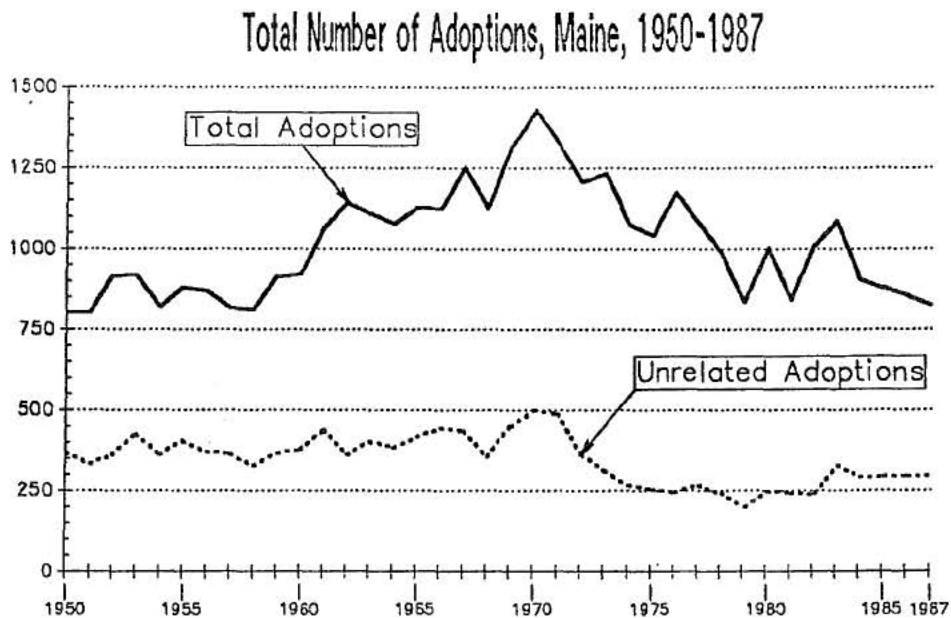
- . Martha B. Naber - Staff person for the Adoption Task Force whose enthusiasm, patience, and organizational skills helped us do a monumental task within our one year of work.
- . Ellen Naor, Director of the Office of Data, Research, and Vital Statistics and State Registrar of Vital Statistics, who made available to the Task Force the resources which enabled it to carry out and analyze the several surveys.
- . Stephen Greenberg, Data Analyst - Office of Data, Research and Vital Records for his invaluable assistance in data collection, analysis, and presentation of the illustrative charts and graphs.
- . Many businesses and individuals who made donations to the "Calling Out" event.
- . Clerical support services in the Bureau of Social Services, especially Donna Philbrook, Sue Harris and Diane Poulin.
- . The many individuals who came to speak to the Task Force at its meetings about adoption.
- . The Maine citizens who came to and testified at the Public Hearings.
- . The 548 Maine citizens who answered the questionnaires about adoption.
- . Individual members of the Task Force, each of whom brought a perspective, expertise and commitment which was invaluable in the work of the Task Force.
- . Peter Walsh, Director of the Bureau of Social Services, Maine Department of Human Services for assistance in establishing the Task Force.
- . Bruce Armstrong for designing the report cover.
- . Members of the Legislature who have had an interest in adoption and have sponsored legislation to address adoption issues.

Adoption is a lifelong process affecting nearly half of the people of Maine.

During the last twelve months, the Adoption Task Force has reassessed existing adoption laws, practices and needs in Maine. In this report the Task Force recommends changes that offer a balancing of interests that will provide information, training, regulation and opportunities for support to meet the evolving needs of Maine people.

The implementation of these recommendations will have a profound and beneficial effect not only upon the infants, children, adults, and families of the State of Maine, but, with universal implications, upon humanity as a whole.

How many people in Maine are affected by adoption?



Source of Data: Adoption Task Force, BSS.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: NABER

If you take the total number of adoptees since 1947 (40,242) and add:

- 2 birthparents for each one
- 2 adoptive parents for each one
- 8 Grandparents for each one

you have 362,178 people directly involved with adoption

If only one other person is touched by these people directly involved with adoption, such as a sibling, spouse, child, aunt, uncle, friend, professional or agency, then more than half of Maine's population is affected.

Introduction

History/Process

The Adoption Task Force was established by Maine Department of Human Services Commissioner Rollin Ives on March 17, 1988. The Task Force was charged to:

1. Identify current trends in and issues regarding adoption;
2. Determine where Maine wants to be in regards to adoption;
3. Identify current and needed resources for adoption support;
4. Revise or recodify Maine's adoption laws;
5. Make recommendations for administrative policy and rules changes; and
6. Report back to Commissioner Ives in one year.

The Adoption Task Force identified over 75 issues (Appendix A). These issues were grouped into six categories that were assigned to five committees: Legal Issues, Search, Independent Adoption, Support Services and Public Education. Work began immediately with a total of 64 Task Force and committee meetings held.

Public hearings. Four public hearings were held in September, 1988 across Maine. Citizens came to Presque Isle, Bangor, Augusta, and Portland to share their concerns and ideas about adoption in Maine. (The summary of the hearings is set forth in Appendix C.)

Survey. Over 3,800 questionnaires were distributed in September, 1988 to Maine citizens with a return rate of over 25%. An opinion questionnaire and a questionnaire specific to the members of the triad were sent to over 1,900 adoptive parents, birthparents, and adoptees. The Adoption Task Force Survey Report contains copies of the questionnaires and the results of the data compilation. The results of the hearings and of the questionnaires were extremely helpful to all the committees in making their recommendations.

Sixteen Probate Judges, eight private licensed adoption agencies, and each of the five Department of Human Services regional adoption units were also surveyed. The judges' survey, (found in Appendix D), was to determine their opinion about possible changes in the Maine adoption statute concerning the granting of an adoption petition and access to court records. The agency survey, (found in Appendix E), was to determine what services are presently being provided by Maine adoption agencies and what services need to be provided in the future.

Public information. Maine citizens were kept informed of the work of the Adoption Task Force by:

- . Presentation of a draft report to Commissioner Ives at a press conference July 1, 1988.
- . A "Calling Out For Those Who Wait" on November 21, 1988 to kick off Maine Adoption Week and to inform Maine people about 61 children at that time awaiting adoptive families.
- . Related media coverage.

Committees' recommendations were deliberated and debated by the Task Force in late 1988 and early 1989 resulting in the final recommendations contained in Appendix F.

Key Findings

1. **Adoption is a lifelong process.** Each member of the adoption triad carries a perception of the other members varying from fantasy to reality. The degree of acceptance of and comfort with one's identity in relation to the other members of the triad is often dependent upon ones having access to information about and an opportunity to come to terms with one's history, present, and future.
2. **The adoption law.** The current adoption law (19 MRSA §§531-544) does not fully address the rights and meet the needs of members of the adoption triad. Written in 1855 and amended occasionally through the years, the law needs to be recodified and updated to protect the rights of birth mothers and birth fathers, children, and adoptive parents.
3. **Independent adoption.** A suspicion of widespread abuse in independent adoption, particularly of birth mothers, led the Task Force to investigate this aspect of adoption thoroughly. While instances of abuse were substantiated, widespread abuse was not found. Independent adoption should be retained as an adoption practice. Regulations should be instituted to protect the rights of those involved.
4. **Open records.** The practice of sealing adoption records, instituted in the 1950's, has contributed negatively to emotional and psychological health issues suffered by members of the triad. In general, "openness" in adoption is a more sound approach, recognizing the necessity for certain limitations.
5. **Medical/genetic information.** All triad members must have continuing access to medical/genetic information.
6. **Pre- and post-adoption services.** There are significant unmet service needs of all triad members before, during, and after the placement of a child. A focal point is needed for the coordination of training those involved in providing adoption service and for information about and provision of adoption services. A Division of Adoption is proposed to fulfill this role.
7. **Public awareness.** Public awareness of the adoption process is woefully lacking. Public education about the adoption option and related adoption issues is essential. Education about available services in Maine, and those which are needed, is critical.
8. **Special needs adoptions.** Placement of children with special needs has intensified the need for various kinds of post-adoption services. In addition to services related to physical handicaps or conditions, many children require ongoing therapeutic treatment to deal with traumatic early life experiences and difficulty in forming attachments.

Adoption, A Lifelong Process

Adoption is a lifelong, intergenerational process which unites the triad of birth families, adoptees, and adoptive families forever. Clearly, the specific experiences of triad members vary, but there is a commonality of affective experiences which persists throughout the individual's or family's life cycle development.

Silverstein and Kaplan in 1982 identified "...seven lifelong or core issues for all triad members, regardless of the circumstances of the adoption or the characteristics of the participants:

loss
rejection
guilt and shame
grief
identity
intimacy
mastery/control"²

Maine citizens who spoke at the public hearings or who commented on the questionnaires shared their experiences as adoption triad members and about the lifelong process of adoption for them. A few of their comments were:

From an adoptee:

Adoption is a life long process which affects all parties involved (adoptee, adoptive parents, birth parents) sense of self, self-esteem, ability to function as a "normal" family, confidence, etc. The awareness of each other by all three parties as people with integrity, love, and feelings, and unmet needs can be very healing. We all need to open up all subjects related to adoption so we can stop hiding.

From an adoptive parent:

I feel very strongly that all prospective adoptive parents get the proper training as they begin the process as well as all along. I think it is essential people be connected with some kind of agency or support group from the beginning to the end. Adoption just doesn't happen and it is over; it is a life long process. People beginning the process need to be told this.

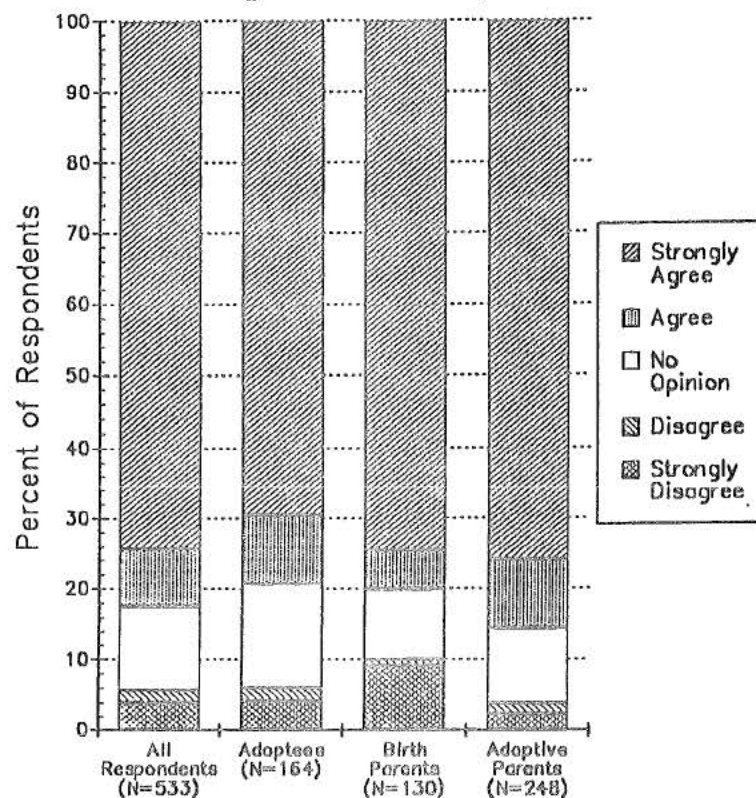
From a birth parent:

Every situation is different and has to be handled accordingly. I believe a birth parent has a need to have contact (through an intermediary) in regards to the well being of the child. Its tough!! A matter of privacy against a birth parent's longing need to know. I know its been 6 years for myself. They say every year gets easier. That's a crock. Every Christmas I remember. Every birthday I remember. Don't ask me to pretend she died because she didn't. If I could only meet her without her knowing. It would probably be emotionally upsetting but living every day wondering what she looks like and how she is is pretty bad.

Maine people spoke of each of the seven core issues and it was clear that struggle and growth were continuing.

The questionnaire results show overwhelming support for the idea of the lifelong process of adoption.

Adoption is a lifelong process. Agree or Disagree?



Source of Data: Opinion Questionnaire, Adoption Task Force, BSS, Sept 88.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A11 (Q120)

Legal Issues

Adoption exists as an imperfect social invention intended to meet the needs of some children and of the adults who wish to ensure that those children's needs are truly met. It is also a real lifetime experience for millions of people. Those who are committed to adoption and its improvement must listen to what those who have experienced adoption have to say, examine current adoption theory and practice in the light of those experiences, and be willing to experiment with new ways to meet the needs of all members of the adoption triangle. They also must document and evaluate what they are doing and develop alliances to share resources and reform laws and practice.³

An adoption law, originally written in 1855, with only a few substantial changes made since that time, does not meet the needs of Maine people related to adoption. This was recognized in 1963 by Governor John Reed's Task Force on Adoption. One recommendation of the 1963 Task Force was "that further study of Maine adoption law be undertaken to bring it into accord with national standards. This might well be done as part of a needed recodification of older laws relating to the care and protection of children."⁴ This was not implemented. Other recommendations were related to independent adoption and public education as well as to the provision of needed services to birthparents. The only one that was implemented was the establishment of home studies as a requirement for finalization. Twenty-five years later the Legal Issues Committee was charged with reviewing the statutes related to adoption and with making recommendations for changes.

Society's attitudes about adoption have changed drastically since the Maine adoption law was written. Decisions by the United States Supreme court have attempted to clarify birthparents' rights. People are listening to others' experiences with more sensitivity. The children being adopted today, especially older and special needs children, have different needs as do their adoptive families. Several legislative attempts in recent years have proposed changes which were not enacted. This Adoption Task Force was formed in part because of the need to address these issues and to present to the Legislature a coordinated and considered approach to these issues.

Many respondents to the questionnaires suggested that this is the time for change. Two of those responding stated:

We know so much more now than some 40 years ago about mental, emotional and physical health...the adoptive process - THE place to uniformly apply what we know -- Maine has the opportunity to generate the standards for a healthy growth process for all involved -- Go for it!

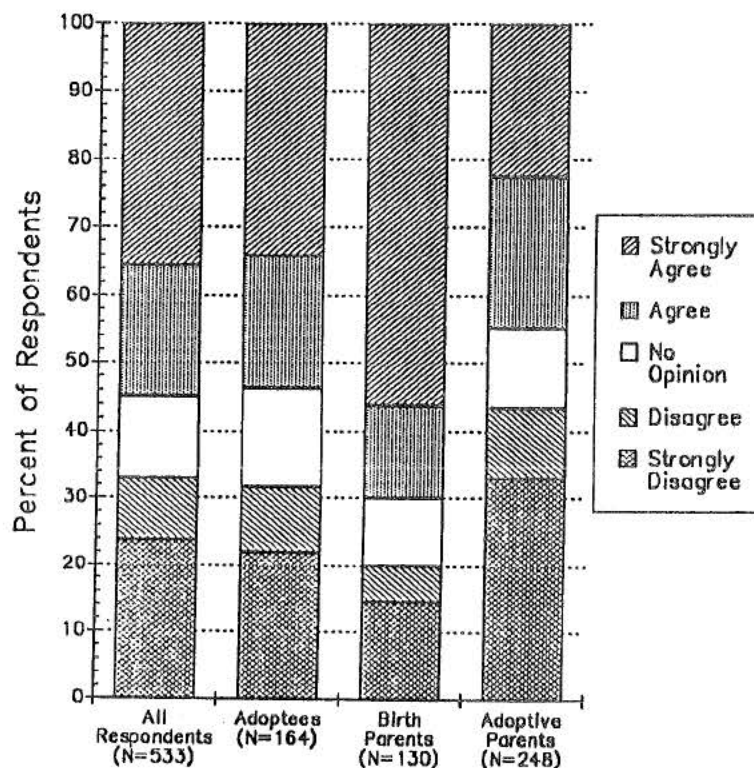
"Adoption" is not a crime - though it is treated as one by laws governing same. Adoptees are not forever children - as adults, adoptees should have legitimate access to all pertinent birth related information.

However, a minority stated that Maine's present laws are adequate and should not be changed substantially.

We are content with current procedures for adoption in Maine. There is very little activity anyway. We see the current move to change the laws as unnecessary and most unwanted government meddling.

The Legal Issues Committee reviewed the entire adoption and related laws and earnestly endeavored to balance the rights of all persons, adoptees, birthparents, and adoptive parents, as it recommended changes in the law, policy and practice. Data from the questionnaires was used by the committee when reviewing such issues as whether a specific period of time should be established for a birthparent to withdraw a consent for adoption or before a surrender and release for the purpose of adoption becomes final.

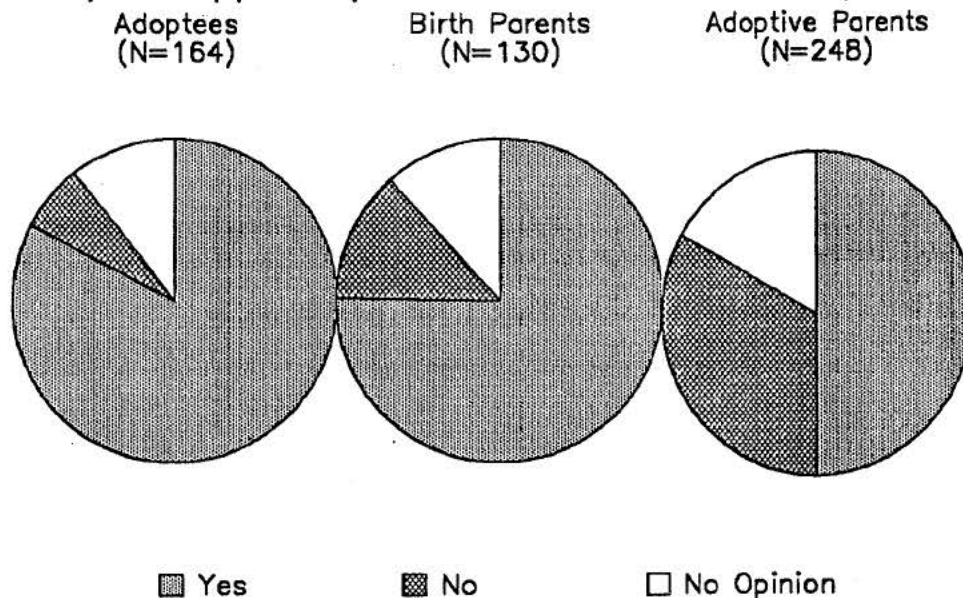
Birth parents should have a period of time to change their mind after consenting to an adoption.
Agree or Disagree?



Source of Data: Opinion Questionnaire, Adoption Task Force, BSS, Sept 88.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A15 (Q117)

Another complex issue for which changes in the law are recommended relates to access to court records. Respondents to the questionnaires indicated their support for open records.

Do you support open court records for adoptions?



Source of Data: Opinion Questionnaire, Adoption Task Force, BSS, September, 1988.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A17

The Legal Issues Committee also addressed issues related to independent adoptions including the need for home studies prior to adoptive placement, and changing the law to allow for licensure of private practitioners to provide for more timely home studies in independent adoptions.

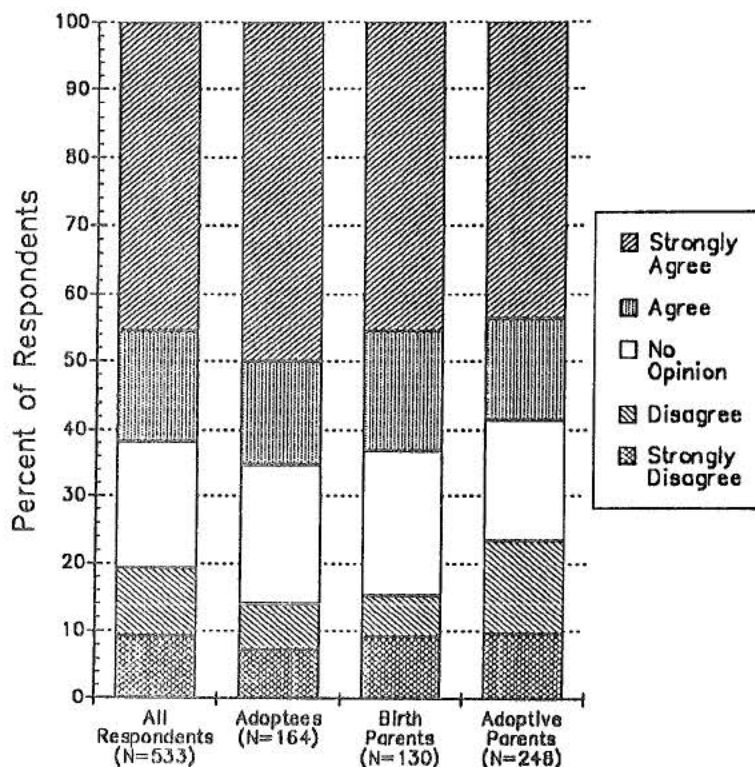
The recommendations for changes in the law appear in Appendix A, pp. 40-47. A bill entitled "AN ACT to Amend the Adoption Law" embodies those recommendations.

Independent Adoption

Couples seeking to adopt a child often bypass licensed agencies in favor of private placements. Although many independent adoptions seem to work out well, critics say the process tends to put the desires of the couple ahead of the welfare of the child and that more regulation is needed.⁵

Strong feelings were generated when independent or private adoption was discussed in the Independent Adoption Committee and the Task Force itself.

All adoptions should go through
a public or private adoption agency.
Agree or Disagree?



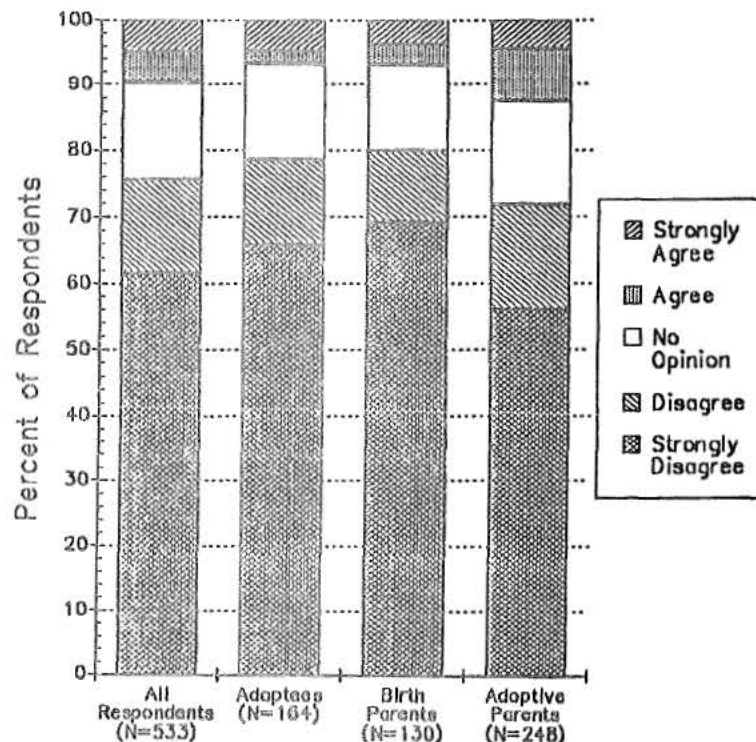
Source of Data: Opinion Questionnaire, Adoption Task Force, BSS, Sept 88.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A12 (Q128)

Proponents point out that independent adoptions allow for the immediate placement of the child with adoptive parents. Proponents argue that immediate placement promotes the formation of the parent-child bond. Critics of independent adoption argue that the investigation of the adoptive parents in an independent adoption is inadequate to ensure that the placement serves the best interests of the child. Moreover, opponents of independent adoptions believe that independent adoptions perpetuate "black-market" adoption.⁶

It was a topic raised at each public hearing with some people very concerned about the lack of regulation in Maine, and many people hoping that this option would be retained for Maine people.

The Committee listened to a large number of resource people with a range of opinions about independent adoption. Many of them made suggestions for changes. The questionnaire results showed a high percentage of the respondents felt that all adoptions should go through an agency and that doctors and lawyers shouldn't place children for adoption.

Doctors, lawyers, and other professionals
should be able to place children for adoption
without a license to do adoptive placements.
Agree or Disagree?



Source of Data: Opinion Questionnaire, Adoption Task Force, BSS, Sept 88.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A09 (Q124)

Some of the problems with independent adoption in Maine identified early in the process were:

- . Lack of preparation of all triad members for the adoption;
- . No disclosure of money changing hands;
- . No home study prior to placement of a child;
- . Birthmothers were getting little or no counseling about their options, and about grief and loss; and
- . Advertising in newspapers was unregulated.

A particular and recurring theme was that many families who wished to adopt independently were willing and anxious to have the home study done prior to placement but were unable to locate an agency which could do their study in a timely fashion. Because agencies have not met the need for timely home studies, some because they have been philosophically opposed to independent adoptions, the Task Force is recommending that laws and rules be changed to allow individual practitioners to be licensed to do home studies. They would be coordinated through the recommended Division of Adoption which would review the home studies to assure compliance with standards for licensing private practitioners. The Task Force is also recommending that an appeal process to the probate court be established for those whose home studies have not been approved by a private licensed practitioner. Public and private agencies already have an appeal process for unapproved home studies done by staff members of the agency.

Paul Fullerton in the Washington University Law Quarterly called for regulations of independent adoptions:

Independent adoptions, if properly regulated, provide a useful alternative to agency adoptions. Currently, however, many state adoption statutes are inadequate and easily circumvented. Other state adoption statutes suggest that state legislatures have ignored independent adoption practices. Independent adoption need not be prohibited. But states must regulate independent adoption to preclude black-market activity.⁷

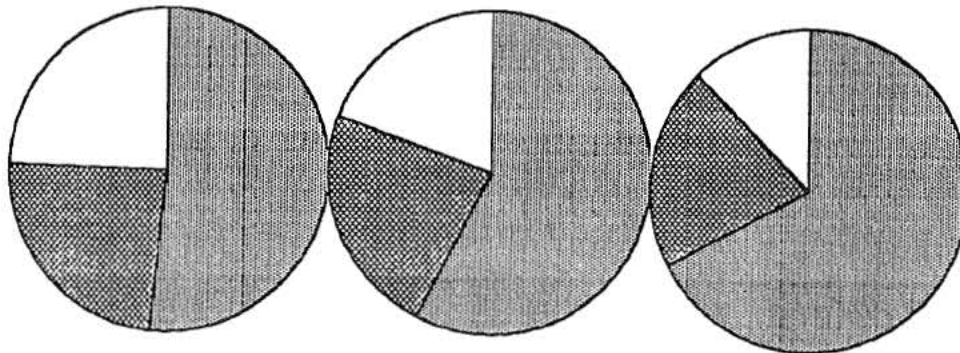
In reviewing available statutes from other states it was determined that eight states⁸ have banned independent adoption. Other states regulate some aspects of the practice. The questionnaire results showed that more than half of all respondents supported independent or private adoption in Maine.

Do you support independent or private adoptions?

Adoptees
(N=164)

Birth Parents
(N=130)

Adoptive Parents
(N=248)



■ Yes

■ No

□ No Opinion

Source of Data: Opinion Questionnaire, Adoption Task Force, BSS, September, 1988.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A18 (Q56)

However, the call for regulation was heard many times at the public hearings:

- . Private adoption ought to be available given the current status of resources and avenues. It should be regulated to prevent abuse.
- . Independent Adoption
 - no rules, regulations, no protection for anyone
 - come up with regulations - not banning
 - it works and is in most cases, very successful
- . Independent adoptions - cuts off possibility of adoptee searching for birthparent and vice versa. This should be retained as an option with regulations built in.
- . Keep independent adoption but regulate it more tightly.

And from respondents to the questionnaires:

I believe that private adoptions should be so carefully regulated that they are only done on a rare and occasional basis. All persons on the adoptive trail suffer when quickie adoptions for excessive prices are done by lawyers and doctors, etc., holding themselves out as specialists when in fact they know very little about adoption. Birth mothers need counseling - Adoptive parents need training and preparation - children need representation and advocacy. This is the business of agencies.

Independent or private adoption - This type of adoption is very risky. I feel if a family finds a child through their own channels they should still have to go through a home study and all the legal aspects that agency adoptions go through for the protection of both the parents and child.

A comment asking caution was added to one questionnaire from an adoptive parent:

Having had the benefit of two positive private adoptions I would hope some of the stigma attached to this can be removed from some standardization in the procedures. The few negative cases need not taint the legislature to make it difficult for the well handled, above board, ethical cases.

Specific suggestions for changes came from many sources:

An adoption caseworker:

I am concerned about independent adoptions as the adoptive couples are not well prepared regarding adoption issues. The birthmothers are not well prepared or considered.

An agency director:

In independent studies we are finding families have few supports and don't really understand adoption issues. The prospective parents don't have compassion for the birthmothers.

A birthmother:

I wish there was a law against putting ads in the paper. People wanting to adopt are putting a price tag on human life. That is wrong.

An Attorney:

- . Wants legal guidelines on finances in adoption
- . Wants to keep private placements available. She finds birth mothers want to participate in placement and want open adoptions to some extent. The greatest number want to meet the adoptive parents, some want identifying information. They also need to pay for medical, legal, and counseling costs
- . Thinks attorneys should not be brokers or matchmakers. This is not the attorney's role
- . Recommends counseling for birthparents
- . Wants independent legal counsel for birthparents

A person waiting to adopt:

Set guidelines for fees and expenses. Our attorney suggested we pay for: legal fees for both parties, medical fees for mother and baby, counseling for mother. He did not suggest we pay for any other costs of mother such as living expenses, car, etc. It should not be more than \$4,000 - \$7,000 for an adoption. Home studies should be done before a placement by a private agency.

In their 1978 study, Meezan, Katz and Russo concluded that there was "much greater risk" in independent adoptions than in agency adoptions of "failure to meet the conditions generally agreed necessary to protect the interests of child, biological parents and adoptive parents."⁹

The committee also looked at a concern that Maine hospitals might need to review their policies related to independent adoption. A short survey of thirty-nine Maine hospitals (69% return rate) showed that only fourteen have a policy established between 1976-1988. Seventeen hospitals do refer a birthparent considering adoption to one of seven agencies named.¹⁰

Based on its analysis of the data they had gathered from many resources, people, the public hearings, and the questionnaires, the Task Force concluded that independent adoptions, if properly regulated, should be retained as an option and an alternative to agency adoptions.

Recommendations for changes in the law, rules, and policy related to independent adoptions are found in Appendix A, pp. 48-53.

Search

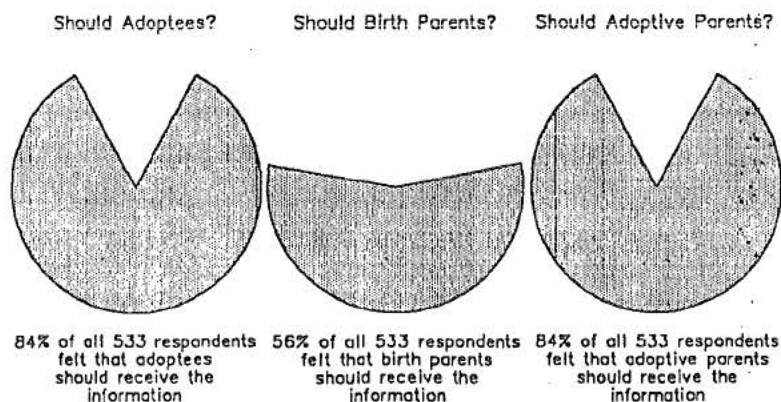
We do not know the size of this country's adopted population; we have no record of how many people are engaged in searching or which part of the triangle they represent. What we do know is that a substantial and increasing number of people who have been involved in adoptions in the past are now asking for information about, or seeking contact with, the other participants in their adoptions.¹²

In August, 1953, the adoption law was changed to segregate and make confidential adoption records. Those records can be examined only upon authorization of the probate court judge if he deems it proper. Since that time many triad members have not been able to gain access to original birth records, adoption records, or names of others involved. Because the sixteen judges of the probate courts have not interpreted confidentiality under the law (19 MRSA §534) in a consistent fashion, the law needs to be clarified.

Original birth records filed in municipal offices and in the Office of Data, Research, and Vital Statistics are sealed. The present law on vital statistics enacted in 1959 (22 MRSA §2765) permits inspection of the original birth records only upon a court order.

At the present time there is not an effective mechanism for the exchange of updated medical information. Many people feel this is needed in order to give birth parents, adoptive parents, and adult adoptees updated medical information. This could be critical to the life or health of the adoptee, especially if genetically transmitted diseases or conditions are not known at the time of placement. Birthparents should have updated medical information which could inform them about conditions their subsequent children may develop.

Who should be able to obtain Medical/Genetic information about the other triad members?



Source of Data: Opinion Questionnaire, Adoption Task Force, BSS, September, 1988.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A14 (Q71-3)

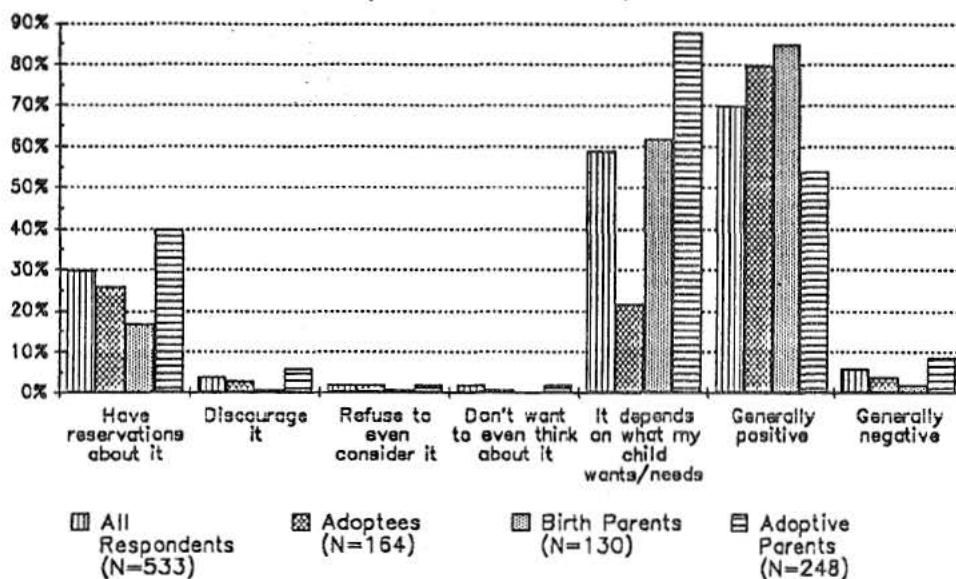
In 1979 Maine law established a voluntary passive reunion registry. To date 601 persons have registered and only eight matches have been made. Many people feel more publicity about the availability of this reunion registry is necessary.

Perhaps nothing in adoption in the last two decades has had as great an impact on public awareness or engendered as much debate among those involved as the search phenomenon. Whether searching is beneficial for all or most of those involved in adoption remains a question. That it will continue, and that it is right for some, is clear.¹²

The Committee considered current law and practice, the reasons people search, and how agencies and courts handle requests for information. The search issue engendered many hours of discussion about the rights and needs of all triad members, the value of counseling and the usefulness of an intermediary system to do the initial contact of the sought party.

The surveys provided insight into how people feel about search.

Which of the following describe your feelings about adoption search/reunion?

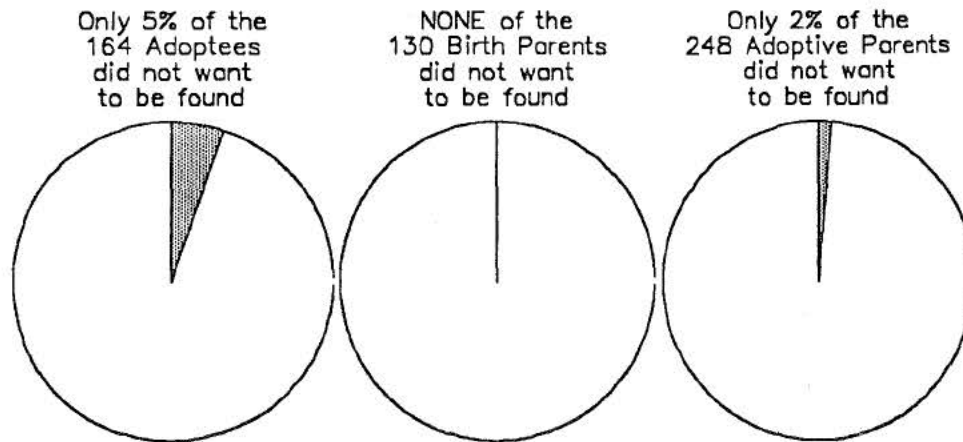


Source of Data: Opinion Questionnaire, Adoption Task Force, BSS. September, 1988.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A16 (Q87-93)

The process of searching for a birthparent or for a child who was placed for adoption is a complex one. It involves many shades of emotion, as well as fear, risk, fantasy about the lost person, loss of control over one's past and future, identity and roots, guilt, grief, rejection, and hope. For people who search and face repeated barriers the experience is a frustrating one which may engender anger at the loss of control over their lives.

It was startling to members of the Task Force to learn from the questionnaire responses how few people did not want to be found.

Who* does not want to be found?



* Of the triad members who completed the opinion questionnaire.
Source of Data: Opinion Questionnaire, Adoption Task Force, BSS. September, 1988.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A19

The comments from the questionnaires reveal a strong need of many adoptees to find their birth families and of many birth parents to find the person they surrendered for adoption:

As an adoptee I strongly believe in making records open to all parties involved with adoption process. I firmly believe it is my right to know my birth parents names, medical/social history, etc. - not that I would necessarily infringe on their privacy by contacting them personally - but this information should be made available to me upon request. There is a feeling of living a lie all an adoptees life if these things are unknown.

For me, what has been and continues to be the only important issue, is what is right and good for my child. I would never force a reunion with her but I would gladly and willingly accept any communication and/or contact with her at any time. I have never really understood how to make myself available to her and would appreciate any help or information.

This gives me a chance to share some of my feelings about being adopted. I have always had the feeling like I am in suspended animation not knowing my birth parents, knowing who my children look like and many unanswered questions. Have always felt very insecure, frustrated and angry at times. I am divorced, my children grown have had difficult times with relationships and many times would like to be reunited with my birth mother or sister. Both my adoptive parents are deceased and have been for many years. I am an only child. They were older when I was adopted. I would like to be in touch with some support groups and try to search. Please help me. I have never known where or how to search.

Every person who attains the age of adulthood should know his/her family. I could have married my sister, we traveled in the same groups.

Confidentiality - future adoptions should not be totally confidential. This doesn't work very well. Closed records led to unfortunate mental health problems for triad members. All are better served by open records prospectively.

I think that our daughter should have the right to updated medical and social information from both of her birthparents long before she turns 18. When she turns 18, I think she should have the right to identifying information.

I feel that a person's privacy is sacred, however. It is very wrong to not allow someone information about a birthparent or adoptee if all parties agree. All channels of communication should be allowed to flow freely as long as the privacy of all parties is not being taken away.

Adoptive parents wrote of their child's needs:

I certainly do not feel threatened. I have a good feeling for all of us. My daughter has said many times "if I could just tell her I'm happy and well and she did the right thing for me" and how we could have eased the birth mother's mind years before if we had had more information. I certainly hope the law will change for the better.

The husband of a birth mother who came to the public hearing felt strongly about the rights of triad members. He said:

What are the constitutional rights here? It is a human rights issue to have information. I recommend open records - both prospectively and retroactively at age 18 years. Birth parents have a right to know how their child is. Maine should take the lead to change this travesty against human rights.

Other people at the hearings said:

There is a need to balance the interests of searcher/searchee. An intermediary system was suggested. There is a need to pass on medical information.

I advocate for open records as healing can happen as a result of meetings. Ninety percent of birth mothers welcome reunion/95% of adoptees welcome reunion. Secrecy serves no one in the triangle.

The questionnaires gave further answers of what information people felt should be exchanged:

I feel that every adopted child has the right to their history and identity. There needs to be available, even if through an intermediary, the medical, social history of that child. The birth parents' are the only source of this information to the child. People have to be made aware of adoption; it's not a sin or shameful, for either child or mother. It took me almost 1-1/2 years to find my birth mother. We've been writing and meeting for 2-1/2 years through her. After 25 years I have finally found the most important person in my life - MYSELF.

I'm glad that the "tables" are changing in a positive way towards adoption and all that goes with it. It's no longer considered a "secret" thing. It still is too bad that the adoptee (at least in my "era" 1959) has no rights concerning their life. I believe that somehow we need to make the legislators and courts realize that we are being discriminated against life. We should rethink the "Land of the free...". Women, blacks and now even gays have "special" rights but adoptees don't even have the "right of their life.

After much discussion the Task Force concluded that the probate court should be the vehicle to use to obtain information. It is recommended that the court make contact with the sought after party and release identifying information unless to do so would cause serious harm to one of the parties. The probate courts should also be the vehicle used for the exchange of updated medical information. All parties to the adoption should keep the court informed of their current address to facilitate this exchange. By recommending these mechanisms it is hoped that all triad members' needs for information, privacy, and growth will be met.

See in Appendix A, pp. 54-60 for specific recommendations related to search issues. Related changes in Vital Records and Adoption Reunion Registry laws are contained in a bill entitled "AN ACT to Amend Vital Statistics Provisions Pertaining to Adoptions."

Support Services

The need for triad focused services has become increasingly apparent. By listening to clients, learning from them and following up on provided services, one becomes aware of the need for an expanded, comprehensive, and creative approach to post-legal adoption services.¹³

When asked on the questionnaires if respondents had current unmet service needs, the responses were:

Adoptees	62% Yes	(100 of 160)
Birthparents	49% Yes	(48 of 98)
Adoptive Parents	68% Yes	(158 of 232)

When testifying at the public hearings people said:

The services needed by adoptive families are:

- a) Preparation for adoption - grief, separation issues
- b) Follow-up services, groups
- c) Connection with agencies.

A number of adoptive families are coming to Community Counseling Services after an adoption of 6 years or so with great needs for help. Families are often in crisis, and may be at the point of disruption. They have no support; need counseling, intervention.

More interagency involvement in the preparation of child and family particularly around the child's special needs is necessary. Adoptive parents need education about the PET (Pupil Evaluation Team) process (for special education students). Resources are limited for families after placement. Families need to be hooked into services and service providers prior to placement.

And when asked to comment on needed support services respondents wrote:

Needed service - adoptee support groups prior to search/find.

Competent counseling of birth parents, adoptive parents at the outset of the adoption process dealing with loss/separation/grief and ongoing availability of counseling for all members of the adoption triangle. I am unsure of when an adopted child can deal with direct contact with birth parents, particularly if the anger at the situation has not been dealt with by the adoptee, adoptive parents, birth parents, a great deal of personal growth needs to be done. I am resistant to all processes that threaten the adopted person as an object.

Post adoption services were sadly lacking after our first adoption. We were ill prepared and believed all our problems were our problems not specifically related to adoption issues. The above is not an indictment of an agency, but the inadequacies of the whole system in dealing with damaged children and the adults who love them.

For adoptive parents of children who are known to have attachment issues, psychological and emotional problems support groups should be established, also the state should provide ongoing counseling to families.

Counseling services for adoptee and his/her family (i.e., spouse, children).

I would like to see more information/support available for adoptive parents in Maine trying to raise their 3rd world adopted children in Maine, especially children of color.

There should be more information provided to birthparents about support organizations such as Concerned United Birthparents. A support group is very important in this lifelong process. If the information is available to you, please forward to me.

How will the State of Maine respond to all these people?

Marietta Spencer said,

It is apparent that post-legal adoption services cover a significant variety of potential areas of concern. These services should be designed to enhance family adoption and adjustment, domains where the essential elements of post-adoption issues lie. These are to be seen as problems not for the adopted person alone, but for the entire triad membership. It is clear that adoption does not represent social pathology but is rather a socially accepted, legally supported, family-building method involving a life-long commitment. As in other human situations, some of the individuals who are members of the triad may have

personal and/or relationship issues complicated by adoption. The social work professional challenge is to help clarify and 'normalize adoption triad client concerns.¹⁴

Marietta Spencer points out that the implementation of post-adoption service has opened a door for us to listen to our children. It is our professional obligation to serve them all, justly and fairly.¹⁵

The committee working on support services designed the surveys that went to the licensed adoption agencies in Maine and to the triad members. They were interested in what services are presently available and what needs were unmet. In the examination of results it became clear that all the triad members had need for services at various points in their lives. A network of statewide services with home based counseling, individual and group counseling, a buddy system/respite opportunities was suggested.

Who should provide post-adoption service?" Kathleen Silber notes that clinics and other community resources are really not sensitive to adoption issues. According to Al Colon, "There are certainly very few psychologists, psychiatrists and licensed clinical social workers who center their practices around foster children or children who have been adopted, and the many problems that the families are going through. Kathleen Silber notes that "there are really only a handful of agencies around the country that I'm aware of, that really have a distinct post-adoption program. We tended to place babies for adoption and assumed everybody lived happily ever after. Now lots of people are recognizing that instead of ending at placement, adoption is just beginning there. Bonnie Gradstein thinks adoption agencies plus private counselors and therapists "should all be providing post-adoption service, if they have specialized in the particular problems of adoption.¹⁶

Based on the range of clearly expressed needs for:

- . Adoption related training for the different professionals and others dealing with adoption;
- . Coordination of adoption services;
- . Meeting the significant unmet service needs pre- and post-adoption as well as in search;
- . Facilitating timely adoptive home studies prior to placement for families wishing to adopt independently;
- . Assuring a public and private sector partnership; and
- . Providing a focal point for leadership in the development of adoption programs which is most accountable to the legislature and the public,

the Task Force decided to recommend a Division of Adoption within the Department of Human Services. After much debate this organizational structure seemed better able to meet the range of needs than would:

- . A contract to a private organization through a Request for Proposal process;
- . Contracting out various pieces of the adoption service needs without a focal point for coordination;
- . A quasi-private agency established with a Board of Directors appointed by the Governor.

State funds, fees for service, and grants from private and governmental sources could help fund the services, although that degree of support would be variable depending on experience and success in grant applicants.

An Advisory Committee is recommended in order to help ensure that the Division of Adoption is addressing public needs and to keep the field of adoption in Maine current and continually responding to the needs of Maine citizens.

Specific recommendations regarding support services for adoption are contained in Appendix A, pp. 61-64. Statutory recommendations are subsumed in a bill which has been drafted entitled - An Act to Provide Services to Those Affected by Adoption.

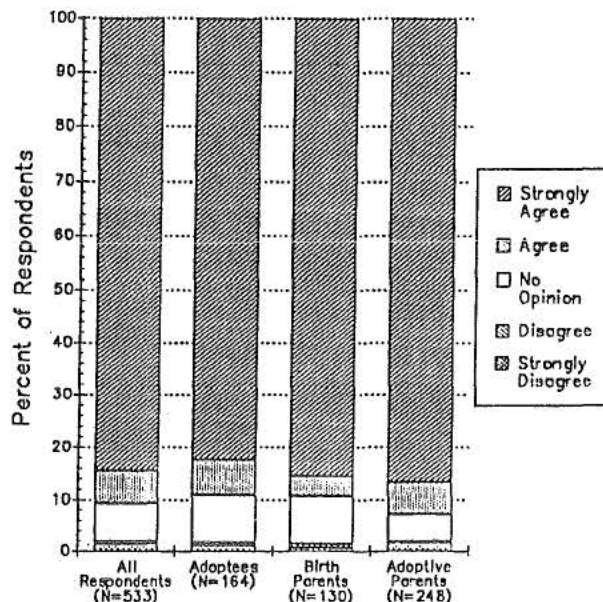
Public Education

The Task Force (on Adolescent Pregnancy, 1986) was concerned that formal adoption is seldom considered a viable option among teens today. An increase in counseling, education and public information efforts is necessary to improve the knowledge and attitudes about adoption. New statutes and practices are needed, pending the thorough study of current conditions. The last formal study of adoption laws and practices in Maine occurred in 1963.

Challenging old ideas, attitudes, beliefs and language about adoption with the goal of educating the public was the task taken on by the Public Education Committee. The committee looked at the many target groups which could benefit from education about adoption issues. They set up a plan for reaching each group with the single best technique. (See Appendix F.) While the task of educating Maine citizens about adoption and related issues is enormous, it is necessary to improve the adoption process. The Committee chose as a theme "Creating a Better Understanding of the Adoption Option" which stays away from the use of judgemental, value-laden terms.

The questionnaire results indicated that a large percentage of the population felt education about all options was needed by unmarried persons facing an untimely or unwanted pregnancy.

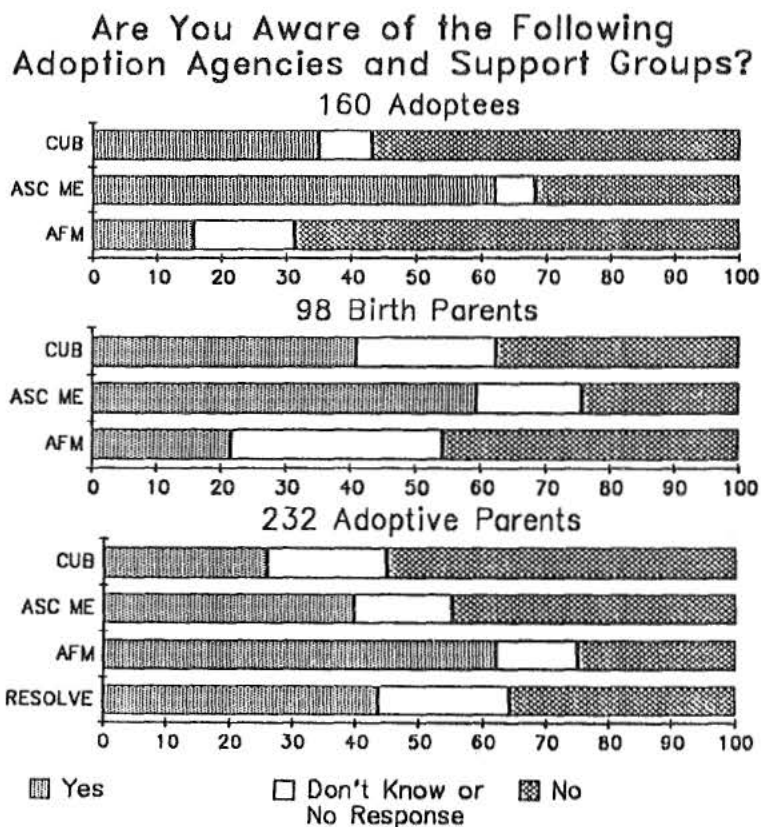
Unmarried persons considering either adoption, abortion or keeping their children should be presented with information about all the other options.
Agree or Disagree?



Source of Data: Opinion Questionnaire, Adoption Task Force, BSS, Sept 88.
Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
Filename: A10 (Q101)

The Task Force deliberated the issue of teenage, untimely and unwanted pregnancy and took the position that the pregnant girl or woman should be given a balanced presentation of the options available to her.

When asked on the questionnaire if they were aware of agencies and support groups that assist persons affected by adoption the response was as follows:



NOTES: CUB = Concerned United Birthparents, ASC ME = Adoption Search Consultants of Maine, MSARR = Maine State Adoption Reunion Registry, and AFM = Adoptive Families of Maine.
 Source of Data: Triad Questionnaires, Adoption Task Force, BSS, Sept 88.
 Figure Prepared by the Office of Data, Research, and Vital Statistics; MDHS.
 Filename A21 (AQ34-37, BPQ69-72, APQ164-168)

These groups and services are presently available in Maine. People need to be informed about their existence in order to better meet their own needs. With public education this could be started.

The Task Force believes that in-service training opportunities for many professionals, school curriculum development, brochures, and public service announcements, among other techniques, could provide the education seen as necessary by the respondents and the Task Force.

The Task Force accepted the committee's recommendation for a two-pronged education effort:

. Passive education

Purpose: To respond to the public's questions through phone calls, mailing of information, and referrals to appropriate resources.

. Active education.

Purpose: To establish an education program to:

- . Provide heightened awareness of adoption in the State of Maine, and
- . Increase the objective knowledge and understanding of adoption and all its related issues, such as, but not limited to, infertility, search and identity issues among pregnant teens, their families, helping professionals, and the community at large.

The passive education would be established by setting up a 1-800 telephone number which citizens could use to ask any questions related to adoption in Maine. Their questions might require mailing them some printed informational brochures, referring them to a community resource, informing them about support groups available, registering them for an educational workshop, and many other possibilities. This 1-800 telephone number must be widely advertised and included in telephone yellow pages.

The active education program would develop training courses, workshops, public speaking opportunities, school curriculums, and educational brochures and pamphlets to be offered as educational opportunities to the general public and to specific professional groups.

Both the passive and active education approaches were built into the training component of the Division of Adoption proposal. Both approaches are seen as critical to a total education program to meet the needs of all Maine people affected by adoption.

Testimony at public hearings emphasized this need for public education.

From a birthparent:

The public at large needs education about the adoption triad and adoption issues.

From someone waiting to adopt:

Outreach to teenagers is needed. Society today offers abortion or keeping the child. If there was better outreach all over Maine to pregnant teens, there would be more babies for infertile couples. There is a stigma attached to adoption.

From a caseworker:

We need to improve image of adoption in elementary schools; make it a positive image, a normal experience for some families. Look at textbooks, etc.

From an adoptive parent:

The public needs to be better educated about adoption. Extensive, helping resources are needed to help people make informed and positive decisions about adoption and all aspects of adoption.

The Task Force endorsed the Public Education Committee's recommendation that the training section of the Division of Adoption be established. It further recommends that money be allocated for the development of a logo for all resources produced by the Division of Adoption and for the production of brochures, posters, etc. to begin the two-pronged education program. (See Appendix A pp. 65-68)

Conclusion

Public perception in the past has viewed adoption solely as a positive, life-enhancing experience. Sadly, this myth must be swept away. In its place stands the reality of adoption as a life long process. This process, which by its very nature involves the severing of biological ties and the creation of new ties, is capable of triggering the most basic insecurities, fears, confusion and pain in all members of the triad.

It is largely out of society's, gradual acknowledgement of this pain that the Adoption Task Force was convened. It became readily apparent to the Task Force that fundamental systemic changes were necessary, and the manner of best structuring those changes quickly became the focus of the Task Force's energy.

The Task Force's endeavors in this respect required the balancing of individual needs, rights and interests in the fairest, most equitable manner. Out of this balancing came the recommendations contained in this Report.

Enactment of the proposed legislation and implementation of the administrative recommendations are critical steps in attempting to ensure that the life long process of adoption is a positive process, promoting personal growth for those involved in adoption in the future.

Adoption directly affects almost fifty percent of Maine's population. Any emotional problems created by the adoption process, therefore, have a profound impact upon our society as a whole. It is the firm conviction of the Task Force that remedies to many of the problems in adoption are addressed in its recommendations contained in this Report.

FOOTNOTES

1. Deborah Silverstein and Sharon Kaplan, "Lifelong Issues in Adoption", Working With Older Adoptees, edited by Loren Coleman, et. al., University of Southern Maine, Portland, ME, 1988, p. 54.
2. Ibid. p. 54.
3. Barbara Gonyo and Kenneth W. Watson, "Searching in Adoption", Public Welfare, Winter 1988, p. 16.
4. "Illegitimacy and Adoption in Maine", Maine Committee on Children and Youth, 1963, p. 23.
5. "Independent Adoption", Editorial Research Reports, Vol. 2, No. 22, Dec. 11, 1987, p. 646.
6. Paul Fullerton, "Independent Adoption", Washington University Law Quarterly, Vol. 63:737, p. 754.
7. Ibid., p. 766.
8. The eight states are: Connecticut, Delaware, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Virginia. Adoption Fact Book, prepared by the National Committee for Adoption, Washington, D.C., 1985, pp. 76-84.
9. "Independent Adoption", Editorial Research Reports, Vol. 2, No. 22, Dec. 11, 1987, p. 647.
10. The seven agencies to which hospitals referred birth parents were: Public Health Departments, Department of Human Services, Community Health and Counseling Center, St. Andre Home, Inc., Maine Adoption Placement Service (MAPS), Good Samaritan Agency, Maine Children's Home for Little Wanderers. Surveys sent June 10, 1988 to 39 Maine Hospital Administrators.
11. Barbara Gonyo and Kenneth W. Watson, "Searching in Adoption", Public Welfare, Winter 1988, p. 16.
12. Ibid., p. 22.
13. Marietta E. Spencer, "Post Legal Adoption Services: A Lifelong Commitment", Haworth Press, Inc., 1988, p. 156.
14. Ibid., pp. 166-167.
15. Children's Home Society of California, The Changing Picture of Adoption, 1984, p. 78.
16. Ibid., pp. 79-80.
17. "Adolescent Pregnancy: The Challenge", The Governor's Task Force Report, Maine Department of Human Services, 1986, p. 16.

Glossary

ADOPTION: A process whereby a legal parent-child relationship is established other than by birth.

ADOPTION ASSISTANCE: (Formerly Adoption Subsidy) Financial assistance available to an adoptive family for a special needs child who qualifies for such assistance. It may be for a particular special need only, for a limited period, or assistance on a long term basis.

ADOPTION PLACEMENT: The time when a child to be adopted goes into the adoptive home to live.

ADOPTIVE PARENT: A person who adopts a child.

BIRTH PARENT: A person who is the biological parent of a child.

CONSENT: A voluntary agreement to an adoption by specific individual or couple signed by a parent(s) or custodian.

FINALIZATION: The probate court action which grants an adoption.

HOME STUDY: A social study and assessment of an individual or couple to determine whether standards for approval for adoption are met.

INDEPENDENT ADOPTION: An adoption when the adoptive placement is not made by an adoption agency. (Same as private adoption.)

MAINE STATE ADOPTION REUNION REGISTRY: Located in the Division of Data, Research, and Vital Statistics, Office of Vital Records, a process whereby an adult adoptee, a birth parent, and an adoptive parent of a minor adoptee when the adoption was initiated, processed, or finalized in Maine may file their name and address for the purpose of being notified of the other party's name and address when both have registered.

POST-ADOPTION SERVICES: Services required or needed after an adoption is finalized.

PRIVATE ADOPTION: An adoption when the adoptive placement is not made by an adoption agency. (Same as independent adoption.)

PUTATIVE FATHER: A man who is alleged to be the biological father of a child, but whose paternity has not been legally established.

SEARCH: A process where a person attempts to find another member of the adoption triad. It includes any of the following: the decision to search, the activities of searching, the locating and contacting of the sought person, and the establishing of the kind of contact or relationship that is to follow. It also includes the process of dealing with any issues of loss, rejection, guilt and shame, identity, intimacy, and mastery and control.

SPECIAL NEEDS CHILD: A child who is considered hard to place for adoption because of age, race, sibling relationship, or physical, mental, or emotional handicap.

SURRENDER AND RELEASE: A voluntary relinquishment of all parental rights in a child to the Department of Human Services or licensed adoption agency for the purpose of placement for adoption.

SURROGATE PARENT: A woman who acts as biological host for a fertilized ovum and gives birth to the child. This term is sometimes used for a woman whose own ovum is artificially inseminated with sperm from a man who wishes her to bear a child to be given to him. However, in these cases the mother is, in fact, a biological parent.

TRIAD MEMBER: An adoptee, a birth parent, or adoptive parent.

UNRELATED ADOPTIONS: Adoption by a person who is unrelated to the person adopted.

APPENDICES

Appendix A

RECOMMENDATIONS FOR CHANGE

**ADOPTION TASK FORCE
MARCH 30, 1989**

RECOMMENDATIONS
RELATED TO THE
LIFE LONG NATURE OF
ADOPTION

CHANGES IN LAW:

Recommendation 1:

That the law provide for maternity and paternity leave in an adoption on the same basis as for the birth of a child.

Recommendation 2:

That for the purpose of health and accident insurance, adopted children be treated as "newly born to the insured" from the date of the signed placement agreement. Pre-existing conditions shall not be excluded from coverage.

Recommendation 3:

That adopted children be allowed full inheritance rights from the adoptive parents and the birth parents. (When this change is made, court forms will need to be revised accordingly.)

CHANGES IN LICENSING RULES:

Recommendation 4:

That agencies should place a child in the most suitable family for the child regardless of family size.

Recommendation 5:

That agencies shall offer a continuum of possibilities for future contact for birthparents and adoptive families when accepting children for adoptive placement and when placing children for adoption.

Recommendation 6:

That all agencies shall provide in writing to the adoptive family available family social, medical, and genetic information, and developmental history regarding the child to be adopted at the time of presentation; this shall be supplemented as new information becomes available.

Recommendation 7:

That the rules for licensing child placing agencies should include the same standards for child management for approval of adoptive homes as do the rules for licensing foster homes, specifically:

- a. Adoptive parents must be positive in their approach to discipline. Any discipline or control must be appropriate to the child's age and developmental level.

The only form of physical discipline which may be used is a single mild spank on the clothed buttocks with the bare open hand; or a single mild slap on the hand to protect the child from harm.

- b. In no instance shall a child be subjected to:

- 1) Verbal abuse, derogatory remarks regarding himself or members of his birth family, threats to expel the child from the home, or other forms of psychological abuse;
- 2) Physical punishment, discipline by shaking, or striking with an object or a blow with the hand, except as provided in 9(D)(1) of these Rules;
- 3) Severe, cruel, humiliating, or unnecessary punishment;
- 4) Deprivation of meals;
- 5) Deprivation of mail or family contacts except as approved by the child placing agency as part of a case plan;
- 6) Physical restraint except when necessary to protect the child from inflicting injury to himself or another. Holding shall be the only means of restraining a child to assist the child who is out of control in order to allow the child time to gain control of his or her emotions;
- 7) Administration of medications, including psychotic medications, as a means of punishment or non-therapeutic control.

- c. The adoptive parents' method(s) of discipline for children must be consistent with the treatment of the children born to the family.

- d. Separation when used as discipline shall be brief and appropriate to the child's age and circumstances, and the child shall be within hearing of an adult in a safe, lighted, well-ventilated, unlocked room.

- e. Disciplinary measures must be:

- 1) Administered as soon after the problem behavior as possible;
- 2) Reasonably related to the nature of the offense and not excessive; and
- 3) Carried out by the person responsible for the care of the child and who witnessed or became aware of the misbehavior.

Recommendation 8:

That agencies which deal with international adoptions shall provide information about search-related and identity issues to adoptive parents.

Recommendation 9:

That adoption agencies take steps to recognize and maintain cultural, ethnic, and racial heritage of adopted child(ren).

CHANGES IN DEPARTMENT OF HUMAN SERVICES POLICIES AND PROCEDURES:

Recommendation 10:

That the Department of Human Services, in consultation with geneticists, probate courts and private agencies, develop a standard form for the collection of social, medical, and genetic information about the birthparents, to be filed with the probate court at the time any consent for adoption or termination of parental rights is filed with the probate court, or at the time any surrender and release is approved in the probate court.

GENERAL RECOMMENDATIONS:

Recommendation 11:

That each agency dealing with more than one member of the triad must be conscious of the possible conflict of interest and should consider this when:

- . Developing philosophy of the agency
- . Making staffing decisions/additions
- . Assigning cases to staff
- . Talking with clients
- . Developing programs of the agency.

Recommendation 12:

That adoption agencies must thoroughly prepare all members of the triad for placement of a child for adoption. That preparation shall include recognition of the need for ongoing services throughout their lifetime.

Recommendation 13:

The Task Force endorses cross-cultural and transracial placements in order to ensure permanency for a child who, in spite of recruitment efforts, cannot be placed in a family of like heritage in a time frame appropriate for the child's needs.

RECOMMENDATIONS FOR CHANGES
IN THE ADOPTION LAW AND
RELATED PROCEDURES

CHANGES IN ADOPTION LAW:

Recommendation 14:

That a home study shall be done prior to the adoptive placement of any child when the petitioner is unrelated to the child. This home study shall include a determination whether the adoptive family meets the standards of approval for an agency adoption, and recommendations regarding approval of the proposed adoption.

Recommendation 15:

That a copy of the completed home study for an independent adoption shall be sent to the Division of Adoption to ensure its continued compliance with licensing standards.

Recommendation 16:

That families with an adoptive home study approved by the Department of Human Services, a licensed private adoption agency, or a licensed individual may receive placement of a child for the purposes of adoption.

Recommendation 17:

That a person who has been denied approval of the adoptive home study by a licensed practitioner may petition the probate court for review of their eligibility to adopt. If the court approves the family for adoption they may receive a placement.

Recommendation 18:

That the law be clear that the probate court can only authorize surrenders and releases for the purpose of adoption to adoption agencies licensed in Maine or to the Maine Department of Human Services, not to out-of-state agencies.

Recommendation 19:

That a minor birthparent shall be represented by an attorney other than the attorney for the adoptive parents.

Recommendation 20:

That in all situations involving a petition to adopt a child unrelated to the petitioner, an attorney shall be appointed to represent an indigent minor birthparent in every stage of the proceedings if no other resources are available, unless the minor birthparent refuses such representation.

Recommendation 21:

That neither a consent nor a surrender and release shall be executed prior to six weeks following a baby's birth, during which time a licensed individual or agency would have to provide to the court certification that counseling was provided or offered and refused. The consent or surrender and release shall be in a two-step process where the judge will explain the effect of the consent or surrender and release at least three days before the parent executes the consent or surrender and release. Before accepting the parent's consent or surrender and release the judge shall determine that the consent or surrender and release is willingly and knowledgeably given.

Recommendation 22:

That the certification of counseling and the acceptance of the consent or surrender and release may be done in a court of comparable jurisdiction in another state.

Recommendation 23:

That consent is final only for the adoption consented to, and, if that adoption is not finalized within eighteen months, the court where the petition was filed will hold a hearing as to the future of the child. (See recommendations 41 and 42.)

Recommendation 24:

That when a surrender and release and/or consent for adoption is signed, a copy shall be given to the surrendering party along with a statement explaining the importance of keeping the court informed of current name and address.

Recommendation 25:

That a birthmother's consent for adoption or surrender and release will not be final until the birthfather's consent, surrender and release or termination of his rights has been decided by the probate court.

Recommendation 26:

That all putative fathers who have not waived notice, joined the birth mother in a consent or surrender and release, or had their parental rights terminated, will be given notice in accordance with Maine Rules of Civil Procedure. If a birthmother doesn't know who the birthfather is, publication of notice to the unknown birth father shall be done in the area where the petition is filed and/or where the birthmother became pregnant, or where the putative father is most likely to be located, before the court accepts the birth mother's consent or surrender and release. The birth mother's and baby's names will be used in the notice.

Recommendation 27:

That recordings can be made of court proceedings and will be paid for by the requesting party.

Recommendation 28:

That the Probate Court shall not grant a petition for guardianship of a child who is to be removed from this State for the purpose of adoption. For the purposes of adoption neither power of attorney nor guardianship can abrogate the requirement to comply with the Interstate Compact on Placement of Children.

Recommendation 29:

That for an independent non-relative adoption, the petition for adoption shall be filed in the Maine court in the county where the child resides or where the consent is on file.

Recommendation 30:

That the full birth name of the child or as it appears on the birth certificate shall appear on prospective adoption petitions and decrees along with the name which the child is to have after adoption.

Recommendation 31:

That the Department of Human Services recommend to the probate court that a form be devised for an individual or couple petitioning to adopt to give consent for the court to obtain a child protection check and a criminal history check.

Recommendation 32:

That in an adoption proceeding, the judge may interview any child, and shall interview those children who are 12 years and older, outside the presence of the prospective adoptive parents to determine their attitudes and desires about the adoption and other relevant issues.

Recommendation 33:

That any required notice shall be done as required in Maine Rules of Civil Procedure.

Recommendation 34:

That the custodial agent shall be notified of any petition to adopt unless the custodial agent has consented to the adoption.

Recommendation 35:

That the content of the adoption petition be specified by law.

Recommendation 36:

That in a contested case, the burden of proof shall be at the preponderance of the evidence, with deference to the custodian.

Recommendation 37:

That the burden of proof will be on the petitioner. Pretrial conferences can determine who goes forward in a case. Although the burden of proof is on the petitioner, the custodian can present its case first, thereby providing to the petitioner important facts he/she needs to press his/her case.

Recommendation 38:

That in camera inspection of records in a provision parallel to 22 MRSA §4008 be established for relevant information, with the discretion of the court to protect certain confidential information.

Recommendation 39:

That the court, in determining whether the custodian acted unreasonably in withholding its consent, shall consider the following factors:

- a) Did the custodian determine the needs and interests of the child?
- b) Did the custodian determine the ability of the petitioner and other prospective families to meet the child's needs?
- c) Did the custodian make its decision consistent with the facts?
- d) The impact on the child of making a decision different from the custodian?
- e) All other factors which may have a bearing on a determination of whether the custodian was unreasonable in withholding its consent.

Recommendation 40:

That when an adoption is finalized in probate court, the birth parent(s) who consented to an adoption will be notified of the finalization by certified mail, restricted delivery, at their last known address. When there has been a termination of parental rights for a child in the custody of the Department of Human Services, the Department will give the notice of finalization. Actual receipt of the notice shall not be a precondition of finalization.

Recommendation 41:

That if the court determines that it will not be able to finalize an adoption to which a birthparent(s) has consented, the court shall notify the birthparent that the court has not granted the adoption and that the birthparent has a responsibility to plan for the child. The Department of Human Services will be notified to determine if there is abuse and/or neglect, what supportive services the birthparent needs, and to act to protect the child if abuse and neglect are found.

Recommendation 42:

That if a child who has been released for adoption has not been adopted within eighteen months, the court shall conduct a review following notice to the original parties to the consent or surrender and release and any other interested parties.

Recommendation 43:

That in the event no adoption has occurred, there shall be a judicial review of the surrender and release within eighteen months of the execution of the surrender and release, and each two years thereafter prior to any adoption. The court shall determine if adoption is still a viable plan for the child and review the plan for the child. At the point where the court determines that adoption is no longer a viable option for the child, the biological parents will be given notice and an opportunity to present to the court an acceptable plan for the child. If the parent is determined to be willing and able to parent the child, the surrender and release would be declared null and void. A surrender and release will remain in effect unless declared null and void under this provision.

Recommendation 44:

That when it is determined that the child has not been placed for adoption, that adoption is no longer a viable plan, and that the biological parents are unwilling and/or unable to parent the child, the case may be transferred to District Court and the child shall be treated under Title 22, Chapter 1071 (the Child and Family Services and Child Protection Act) with all the protections of that Act including a visitation plan with the biological parent(s).

Recommendation 45:

That the basis for annulment of an adoption shall be limited to fraud, duress, error, mistake or illegal procedure.

Recommendation 46:

That when a petition is filed to annul an adoption, a birthparent who surrendered and released the child for adoption or who consented to the adoption, but not those whose parental rights were terminated pursuant to 22 MRSA §4055, shall be given notice and an opportunity to re-establish his or her parental rights.

Recommendation 47:

That the parties to the adoption shall be notified of a petition to annul an adoption, including the adoptive parents, adoptees 14 years and older, and any agency involved, as well as any birthparent.

Recommendation 48:

That any party to the adoption shall have the right to appeal from such decree to the Supreme Court of Probate, in the same manner and with the same effect as in other cases, but no bond to prosecute his appeals shall be required of a child appellant, or his next friend, or of the Department of Human Services, nor shall cost be awarded against either.

CHANGE IN VITAL RECORDS LAW:

Recommendation 49:

That 22 MRSA §2765 be amended to provide that when a birth certificate is amended by adoption, it shall carry the notation that it has been amended, all items changed shall be marked with an asterisk, and an indication shall be made on the bottom that the items changed are done by court action.

CHANGE IN LICENSING LAWS:

Recommendation 50:

That the licensing law be amended to provide that an individual or private agency holding itself out to provide adoption services may not set forth a religious requirement if the prospective adoptive family meets all other standards.

Recommendation 51:

Amend the licensing laws for child placing agencies to authorize the agencies to release information from their records using the same standards as the Probate Court. This is not intended to allow the Probate Court to override an agency decision not to release information.

Recommendation 52:

That the law provide that those who in good faith report someone believed to be in violation of licensing laws and rules are immune from civil liability.

CHANGES IN LICENSING RULES:

Recommendation 53:

That an agency shall inform the birthparent of the likelihood of a placement in a home of the religion she requests, that the agency shall fulfill that request if a suitable home can be found after a reasonable search, and, if not, the child shall be placed in a suitable home of a different religion.

Recommendation 54:

That the licensing rules set forth standards for and specify which agencies and individuals are able to provide pre- and post-natal counseling, and require that, when serving birthparents, the agency or individual must provide the service or document that the service was offered and refused.

Recommendation 55:

That the rules be amended to require that written approval of a placement to which the Interstate Compact on Placement of Children applies must be done before placement arrangements are made, including transportation arrangements.

GENERAL RECOMMENDATION:

Recommendation 56:

That another look be taken at setting up a family court system. The Task Force members generally believe that a family court would have more expertise and better procedures and could serve the interests of all parties better without an adversarial environment.

RECOMMENDATIONS FOR CHANGE
RELATED TO
INDEPENDENT ADOPTION

CHANGES IN THE ADOPTION LAW:

Recommendation 57:

That the following requirements apply to all non-relative independent adoptions. Documentation of compliance shall be provided to the probate court prior to finalization of non-relative independent adoptions.

- . Documentation that pre- and post-natal counseling was offered or provided to the birth parent shall be provided to the court.
- . A minimum of one post-placement visit in the home with the entire family with a report to the court prior to finalization in independent adoptions shall be completed.
- . The time frame for completing the home study shall be 90 days in independent adoptions.
- . At the conclusion of an independent adoption home study, a recommendation for court action and a rationale for that action should be included.

Recommendation 58:

The following requirements apply to all relative adoptions:

- . The court shall request a home study prior to finalization in any relative adoption where the basis for the adoption is found in the termination of parental rights law.
- . In step-parent and relative adoptions without a basis in the termination of parental rights statute, the court may, but is not required to request, a home study prior to finalization.
- . In making its determination whether to request a study, the court shall have made available to it a criminal record report and a report of any reference to the Department of Human Services for child protection reasons.
- . Whenever a petition to adopt is filed to adopt a child not placed by the Department of Human Services or a licensed child placing agency, the court shall obtain the criminal history record on the petitioners and the child protection history from the Department of Human Services to assist the court in determining whether to request a home study or not (Title 22 §4008 may need to be changed to allow for this disclosure).
- . At the time of the adoption petition the adoptive parents will be given an opportunity to indicate what information they are willing to have shared with the birthparents and under what circumstances, and what provisions have been made for updating that information.

- . The time frame for completing any requested home study shall be 90 days in independent adoptions.
- . At the conclusion of any independent adoption home study, a recommendation for court action and a rationale for that action should be included.

Recommendation 59:

That the law provide that any person, whether or not having custody, care, control, or possession of any child, who sells, or disposes of, or attempts to sell or dispose of, or arranges for the purchase of, any child for and in consideration of the payment of money or other thing of value is guilty of a Class C felony. This section shall not make it unlawful for any person, agency, or corporation to pay the allowable expenses of the birthparent(s), so long as payment is not made for the purpose of inducing the mother, parent, or legal guardian to place the child for adoption, consent to the adoption, or cooperate in the completion of the adoption. A penalty for inducing or attempting to induce shall be added.

All allowable expenses shall include:

- . The actual cost of legal services related to the consent or surrender and release and the adoption process
- . Counseling
- . Pre-natal, birthing, and other pregnancy related medical expenses for the birthmother
- . Necessary transportation to obtain above services
- . Foster care for the child
- . Necessary living expenses
- . Medical costs for the child

On behalf of the birth father, payment may be made only for legal and counseling services related to the consent, surrender and release and adoption process. Payment of interstate transportation costs of the mother or child for the purposes of adoption are not allowable.

Payment for such services, if provided, shall not be contingent upon any future decision a birth parent may make pertaining to his/her child. No other expenses or payments to birth parents are authorized.

Recommendation 60:

That all fees and transfers of anything of value in connection with an adoption shall be documented, itemized, and disclosed to the court. This shall be done using certified statements from parents consenting to an adoption or surrendering and releasing a child for placement for adoption, adoptive parents, attorneys, or other intermediaries.

Recommendation 61:

That probate courts revise or supplement form A-11 (Confidential Statement to Accompany Petition for Adoption) to gather the following personal information from the petitioners to adopt to assist the court in determining the appropriateness of an adoption:

<u>Personal History</u>	<u>NO</u>	<u>If YES - specify which individual by name</u>
Have you or any person residing in your household or employed in your household ever:		
Been arrested?	_____	_____
Been convicted of any crime?	_____	_____
Been convicted of sexual or other crimes involving adults or children?	_____	_____
Been investigated by law enforcement for sexual or other crimes or activities involving adults or children.	_____	_____
Been fined or convicted of Operating Under the Influence (OUI)?	_____	_____
Been charged with any crime for which there was no conviction?	_____	_____
Had a child removed from your care or custody by court order?	_____	_____
Received services from Adult or Child Protective Services in Maine or elsewhere?	_____	_____
Been investigated by Adult or Child Protective Services in Maine or elsewhere as the result of a complaint regarding you or a family member involving abuse or neglect?	_____	_____
Been involved in mental health counseling?	_____	_____
Been involved in marriage counseling?	_____	_____
Been involved in substance abuse counseling?	_____	_____
Been admitted to a mental health facility?	_____	_____
Been admitted to a substance abuse treatment facility?	_____	_____

CHANGES IN LICENSING LAWS:

Recommendation 62:

That provision be made in the law for licensure of individuals in private practice to do home studies at the request of prospective adoptive parent(s) prior to the placement of a child and to do investigation of the child and the child's parents in independent adoptions. (Currently only the Department of Human Services, through its own workers or a licensed adoption agency may do this.)

Recommendation 63:

That the Department of Human Services be authorized to promulgate rules setting standards to license private practitioners to do independent adoption home studies and to maintain a list of those licensed to be provided upon request of an individual. Such individuals must be licensed as social workers with specialized training in adoption issues.

CHANGES IN LICENSING RULES:

Recommendation 64:

That agencies shall complete a recent evaluation of a child to be adopted before adoptive placement as appropriate, depending on the age of the child, including physical, psychological, social and developmental evaluations.

and

CHANGE IN DEPARTMENT OF HUMAN SERVICES POLICY:

Recommendation 65:

That the Department of Human Services revise its policy regarding independent adoption home studies to provide for a more careful assessment of the family.

GENERAL RECOMMENDATION:

Recommendation 66:

That the Department of Human Services request all Maine hospital administrators to review their policies and practices related to adoption, particularly where placement may occur from the hospital.

RECOMMENDATIONS FOR CHANGES
RELATED TO
SEARCH

CHANGES IN THE ADOPTION LAW:

Recommendation 67:

That the law be amended to authorize adoption agencies and the Department of Human Services to provide active search as a post-adoption service and to act as intermediaries in search for which agencies can charge a reasonable fee for services rendered. Revenue from fees to the Department of Human Services for such services shall be dedicated to the adoption services.

Recommendation 68:

That the Department of Human Services and licensed adoption agencies be authorized to release the name and location of the Probate Court where a surrender and release or consent took place to the birthparent, the legal guardian or next of kin of an incapacitated or deceased birthparent, the subject of a surrender and release or consent, the guardian of an adult or minor subject or next of kin of an incapacitated or deceased subject of a surrender and release or consent.

Recommendation 69:

That the Department of Human Services and licensed adoption agencies be authorized to release the name and location of the Probate Court where the adoption was legalized to an adult adoptee, birthparent, adoptive parent and to all birth and adoptive grandparents of an adult adoptee; adult biological, step, or adopted siblings of an adult adoptee; adult biological descendants of an adult adoptee; the spouse of any of the above; the legal guardian of any of the above; those given written consent by a triad member; and the next of kin of a deceased triad member.

Recommendation 70:

That when a person petitions the court for release of information, the court shall give that person educational material describing his or her legal rights regarding release of information and provide information about resource people and/or organizations.

Recommendation 71:

That when a birthparent asks a court whether the surrender and release the birth parent signed took place in that court, the court shall answer whether it did or did not.

Recommendation 72:

That the probate court judge shall release non-identifying information to a person listed in Recommendation 69.

Recommendation 73:

That the court respond in a timely fashion to a petitioner for release of information, e.g., within 30 days from the receipt of necessary information related to the petition.

In order to have a vehicle for transfer of medical and/or social information throughout the life of the adopted person, there needs to be a method established to pass information between triad members after the adoption.

Recommendation 74:

That when a birthparent of a minor adoptee wishes the amended birth certificate, adoption decree, or petition for adoption of the adoptee, the court, itself or through an authorized third party, must determine the willingness of the adoptive parent to have that information released. If the adoptive parent refuses permission that is a final decision.

Recommendation 75:

That when an adult adoptee, adoptive parent, birth parent of an adult adoptee, birth or adoptive grandparent of an adult adoptee; adult biological, step, or adopted siblings of an adult adoptee; adult biological descendant of an adult adoptee; the spouse of any of the above; the legal guardian of any of the above; those given written consent by a triad member; and the next of kin of a deceased triad member wishes to have information released from the court records about a member of the triad (record of live birth, amended birth certificate, adoption decree, petition for adoption, surrender and release, consent or termination of parental rights), the court, itself or through an authorized third party, shall attempt to inform the person being sought of the petition and give that person an opportunity to come forward and object. The court shall release the information even over objection unless jeopardy (as defined in Title 22 Section 4002), fraud, criminal intent, or malicious intent is determined. This is effective for probate court records of 8/8/53 forward.

Recommendation 76:

That when a person wishes to pass on information to another member of the triad, he or she shall give the information to the probate court and the adoption agency, if any. The court and adoption agency, if any, shall exchange a copy of the information, and shall retain the original of the information in its records for transfer of a copy to an authorized person as requested.

Recommendation 77:

That either the court or adoption agency, upon request, shall pass any information to the other party if it has been determined to be medically significant.

A petitioner may request medical history and information, which has not already been filed with the court or agency, from the probate court or adoption agency. Upon the receipt of the request, the court or adoption agency shall do a diligent search to obtain such history. When information is found it shall be provided to the petitioner.

The court shall utilize a person approved by the Department of Human Services to do the search. Record searches shall be done by individuals authorized by the probate court or the Department of Human Services.

CHANGES IN PROBATE COURT FORMS AND PROCEDURES:

Recommendation 78:

That at the time of consent, surrender and release, or termination of parental rights, the birthparents will be given an opportunity to indicate what information they are willing to have shared with the adoptee and/or adoptive parents, under what circumstances, and what provisions are made for updating that information.

Recommendation 79:

That the Department of Human Services ask the Forms and Rules Committee of Maine Probate Courts to develop a set of directions for petitioners to use when doing pro se adoptions in Maine, and to cite relevant laws.

CHANGES IN VITAL RECORDS LAW:

Recommendation 80:

That the law contain provision for a birthparent to get a copy of the original birth certificate upon request to Vital Records.

Recommendation 81:

That a central file of all adoptions from the date of enactment on be established within the Department of Human Services. For any adoption completed in Maine, the Probate Court will submit to the central file information about the birthparents, adoptee, and adoptive parents, court of surrender (or termination of parental rights), court of finalization, and agency if involved. For any child born in Maine but adopted out of state, Vital Records will request from the agent, agency, or court in the other state information to complete the form to submit to the central file. This will be done prior to the completion of the new birth certificate.

Recommendation 82:

That Vital Records be authorized to gain access to confidential department records retroactively to find out the court where the finalization, consent or surrender and release took place, and to release the name of the court where the adoption was finalized to an adult adoptee, birthparent, adoptive parent and to all birth and adoptive grandparents of an adult adoptee; adult biological, step, or adopted siblings of an adult adoptee; the spouse of any of the above; the legal guardian of any of the above; those given written consent by a triad member; and the next of kin of a deceased triad member. Further, that Vital Records be authorized to require a notarized affidavit of identity, to request more information or documentations necessary, and, notwithstanding other laws, to review confidential records in order to verify identity of the parties to the request.

Recommendation 83:

That the adoption registry law be amended as follows:

Sec. 1. 22 MRSA §2706-A, sub-§2, as enacted by PL 1979, c. 384, is repealed and the following enacted in its place:

2. Registration. The following persons may register their names and addresses with the state registrar and request contact:

A. Adopted persons, custodians and guardians:

(1) An adopted person 18 years old or more;

(2) A person 18 years old or more whose adoption was annulled or whose adoptive parents surrendered and released parental rights to him or whose parental rights were terminated;

(3) The legal custodian or guardian of a person whose adoption was annulled, or who was surrendered and released by his adoptive parents or whose parental rights were terminated;

(4) The legal custodian or guardian of an adopted child who has been removed from the custody or guardianship of his adoptive parents by order of a court; and

(5) A legal guardian of an adult adopted person who has been determined by the court to be incapacitated;

B. Adoptive parents:

(1) An adoptive parent of an adopted person who is less than 18 years old;

(2) An adoptive parent of an adopted person who is deceased; and

(3) An adoptive parent of an adult adopted person who has been determined by the court to be incapacitated;

C. Biological parents and relatives:

(1) A biological parent of an adopted person;

(2) The biological mother, legal father, grandparent, sibling, half-sibling, aunt, uncle or first cousin of a deceased biological parent of an adopted person;

(3) A full sibling, half-sibling or adopted sibling, who is 18 years old or more, of an adopted person; and

(4) The legal custodian or guardian of a minor child whose sibling is an adopted child; and

D. Other persons:

(1) The legal custodian or guardian of a minor child who was freed for adoption, but was never subsequently adopted.

(2) An adult who was freed for adoption but was never subsequently adopted.

Sec. 2. 22 MRSA §2706-A, sub-§3-A is enacted to read:

3-A. Providing information about available counseling support. The state registrar shall provide information about sources of counseling support to any person registering or requesting contact.

Sec. 3. 22 MRSA §2706-A, sub-§5, as amended by PL 1985, c. 673, is further amended to read:

5. Request for contact. When the state registrar has a request for contact from both a biological parent and that parent's adopted child or the child's adoptive parent any 2 persons specified in subsection 2 related to the same adoption, he shall notify each party

of the name and address of the other party and of sources of counseling support. If a biological parent, an adoptive parent or an adopted person registered under this section has made a request for contact and the party being sought died in Maine, the state registrar may disclose to the requesting party the fact that the biological parent, adoptive parent or the adopted person has died.

RECOMMENDATIONS
RELATED TO
SUPPORT SERVICES

CHANGES IN THE ADOPTION LAW:

Recommendation 84:

That the law defining special needs children for the purpose of adoption assistance be amended to add to the current definition:

- . Child is a victim of physical, emotional, or sexual abuse or neglect which places him at risk for future emotional difficulties.
- . There are factors in the child's background such as severe mental illness, substance abuse, prostitution, genetic/medical conditions or illnesses that place the child at risk for future problems.

Further, that the adoption assistance rules be amended to refine the current definitions to include the above and to define "special needs" as including:

- . Age 5 or older (new age)
- . Member of a minority race (who is hard to place) - new limit
- . Member of a sibling group (at least one of whom is hard to place) - new limit
- . Physical, mental, emotional handicap or medical condition which makes placement difficult to achieve.

Recommendation 85:

That children who are in the custody of a person or agency in another state who are brought to Maine for the purpose of adoption be excluded from the adoption assistance program.

Recommendation 86:

That adoption assistance money shall be transferred to the legal guardian upon the death of both adoptive parents so long as the child continues to be eligible for adoption assistance under the terms of the most recent adoption assistance agreement with the adoptive parents. A new agreement would be entered into with the legal guardian(s).

Recommendation 87:

That the law should allow for application for adoption assistance after finalization of the adoption if there was an error or oversight by the agency or caseworker.

CHANGE IN LICENSING RULES:

Recommendation 88:

That licensing rules include a standard to judge whether an agency has enough staff to service the clients they have defined.

CHANGE IN DEPARTMENT OF HUMAN SERVICES STAFF RESOURCES:

Recommendation 89:

That the Department of Human Services determine what additional staff is necessary in order to do family rehabilitation work, terminate parental rights when appropriate for children who cannot return home, and make timely permanent plans for children who cannot return home.

Recommendation 90:

That the Department maintain and provide on request a listing of Maine mental health counselors and other professionals with expertise and training in adoption issues.

CHANGES IN POLICY AND PROCEDURES OF THE DEPARTMENT OF HUMAN SERVICES AND PRIVATE ADOPTION AGENCIES:

Recommendation 91:

That when agencies are not able to provide a particular service, they refer the person or family to an agency that can provide the requested or desired service.

Recommendation 92:

That agencies should establish regular pre-adoptive training at frequent intervals; the sessions should be offered with various formats and times including evenings and weekends.

Recommendation 93:

That agency staff who conduct the training sessions should have training themselves in adoption issues and adult education methods.

Recommendation 94:

That agencies consider with each adoptive family the need for family therapy when adopting an older or special needs child.

Recommendation 95:

That in adoptions where specialized support services are needed, interagency cooperation in preparation of the child and family for adoptive placement be encouraged, and the family be linked with necessary support services in their own area before placement.

Recommendation 96:

That the Adoption Placement Agreement used by the Department of Human Services and private adoption agencies include confirmation of the explanation of the availability of adoption assistance and the availability of reimbursement of one-time adoption related expenses.

Recommendation 97:

That agencies consider establishing peer support groups for members of the triad.

Recommendation 98:

That if an agency provides third party search services, they must offer related support services and may charge a reasonable fee.

GENERAL RECOMMENDATIONS:

Recommendation 99:

That the Adoption Forum be encouraged to:

- . Consider developing more uniform curriculum and adoptive home study guidelines.
- . Try to develop ways to address more flexibility in providing adoptive home studies and group education classes to prospective adoptive families; and
- . Allow prospective adoptive families to cross county and regional lines to obtain these.

RECOMMENDATIONS
RELATED TO
PUBLIC EDUCATION

CHANGES IN TRAINING:

Recommendation 100:

That the Division of Adoption should cooperate with private adoption agencies to provide ongoing training and education for members of the adoption triad.

Recommendation 101:

That the Adoption Division develop a consciousness raising program for all court personnel regarding the impact of the court procedures, the joys and celebrations, and the pains and grief of the court experience for adoptive parents, adoptees, and birthparents.

Recommendation 102:

That the Adoption Division develop a format for seminars to be offered to judges, registers of probate, attorneys, social workers, mental health professionals, guidance counselors, hospital social workers, etc., regarding changes in the adoption law, adoption practices, and the field of adoption.

Recommendation 103:

That the training unit of the Division of Adoption provide training in medical, legal, educational, and advocacy issues related to adoption to adoption staff and other professionals such as physicians, court personnel, mental health providers, and psychologists.

CHANGES IN PROVISION OF PUBLIC INFORMATION:

Recommendation 104:

That a brochure be developed:

- Describing adoption options in Maine, including agency, independent, international, infant, special needs, and interracial adoptions, about related support services.
- Including a statement about where complaints of violations of licensing rules are to be made, and
- Including a statement that pro se adoptions can be done in Maine.
- Clearly specifying the kinds of clients each agency in Maine serves.

Recommendation 105:

That any brochure describing a specific agency's services and adoption program should include:

- . Information about search issues,
- . Policies of the agency, and
- . To whom complaints can be made.

Recommendation 106:

That the Department of Human Services should develop a brochure to explain the Adoption Assistance program.

CHANGES IN LICENSING RULES:

Recommendation 107:

That agencies shall supply to all persons who make inquiries the general adoption brochure along with any information material the specific agency provides.

Recommendation 108:

That the rules for licensing a child placing agency with an adoption program shall include a standard that says: Within 6 months of a prospective adoptive parent making an initial inquiry, the following information will be provided by the agency. This may be done individually or in a group.

- . Intake procedure of the agency,
- . Length of waiting list,
- . Any priorities of doing home studies,
- . Eligibility requirements of the agency,
- . Ages and types of children generally available for adoption, and
- . Information about other adoption agencies.

Recommendation 109:

That the rules shall reflect the need for additional training of staff who provide third party searches and related support services.

CHANGES IN DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES CURRICULUM REQUIREMENTS:

Recommendation 110:

That the Department of Educational and Cultural Services should amend the autobiography requirement in class curriculums to include various family types including adoption, foster care, blended families, etc., in order to minimize stress on students who come from differing family types.

Recommendation 111:

That the Department of Educational and Cultural Services include objectives related to teaching about alternative families including adoption in its K-12 curriculums and teacher training.

GENERAL RECOMMENDATIONS

FOR CHANGE

CHANGES IN LICENSING RULES:

Recommendation 112:

That The adoptive parents shall be informed that they may have a copy of their home study upon request, except for:

- . Information provided by third parties such as physicians,
- . References,
- . Child abuse and neglect reports,
- . Psychological reports, and
- . Information about other persons that may be in the file.

Counseling will be made available when appropriate. This applies to records retroactively as well as to future records.

Recommendation 113:

That the birthparent(s) shall be informed that they may have a copy of their record and of their child's record up to the time of surrender and release, consent, or termination of parental rights upon request, minus:

- . Third party information,
- . Child abuse and neglect reports, and
- . Psychological reports.

Names of caseworkers, physicians, and other professionals shall remain. Counseling shall be made available when appropriate. This applies to records retroactively as well as to future records.

IMPLEMENTATION OF RECOMMENDATIONS:

Recommendation 114:

That a separate Adoption Advisory Committee be established to monitor adoption practice in Maine and to advise the Department of Human Services and the licensing authority on adoption related issues.

Recommendation 115:

That the implementation of Task Force recommendations should include a more thorough look at specific agency practice using a group consisting of members of the adoption triad, consumers of adoption agency services, professionals in the field, and a consultant with national knowledge.

RECOMMENDATIONS FOR FURTHER STUDY:

Recommendation 116:

That the Department of Human Services carry out further analysis and publication of the data from the survey conducted as part of the work of the Task Force.

Recommendation 117:

That issues related to surrogacy, particularly as they are related to adoption, be the subject of another study to follow up this Task Force. It was decided at the initial Task Force meeting that surrogate parenting (surrogacy) would not be included in the work of this Task Force.

Appendix B

ADOPTION TASK FORCE
RESULTS OF BRAINSTORMING ISSUES OF CONCERN 3/17/88

SUPPORT SERVICES

Disruption - Dissolution
Money to provide services - from where?
Lack of resources to provide services
Knowledge and skill building for all in the field
Training of mental health community
Older damaged children available for adoption - physical, emotional,
sexual abuse
Multiple losses for children
Counseling for all in triad on adoption issues - grief, adjustment
Preparation of all for adoption - intensified process
Confidentiality issues
Recruitment of families
Expectations of adoptive parents - attachment issues
What is an appropriate risk to take when placing children for adoption?
Ability to pass on medical, genetic information through court system

INDEPENDENT ADOPTIONS

Tighter controls
Baby selling in Maine?
Disclosure of all money changing hands
Homestudy before placement
Residence in Maine?
Advertising in newspapers
No counseling provided
Will agencies become more involved in the future?
Legislation re: who places children? Must be held accountable
Probate court grants guardianship thus no interstate compact done or
needed
Compliance with interstate compact
Passing on of information - medical, genetic - does it happen?

SEARCH

Open and closed records
Education of public re: search is a normal process
What about those never legally adopted?
What about those with no birth certificate?
Confidentiality of records
Expansion of adoption registry
History in court records - familial history
Going back to court to get information - post adoption
Psychological issues - lifelong
Search is part of adoption - it is OK - a normal process

PUBLIC EDUCATION

What is Adoption Task Force doing?
Who is waiting for adoption?
Making adoption a positive option by society
Registry availability
School curriculums re: adoption

INTERNATIONAL ADOPTIONS

Lack of laws governing international adoptions
"Judge Shopping" to facilitate adoption
Recognition of foreign papers - full faith and credit?
Identification of person (agency) holding custody - interim agency -
clarity needed

LEGAL ISSUES

Need to define clearly language to determine standard for adoption
"Best Interest of the Child"?
Is Probate court appropriate forum? Family court?
Putative fathers rights - notice to - expectation of rights of father
Surrender and release
Legal affect? Final judgment?
Mechanism of consent
Part of adoption process
Can be removed up to point of adoption
Different legal events?
Judicial review after surrender and release - now none required
Inheritance rights
Title 22 - Termination of parental rights and inheritance rights
Court overturn of agency's "lack of consent to place"
Who should qualify to bring a petition
Notice of petitions
No recorded hearings in Probate court - no guardian ad litem
Division of authority - DHS or court - final arbiter?
Ceremony of adoption - ritual particularly for older children
Uniformity of courts
Recodification of statutes
Insurance coverage for adopted children
Adoption certificate vs. amended birth certificate

UNASSIGNED ISSUES RAISED

Clarify "Who is an appropriate candidate for adoption?"
Statement to other groups about Task Force concerns
Population at Sweetser/Elan? Adoptees? Statistics - reliable, scued?
Collection of data base imperative
Surrogacy
Collaboration of public and private agencies to work together more
effectively

FOR EACH BROAD ISSUE EXAMINE

Collect data

Impact on all members of adoption triad

Impact on future; history

Distinction of adopted groups - infant, special needs, international
older children

Legal questions

Policy changes

Rules

Procedures

Strategy

Appendix C

PUBLIC HEARINGS

PRESQUE ISLE - SEPTEMBER 13, 1988

Gregory Foltz
Janet Pease
Jim Clark
Fran Harriman
Freda Plumley
Martha Naber, Staff

1. Ward Shaw, adoptive parent, Professor UMPI

- ISSUES:
- a. Open records - recognize rights of both sides - mutual place to go before match made.
 - b. Independent adoptions
 - opposed to searching for children without an agency
 - need complete picture to make decisions legal, social aspects
 - would support regulation
 - c. Services to adoptees, adoptive families

BANGOR - SEPTEMBER 15, 1988

Tom Hallett
Janet Pease
Jim Clark
Marg Buschmann
Joanne Crowley
Martha Naber, Staff

1. Judi Collier, adoptive parent, trainer, works for MAPS - Bangor

- ISSUES: Independent Adoption
- no rules, regulations; no protection for anyone
 - come up with regulations - not banning
 - it works and is, in most cases, very successful

2. Debbie Giguere - Casework Supervisor - Good Samaritan - Bangor

- ISSUES: Independent Adoption
- exploitation of birthmothers who are very vulnerable
 - desperation of adoptive parents for a child can create lack of concern for birthmother
 - concern for birthmothers left out by adoptive parents, attorneys
 - attorney paid by adoptive parents - can this be a conflict of interest?
 - regulation for counseling of birthmothers, provide support
 - before power of attorney signed, neutral party should educate birthmothers
 - home study done before placements

3. Gerry Palmer - Residential Services Coordinator, Community Health and Counseling Services, also Adoptive Parent

- ISSUES:
- a. Legal system needs to look at the reunification process to ask if it makes sense. Children don't have a long time. They need a nurturing environment for developmental period.
 - b. Number of adoptive families coming to CHCS after an adoption of 6 years or so. They come with great needs for help. Families are often in crisis and may be at the point of disruption. They have no support; need counseling, intervention. RECOMMENDATIONS: Look at policies or financing to provide "check in" with families.
 - c. Open adoption and more communication with birth families should be encouraged. Singles should be able to adopt.
 - d. Special needs children - minority placements in mixed families should be encouraged. Need to find resources to support the cultural needs of child and get them out of foster care for developmental times. Need black role models.
 - e. Income - look at lower incomes/families who would be good adoptive parents.
 - f. Home study prior to placement is necessary.
 - g. DHS is understaffed in the adoption program. Need more people to get work done quickly, particularly considering a child's view of time.
 - h. Recommend that 100% of DHS older children be placed with subsidy and Medicaid which could help encourage lower income families to adopt.

4. Kay Davis, Director of MAPS in Bangor, Adoptive Parent

- ISSUES:
- a. AIDS testing - medical information is necessary for the adoptive family. Confidentiality is not meant to be secrecy.
 - b. Subsidy - not eligible for subsidy if apply after finalization. In New York they can apply for a pre-existing condition.
 - c. Preparing children for adoption is lacking. Grief work, bonding, attachment needs to be done. Child has lack of trust - removed from family, in foster care, too few programs to prepare children. "Not finished with the past, so can't build a future". Disruptions can result.

5. Ellen McKinnon - Good Samaritan, Single Parent Caseworker

- ISSUES:
- a. Improve image of adoption in elementary schools; make it a positive image. Look at textbooks, etc.
 - b. Need for more public education.
 - c. Mothers need support; surrender is viewed as a selfish option. Social attitudes are against surrender.

6. Tom Hallett - Reviewed history of Task Force, makeup of Task Force -
DISCUSSION

7. Adoptive Parent, Independent Placement

- ISSUES:
- a. From New York - now in Bangor - wants to find an adoptive family group; networking needed.
 - b. Met with birthparent.
 - c. Getting through the system takes too long; still has no birth certificate; 3 lawyers.
 - d. Needs to be streamlined, mistakes, just awful, one nightmare after another.
 - e. Proponent for private adoption; there are very gray elements - offered children for \$15,000, etc.; price tags on child's head.
 - f. Found own birthmother.
 - g. Book coming out by Stanley Michelman by Random House on Private Adoption.

8. Adoptive Parent adopted an older child in 1981; awful experience

- ISSUES:
- a. No preparation of all parties; ill-informed. Decision made by caseworker to have goodbye visit with mother; little information given to adoptive parents.
 - b. Therapy should be a requirement for the adoption of an older child.
 - c. Services needed by adoptive families:
 - 1) Preparation for adoption - grief, separation issues
 - 2) Followup services; groups
 - 3) Connection with agencies
 - d. Finally had to give up custody to get services the child needs.

9. Birthparent

- ISSUES:
- a. Public at large needs education about the adoption triad and adoption issues.
 - b. Support needs to be given to all persons years later.
 - c. Search is happening more - look at all the person's needs; adoptive parents need support re: search issues.
 - d. Myths need to be dispelled.

10. Adoptive Parents - 2 international children

- ISSUES:
- a. Paperwork is so slow to get new birth certificate.
 - b. School forms asked about adoption.
 - c. Does it "set up" child, or identify child for being in a category for special services.
 - d. Family should be responsible for educating about adoption and related issues.
 - e. Important to have group connections with other adoptive families.
 - f. Differences between domestic and international adoptions:
 - no search in international cases
 - way the child is treated - celebrity status of child
 - court procedures
 - g. Search - concern that birth parent will come to door to and want to join the adoptive family.
 - h. Take risk of not knowing medical background if adopt internationally.

How soon will changes come about as a result of the Task Force work?

- ISSUES:
- a. An adoption certificate may be preferable to a birth certificate
A birth certificate issued "as if" born to adoptive parent
Name, birth parents are part of your identity
 - b. Separation and loss feelings of children
 - c. Foster care - bouncing kids creates many more problems
 - d. Adoptive parent - "Take them home and love them" is not enough
 - e. Residential centers, prisons, etc. have clients with multiple placements - 12-22% adopted children at Sweetser
 - f. Protective process and reunification process
 - detrimental to child as time goes but - no permanency
 - should be time limit, then move the child on
 - re-examine time frame
 - g. Are the citizens of Maine willing to pay for the recognized services for adoption support?
 - h. Response from the media, individuals about hearings and about adoption.
 - i. Nationally, the issue is receiving some recognition.
 - j. Adoptive parent groups - people don't go until there is a crisis.
 - k. Challenge of families with black children
 - never white, never black
 - racial issues
 - discrimination against black, much less against children from foreign countries.
 - l. Search is becoming more acceptable in foreign countries; adoptive parents will be having to deal with this.
 - m. Maine Registry discussed
 - n. ASC-ME (Adoption Search Consultants of Maine) mentioned
 - o. Records in court are open before 1953.
 - p. Need to balance the interests of searcher/searchee.
Intermediary system suggested.
Need to pass on medical information.

PUBLIC HEARING
AUGUSTA, MAINE
SEPTEMBER 20, 1988

Present: Leonore Taylor, Freda Plumley, Pat Yates, Fran Harriman, Gregory Foltz, Martha Naber, Staff

1. Adoptive parent, attorney; waiting to adopt through a private agency in Maine.

- ISSUES:
- a. Cited Titles 22, Sec. 8201-8204 and Title 17 Sec. 1301 to prohibit withholding of service on the basis of race, religion, etc. - his family is Protestant.
 - b. Feels very vulnerable today, and concerned that rocking the boat, that lack of agreement with openness, and being Protestant will/could mean no future placement.
 - c. Questions:
 - . Exclusion of Hindus, Moslem, etc. religions
 - . agency's right to require regular church attendance
 - . agency's right to reject on religion alone
 - . \$75 fee charged for extra sessions of waiting families when required to attend
 - . need to match race and religion with parents.
 - d. No current update done within a year of initial approval.

2. Attorney for Maine Agency, waiting to adopt.

- ISSUES:
- a. For 1-1/2 years has been working on researching adoption. She has a 6 year old son - wanted a child up to 3 years old - focused first on international. She found age to be a barrier (she is 43, husband 40); would like age barriers removed.
 - b. Would like one central source of information about adoption.
 - c. Exploring independent adoption and has no place to get information except from friends.
 - d. Recommends:
 - . There should be room for private independent adoptions as birthmothers want some control over the family picked.
 - . Make process and options available/clearer to prospective adoptive parents.
 - . Should place with families who already have children, too.
 - . Place according to the best interests of the child first.
 - . More networking and sharing of information between agencies - may be turf issues.

3. Blanche Gilbert - Adoption lawyer from New York - part-time Maine resident.

ISSUES:

- a. Wants legal guidelines on finances in adoption.
- b. Wants to keep private placements available. She finds birth mothers want to participate in placement and want open adoptions to some extent. The greatest number want to meet the adoptive parents, some want identifying information. They also need to pay for medical, legal, and counseling costs.
- c. Attorneys should not be brokers or matchmakers. This is not the attorney's role.
- d. Recommends counseling for birthparents.
- e. Wants independent legal counsel for birthparents.

4. Sharon Abrams - Maine Children's Home for Little Wanderers - works with birthparents.

ISSUES:

- a. Age guidelines: birthmothers see anyone over 30 years as "old". She believes older couples would not be selected. The agency has 40 years old as a cutoff. The birthparents make the choice of family. There is often a 6 year wait at Maine Children's Home for an adoption. Ms. Abrams believes couples need to know about the age "problem" with birthmothers who are picking younger families.
- b. The mother's choice is the key factor. She wants "someone to talk to". Counseling is necessary for birthparents.
- c. Adoptive parents are the focus of private adoptions not the birthparents or the children.
- d. Maine Children's Home is trying to make adoptions more open.
- e. Need to educate about adoption as a positive option.
- f. She is seeing younger and younger birthmothers.

5. Debbie Nugent-Johnson - Regional Supervisor - Bureau of Children with Special Needs (DMHMR).

ISSUES:

- a. Wants to hear about services available to special needs kids and families.
- b. She sees children in foster care too long.
- c. What services are available pre- and post-adoptions for special needs kids.
- d. Recommends:
 - . More interagency involvement in the preparation of child and family, particularly around the child's special needs
 - . Adoptive parents need education about the PET (Pupil Evaluation Team) process
 - . Resources are limited for families after placement
 - . Families need to be hooked into services and service providers prior to placement.

- e. The Bureau of Children with Special Needs serves children 0-6 years old with their direct service programs. This is not for older kids. She suggests C.A.S.P. in Bangor and Portland to coordinate services for older children.

6. Representative Marge Clark.

ISSUE: She shared information about legislation and the Adolescent Pregnancy Coalition.

7. Prospective adoptive parent from Winslow.

- ISSUES:
- a. Age requirement - she was told by DHS that they could only adopt an 8 year old or older child because of their age (will be 38 years old). She wants an infant or young child. She has lots of experience. They just started with a private agency and can only adopt a 6 year old or older. At Augusta DHS, she was told 35 years old was the cut off age.
 - b. It is too long a time to free children for adoption. She had heard of a 6 year old in foster care who might be freed. They were encouraged to be licensed for foster care (were in summer '88). The child was placed elsewhere to do continued reunification work. No termination of parental rights has been done yet.
 - c. Should do away with upper age requirement.

8. James Woodward - Director, International Christian Adoption Agency.

- ISSUES:
- a. Supports extending the adoption registry to siblings.
 - b. Regulate independent adoptions - complete studies prior to adoptive placement.
 - c. Concern that consent for adoption that can be overridden by a probate judge.
 - d. They may get 8-10 requests per year from adoptive families who need studies for private adoptions. ICAA won't put these requests ahead of families they are already studying.
 - e. In independent studies they are finding families have few supports and don't really understand adoption issues. The prospective parents don't have compassion for the birthmothers.
 - f. Interstate Compact compliance.

9. Carolyn Hutchinson - Maine Children's Home for Little Wanderers - Caseworker.

- ISSUES:
- a. Concerned about independent adoptions as the adoptive couples are not well prepared regarding adoption issues. The birthmothers are not well prepared or considered.

- b. She hears of maybe 3 babies a year placed privately, doesn't hear about the others.
- c. Recommends:
 - . Studies need to be done prior to any placement.
 - . Also, pre-consent counseling needs to be done.
- d. MCHLW timetable: No limit on list.
 - 5 years from inquiry to study
 - 3 months study to approval
 - up to 2-1/2 years to placement.

9/27/88 Freda Plumley, Leonore Taylor, Martha Naber, Staff, met with Mal Sibulkin as he was unable to attend any of the public hearings. The issues he raised were:

- 1. DHS doesn't cross regional lines to get service done. They were not informed of other regions holding trainings. They were willing to travel but were not given the option to do so.
- 2. Wanted to adopt a Maine child in the custody of DHS. Race was not an issue.
- 3. Contacted MAPS, did the 20 hours of training, and are beginning the home study shortly. Now they are having to pay for a study. MAPS will go out-of-state to find a placement.
- 4. A lack of money in DHS causes delays. He is willing to testify, if called, on money issues relating to Maine's children. The priorities of how the State spends money are not right.

PUBLIC HEARING
PORTLAND, MAINE
SEPTEMBER 22, 1988

Present: Mina Bicknell, Joe Brannigan, Fran Harriman, Leonore Taylor,
Ellen Beerits, Pat Yates, Sybil Coombs, Martha Naber, Staff.

1. Cushman Anthony, State Legislator from South Portland recently employed by Community Counseling.

- ISSUES:
- a. Independent adoptions - cuts off possibility of adoptee searching for birthparent and vice versa. This should be retained as an option with regulations built in.
 - b. Confidentiality - future adoptions should not be totally confidential. This doesn't work very well. Closed records led to unfortunate mental health problems for triad members. All are better served by open records prospectively.
 - c. Unwed mothers - wants Task Force to address the fact that adoption is not seen as a positive option. The adoption option has become no option, we need to move to a different image, use more positive language. It seems that if a birthmother doesn't choose abortion, she is forced to parent.

Recommendation: Further work be done on this issue.

2. Howard Reben, attorney, adoptive parent of two.

- ISSUES:
- a. Finalizing an adoption should not require an attorney if an uncontested or foreign adoption. He refuses to represent people with uncontested adoptions.
 - b. The forms "have taken on an aura and mystique of their own". They should:
 - . be in plain English
 - . have instructions in clear English
 - . be filled out by adoptive parents with help from court clerks (who should understand that they can help and not be accused of practicing law).
 - c. No money should need to be paid.
 - d. Courts should instruct clerks to help with forms.

3. Theanna Hinman, past president of RESOLVE, worked with an agency

- ISSUES:
- a. Outreach to teenagers needed. Society today offers abortion or keeping the child. If there was better outreach all over Maine to pregnant teens, there would be more babies for infertile couples.
 - b. There is a stigma attached to adoption.
 - c. If there were more pregnancy prevention, then it wouldn't be necessary to have abortion or adoption.

4. Attorney, waiting to adopt.

- ISSUES:
- a. Frustrations are built into the process caused by no centralized information being available for a comprehensive view of adoption to people seeking information about adoption.
 - b. There seems to be a lack of cooperation and competition among the agencies in Maine.
 - c. Why is there a blanket exclusion of persons who already have children?
 - d. Private adoption ought to be available given the current status of resources and avenues to adopt. It should be regulated to prevent abuse.
 - e. Surrogacy contracts - Do not make it a criminal offense; do not make it enforceable; the mother needs to be able to retain custody and have it purely voluntary.
 - f. Adoption requires fairly substantial resources. Many families of modest means may be shut out of the process due to the lack of money. They may be good resources as parents.

5. Pamela Murton - Adoption Worker at Community Counseling Center in Portland.

- ISSUES:
- a. Birthmothers deserve and need support, comfort and guidance.
 - b. Adoptive parents go through a legal and emotional process with an agency that can take a long time.
 - c. Concerned about independent adoption:
 - . Who has helped the birthmother with grief, loss, family issues? What is the competency of the helper?
 - . Pressure may be put on the birthmother due to money already paid.
 - . Who are the people taking the child home? Are we looking out for the child?
 - . What about letters and photos being exchanged on an ongoing basis?
 - . Attorney fees - who pays?
 - . Some monitoring needs to happen and some education of attorneys to sensitize them to adoption issues could be helpful.
 - . Search is very frustrating.
 - d. The Community Counseling Center is stepping into open adoptions.

6. Jane Hebert, Past President of RESOLVE.

- ISSUES:
- a. Keep independent adoption, but regulate it more tightly.
 - b. Concerned about children waiting too long in foster care before being cleared for adoption. Caseworkers change too frequently; case plans change making it difficult for the children to move on.

7. Adoptive Parent of child from Rhode Island.

- ISSUES:
- a. It was a heinous process to adopt a child in Rhode Island for whom they were foster parents. It was a 2-1/2 year process. The courts would postpone hearings; they had several lawyers. Adoptive parent needed to be a "total pain" to get the adoption done.
 - b. Private adoption needs to be kept as an option.

8. Male adult adoptee.

- ISSUES:
- a. Found by his birthmother with whom his relationship has deteriorated. He has many unanswered emotional issues. He never felt affiliated with the family who adopted him.
 - b. Expectations on both sides have gotten shattered. He has felt like he's living "on the edge" with two sets of parents.

9. Female adult adoptee.

- ISSUES:
- a. Independent adoption - her parents were rejected by three private agencies and should not have been adopting. She was emotionally and physically abused.
 - . Medical information before placement is needed. She sees the children in physical therapy.
 - . She knows of a child for whom the parents paid \$25,000 through a lawyer out of state.
 - . Information is not always shared with the families.
 - b. Child from Haiti - she is concerned that the family has not been keeping up with the care of the child. Who is responsible during the time before finalization?

10. Male adult adoptee.

- ISSUES:
- a. He began a search for his birthmother in the summer of '87 and had a reunion in December 1987. Can't get his father's name.
 - b. Wants regulation of fees of independent adoption - some accountability is needed.
 - c. Advocates for open records because healing can happen as a result of meetings. 90% of birthmothers welcome reunion/95% of adoptees welcome reunion. Secrecy serves no one in the triangle.
 - d. Open records may prompt adoptions due to the birthmother not losing total contact forever.
 - e. Identity issues:
 - . If "chosen" what will prevent adoptee being "unchosen"?
 - . Fears of rejection and abandonment all life.
 - . Adoptees are four times as likely to be in counseling.

11. Wife of a person wishing to adopt.

- ISSUES:
- a. Her husband wants to adopt a little girl to give her a father. She already has a mother so wife does not intend to adopt.
 - b. She wants the law changed so that one person of a married couple may adopt.

12. Katy Murphy, President of RESOLVE.

Written testimony (attached)

13. Tina Tarr Emmons, Prospective adoptive parent, past president of RESOLVE.

- ISSUES:
- a. Retain private adoption. The costs in some areas are \$20-25,000. They had one arranged that didn't work out.
 - b. Set guidelines for fees and expenses. Their attorney suggested they pay for: legal fees for both parties, medical fees for mother and baby, counseling for mother. He did not suggest they pay for any other costs of mother such as living expenses, car, etc. It should not be more than \$4,000-7,000 for an adoption.
 - c. High fees can raise identity issues for a child as they get older.
 - d. Home studies should be done before a placement by a private agency.
 - e. Can an attorney represent the birth parent if he/she represents an adoptive parent? Would (does) he/she "push" adoption?
 - f. Can you mandate counseling?
 - g. She doesn't want adoption to become only an upper class option.

14. Kathy Ehrenborg - RESOLVE member, waiting to adopt.

- ISSUES:
- a. wants to retain independent adoption as an option.
 - b. Age requirements?
 - c. Insurance coverage for adoptees.

15. Female adult adoptee.

- ISSUES:
- a. Intrafamily adoption during WWII. She didn't know about her birth family until she was over 30 years. There is no support or literature about intrafamily adoptions.
 - b. Believes in search for all who want it. Believes there are those who want privacy and protection, and they should have it.
 - c. There needs to be a continual sharing of medical information.
 - d. Doesn't believe in totally open adoption. She believes this would reduce the number of babies available for adoption.

16. Birthparent in 1971 of a daughter.

- ISSUES:
- a. She wants to know her daughter is ok and to be able to pass on medical information about the birthparent's family.
 - b. Adoptees have a right to know their history. The system is set up to help everyone play a pretend game.

17. Husband of birthmother.

- ISSUES:
- a. What are the constitutional rights here? It is a human rights issue to have information.
 - b. Recommends open records - both prospectively and retroactively at age 18 years.
 - c. Birthparents have a right to know how their child is.
 - d. Maine should take the lead to change this travesty against human rights.

18. Adoptive father of two adult adoptees.

- ISSUES:
- a. Doesn't agree that all adoptees want to find who their birthparents are. His two don't want to.
 - b. 2/3rd's searching are adoptees. 1/3rd searching are birthparents.
 - c. Medical information updates are not a good enough reason to open the records or make a birthparent contact.

19. Woman waiting to adopt.

- ISSUES:
- a. Was working on adopting as a single parent. She was recently married so now must wait two years. This should be changed. The rigidity doesn't make sense.
 - b. Intercultural adoptions - need for professional consultation and support services in Maine.

Testimony: September 22, 1988
Portland City Hall, City Council Chambers
State of Maine Adoption Task Force
Mary-Kate Murphy
President, Resolve of Maine

Resolve of Maine is the local chapter of the national organization **Resolve**, a non-profit, charitable organization which offers counseling, referral and support to people with problems of infertility, and education and assistance to associated professionals.

The organization's name "says it all" as to what members hope to eventually accomplish by joining the group. Most of our members are hardly new at dealing with infertility; yet despite the enormous amount of time, emotional energy and money we expend on seeking solutions to our infertility, there are usually many years of pain ahead before we resolve our situation.

No one who has not experienced infertility can image the overwhelming drive that powers our desire for children. Many infertiles feel they will pursue their goal for a child at whatever cost, both monetarily and emotionally.

Resolution of infertility can come in many ways. Of course, we all hope for a child from our own bodies! Yet there is a time, after dealing with many different medical procedures, hormones and drug therapies that a couple may finally feel that "enough is enough." Adoption may then become the most viable option.

If the biological "door" has been closed to you, you can imagine how devastating it feels to have other doors shut in your face. Some of our members have been told by agencies that they are too old to adopt. Others wait as long as 10 years to have a child placed with them. Some become so frustrated by adoption red tape that they may focus on private adoption. In all cases, the search for resolution must be continued; feelings of anxiety and hopelessness must again be played out until resolution, through adoption, is achieved. The adoption wait can be twice as frustrating, since couples have already spent years trying to medically resolve an infertility problem. Streamlining of the adoption process, therefore, should be a goal of any revision. The stress of infertility should not have to be matched by the stress of adoption procedures!

Resolve gives full support to infertile people to build their families through agency, private or independent adoption, and foreign adoption. We support the right of infertile people to make their own decisions in family building. Limiting adoption options by eliminating any form of adoption, specifically private or independent adoption, is not fair or right. When properly regulated by law and with careful oversight, private adoptions would not be and would not be seen as the illegal sale of children for profit, which Resolve strenuously opposes.

No matter what form the adoption might take, its regulation must be strict, yet fair. We advocate the establishment of regulations that would apply to all forms of adoption. Counseling for all parties concerned in an adoption must be offered not only before and during an adoption, but after the paperwork is completed, too. Home studies must be a requirement for all adoptions. Regulations concerning fees must be established and strictly adhered to. Services to facilitate the cutting of red tape must be offered. Consumer awareness of all adoption options and procedures must be developed through material made available to prospective parents.

It is not hard to see what a critical issue adoption is these days. With more people seeking treatment for infertility than at any time in our nation's history; and with people deciding to get a later start in building a family, it is easy for many to feel that "the race is on." We hope that the Task Force, the Department of Human Services, and, ultimately, our legal and legislative systems, will redesign the adoption process in view of those who have waited all too long for a child.

Appendix D

PROBATE COURT

PERSONAL

1. How long have you been a Probate Judge? _____ Years
2. Are you yourself an Adoptee Yes ____ No ____
a Birthparent Yes ____ No ____
an Adoptive Parent Yes ____ No ____

OPINION

1. Should a criminal records check of petitioning adoptive parents be done:
a. prior to placement Yes ____ No ____
b. prior to finalization Yes ____ No ____
2. Should a homestudy be required prior to placement even if it extends the adoption process? Yes ____ No ____
3. Even though it is not required by law, do you require a homestudy prior to placement of a child? Yes ____ No ____
4. In your Court, who reads the homestudy:
a. The Judge Yes ____ No ____
b. Staff Yes ____ No ____
c. Other _____ Yes ____ No ____
5. Have you ever denied a petition to adopt based on information in the homestudy? If yes, what did you do next? Yes ____ No ____
6. Would a more thorough homestudy make it easier for you to approve or deny an adoption petition? Yes ____ No ____
If yes, what additional information would be most significant?
7. Relative adoptions require no homestudy. Should this be changed? If yes, how? Yes ____ No ____
8. Independent non-relative adoptions require a homestudy, but not a recommendation. Should this be changed? Yes ____ No ____
If yes, how?
9. Agency non-relative adoptions require a homestudy WITH a recommendation. Should this be change? Yes ____ No ____
If yes, how?

10. There is no obligation for financial disclosure in adoptions. Do you ask the parties about their financial agreement? Why or why not? Yes ____ No ____

11. Do you favor legislation that would regulate financial agreements between parties in the adoption process? Yes ____ No ____ Don't Know ____

12. Should there be a limit on the amounts in excess of maternity care costs the:
Birth parent receives? Yes ____ No ____ Don't Know ____

How much? _____
Adopting parents pay? Yes ____ No ____ Don't Know ____
How much? _____

13. Have you seen evidence or do you believe that guardianships of infants or children are being used to circumvent the Interstate Compact in adoptions? Yes ____ No ____ Don't Know ____

14. Do you have any suggestions for strengthening Maine statutes or procedures to curtail and/or discourage such practices?

15. Some judges appear to read the "Adoption Records Kept Confidential" statute to require denial of a petition unless there is a compelling reason to open the records. Others see it as allowing them to release information unless there is a compelling reason to deny the petition. If the statute were to be changed, which view would you tend to support:

A compelling reason to open records Yes ____ No ____
A compelling reason to keep them closed Yes ____ No ____

Please explain:

16. Are there any additional adoption issues not mentioned that you feel need attention?

COURT STATISTICS

(May be completed by Register of Probate. Figures for all categories may be yearly averages.)

1. On average, how many adoptions are processed each year in your Court?

Total Adoptions _____

International _____

Interstate _____

In State _____

2. How many adoptions are by:

A relative _____

A non-relative _____

3. Of non-relative adoptions, how many are:

Agency _____

Independent _____

4. How many adoptions were:

Initiated and finalized in your Court? _____

Initiated here but not finalized? _____

Withdrawn by petitioner _____

Denied by Court _____

Transferred to another Court _____

Other _____

Transferred from another Court and finalized in your Court? _____

5. How many non-relatives guardianships of infants/young children were granted to out-of-state couples? _____

Appendix E

**ADOPTION TASK FORCE
SUPPORT SERVICES QUESTIONNAIRE**

The following questionnaire is comprised of yes/no answers. The yes/no column is to ascertain what services are already provided, and the last column requests your opinion whether these services should be provided. **A CHECKMARK HERE WOULD INDICATE YOU AGREE THE SERVICE SHOULD BE PROVIDED.**

What type of placement do you provide:

- | | | |
|------------------------|-------|-------|
| A. Open | y [] | n [] |
| B. Semi-open | y [] | n [] |
| C. Closed | y [] | n [] |
| D. Domestic | | |
| 1. Infant | y [] | n [] |
| 2. Older/Special Needs | y [] | n [] |
| E. International | | |
| 1. Infant | y [] | n [] |
| 2. Older/Special Needs | y [] | n [] |

The Birthparent(s):

Which of the following are routinely taken or provided:

- | | Do | Don't
provide | Should |
|--|-------|------------------|--------|
| 1. Pre-relinquishment: | | | |
| A. Explanation of adoption process | y [] | n [] | [] |
| B. Explanation of legal process | y [] | n [] | [] |
| C. Explanation of homestudy | y [] | n [] | [] |
| D. Explanation & examination of legal forms | y [] | n [] | [] |
| E. Explanation of placement options: | | | |
| 1) Open placement | y [] | n [] | [] |
| 2) Semi-open placement | y [] | n [] | [] |
| 3) Closed placement | y [] | n [] | [] |
| F. Medical history of birthfamily | y [] | n [] | [] |
| G. Social history of birthfamily | y [] | n [] | [] |
| H. Family's personal characteristics | y [] | n [] | [] |
| I. Preparation for separation issues | y [] | n [] | [] |
| J. Family counseling | y [] | n [] | [] |
| K. Legal implications: | | | |
| 1) Inheritance options | y [] | n [] | [] |
| 2) Sealed records/Open records | y [] | n [] | [] |
| 3) Forwarding medical/social updates | y [] | n [] | [] |
| 4) Confidentiality/Search issues | y [] | n [] | [] |
| L. Support groups available: | | | |
| 1) Concerned United Birthparents | y [] | n [] | [] |
| 2) Adoption Search Consultants of Maine (ASC ME) | y [] | n [] | [] |
| 3) Others _____ | y [] | n [] | [] |
| M. Financial support | y [] | n [] | [] |
| 2. Post-relinquishment: | | | |
| A. Receipt of copies of legal documents: | | | |
| 1) Surrender & Release, Consent | y [] | n [] | [] |
| 2) Original birth certificate | y [] | n [] | [] |
| 3) Adoption papers if "Open" | y [] | n [] | [] |
| B. Ongoing separation issues counseling | y [] | n [] | [] |

**ADOPTION TASK FORCE
SUPPORT SERVICES QUESTIONNAIRE**

	Do	Don't	Should
		Provide	
C. Availability of peer support	y []	n []	[]
D. Notification of adoptive placement	y []	n []	[]
E. Notification of adoption finalization	y []	n []	[]
F. Name of Court of finalization	y []	n []	[]
G. Mechanism for forwarding:			
1) Medical updates	y []	n []	[]
2) Social updates	y []	n []	[]
H. Availability of future counseling	y []	n []	[]
I. Availability of search/support groups	y []	n []	[]
J. Inform about Maine State Adoption Reunion Registry	y []	n []	[]
K. Notification of death of child	y []	n []	[]
L. Notification of dissolution	y []	n []	[]

The Adoptive Parents:

Which of the following are routinely provided:

1. Preplacement Counseling:

A. Infertility issues:			
1. Counseling provided	y []	n []	[]
2. Referrals to Resolve	y []	n []	[]
3. Referrals to other _____	y []	n []	[]
B. Significant loss issues	y []	n []	[]
C. How do you prepare prospective adoptive parents?			
1. Individually	y []	n []	[]
2. Couples	y []	n []	[]
3. Group work	y []	n []	[]
D. Do you provide: Re: CHILD (REN)			
1. Copies of complete medical history/records	y []	n []	[]
2. Copies of psychological reports	y []	n []	[]
3. Copies of educational records	y []	n []	[]
4. ALL information available about the child:			
a. Verbally	y []	n []	[]
b. In writing	y []	n []	[]
E. Do you inform about the need for future contact with significant others for the child?	y []	n []	[]
F. Do you inform families of available subsidies?	y []	n []	[]
G. Do you refer to adoptive parent/family groups?	y []	n []	[]
1. Adoptive Families of ME	y []	n []	[]
2. Other _____	y []	n []	[]

ADOPTION TASK FORCE
SUPPORT SERVICES QUESTIONNAIRE

	Do	Don't Provide	Should
2. POST PLACEMENT ISSUES:			
A. Is ongoing help available for:			
1. How to deal with past:			
a. birthfamily issues	y []	n []	[]
b. foster care issues	y []	n []	[]
c. other significant people	y []	n []	[]
2. Coping with manipulative behavior	y []	n []	[]
3. Regression in older children	y []	n []	[]
4. Coping with disruption	y []	n []	[]

3. Post Finalization Issues:

Is ongoing help available for:

1. How do deal with the past:			
a. Birthfamily issues	y []	n []	[]
b. Foster care Issues	y []	n []	[]
c. other significant people	y []	n []	[]
2. Coping with manipulative behavior			
3. Regression in older children	y []	n []	[]
4. Coping with dissolution	y []	n []	[]
5. Search issues	y []	n []	[]
6. Do you provide a mechanism for relaying medical/social updates?	y []	n []	[]

4. References and Referrals:

A. Crisis intervention	y []	n []	[]
B. Referral to mental health professionals trained in adoption issues	y []	n []	[]
C. List of support groups	y []	n []	[]
D. Peer support groups for adoptees	y []	n []	[]
E. Respite Services	y []	n []	[]
F. Maine State Reunion Registry	y []	n []	[]

The Adoptee as child:

Which of the following are routinely provided:

1. Preparation for adoption:

A. Discussion of grief, loss and separation issues	y []	n []	[]
B. Peer support groups offered	y []	n []	[]
C. Identity issues addressed	y []	n []	[]
D. Life story prepared	y []	n []	[]
E. Name change	y []	n []	[]
F. Is child of appropriate age involved in selection of home	y []	n []	[]
G. Pre-placement visits with prospective adoptive family	y []	n []	[]
H. Preparation of child for Court finalization	y []	n []	[]

**ADOPTION TASK FORCE
SUPPORT SERVICES QUESTIONNAIRE**

	Do	Don't	Should
2. Post Placement Services:		Provide	
A. Are peer support groups available	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
B. Does policy provide for informational updates:			
1) on birthfamily	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
2) on previous families (foster, etc)	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
3) on siblings	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>

Information, Search and Reunion

1. Do you have a policy established for search and reunion?	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
2. Policy being revised			
A. more openness	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
B. more closed	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
3. Does your policy provide for:			
A. closed records	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
B. non-identifying information only	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
C. identifying information given	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
D. intermediary services	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
E. Persons eligible:			
1) adoptive parents of minor	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
2) adult adoptee	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
3) minor adoptee	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
4) birthparents	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
5) siblings	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
6) other _____	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
4. Referrals provided			
A. Adoption Search Consultants of ME	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
B. Maine Adoption Reunion Registry	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
C. Other _____	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
5. Counseling services offered:			
A. Pre-search	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
B. Pre-reunion			
1) searcher only	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
2) both parties	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
3) adoptive family	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
4) others _____	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
C. Post-reunion			
a. searcher only	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
b. found person	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
c. adoptive family	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>
d. others _____	y <input type="checkbox"/>	n <input type="checkbox"/>	<input type="checkbox"/>

1. Other than those mentioned, what else do you see as needed support services for each member of the triad?

ADOPTION TASK FORCE
SUPPORT SERVICES QUESTIONNAIRE

2. If the questionnaires designed for each member of the triad were supplied to you, would you be willing to send them to your adoption clients, birthparent(s) or adoptive parents, for January 1987 through June 1988?

Yes ☐

No ☐

Numbers Needed:

_____ Birthparents

_____ Adoptive Parents

_____ Adult Adoptees

3. Person completing form: _____

Agency Name: _____

Date: _____

Appendix F

What is the best way to reach the Target Population after the development of a general information brochure?

Adolescent Pregnancy Coalition	Inservice Training
Persons dealing with untimely pregnancies	PSA's on Radio, T.V.
Teens	Curriculum development for schools
Teen's families	Brochures specific to target groups

HELPING PROFESSIONALS

Social Workers	Inservice Training
Teachers	Inservice Training
Medical Social Workers	Inservice Training
Judges	Inservice Training
Mental Health Professionals	Inservice Training
Youth aid officers	Inservice Training
Physicians	Inservice Training
Guidance Counselors	Inservice Training
Lawyers	Inservice Training
Health educators	Inservice Training
Nurses	Inservice Training
Clergy	Inservice Training
Adoption Agencies	Inservice Training
Hospital Administrators	Inservice Training

COMMUNITY AT LARGE

Triad members	PSA's - Radio, T.V.
Extended families of triad members	PSA's - Radio, T.V.
Adult education programs	Curriculum development
County Extension office	General brochure
Crisis centers	General brochure
Legislators	Information conferences
Boys/girls clubs	Posters
Child Abuse & Neglect Councils	General brochures
Church groups	Public speaking
Men's groups	Public speaking
School programs-family life curriculum	Curriculum development
Women's groups	Public speaking
Families in crisis	PSA's - Radio, T.V.
Media	Inservice Training
Public Libraries	Posters
YMCA	Posters
YWCA	Posters
ACOA groups	General brochure