

Stocco, Janet

From: Penny Collins <penny@adoptionpartnersofmaine.org>
Sent: Thursday, October 28, 2021 1:36 PM
To: Stocco, Janet
Subject: Public Comment Re Plan To Incorporate Probate Courts into Judicial Branch

This message originates from outside the Maine Legislature.

Dear Members of the *Commission to Create A Plan To Incorporate the Probate Courts into the Judicial Branch*, Please consider this letter as my public comment for the meeting being held Monday, November 1, 2021 at the Maine State House. I am a social worker and the director of adoption at Adoption Partners of Maine. As a small, Maine agency focused on supporting women experiencing crisis pregnancies; their children; and adoptive families, the way the private adoption process functions in Maine's courts is of paramount importance.

While I do not wish to voice full opposition to the plan to unify Maine's courts, I do urge this Committee to consider carefully the ramifications of such an action to processes like private adoption. Currently, women who chose to make an adoption plan for their child must appear in court (along with the father, should he be named on the birth certificate) to consent to the adoption and have their parental rights terminated. This consent is followed by five business days in which she can revoke her consent. Additionally, the process for pursuing punitive fathers who have not participated in plan begins after mom gives her consent. At this time, probate court allows for scheduling of consent hearings in advance; the ability to use any court in the state who has availability; and for the prompt scheduling of a consent hearing when a decision for placement is made after birth. This means women are able to give their consent within about a week or so following discharge from the hospital.

Under the current system in District court, court dates could not be scheduled in advance, nor would they be scheduled in a timely manner. It is not atypical for it to take months to get a hearing scheduled in District court. During the legal risk period in private adoption, adoptive families are caring for their prospective adoptive children with a full commitment and their bond is growing. While adoption takes time to finalize in cases where DHHS has custody, that has not been the expectation in private adoption. Women choose private adoption for a number of reasons – we often work with women who are survivors of assault or rape, who are underage, who are dealing with addiction, or who did not realize they were pregnant until well past the time of viability. Not every woman is in a position to parent, even with support offered to her. Private adoption affords women autonomy and allows them to access resources such as counseling and case management and the ability to chose their own family and have relationship with the family raising her child.

Women who chose private adoption are typically looking to complete their adoption consent process in a timely manner for their own sense of closure and security. Families who are adopting privately are looking for a reasonably managed legal risk period, as they are taking these babies home and forming family bonds with them that they expect to become permanent. If private adoption becomes unmanageable in Maine, both women and families will look to work in other states, which will limit women's true options and opens up both women and families to expensive, unethical practices that don't follow the best practices for caring for the adoption triad.

Currently, we do have neighbor states like New Hampshire who have unified courts and are still moving private adoptions through in a timely way that is respectful of all parties. They also use a punitive birth father registry, which helps expedite the timeline for women and also takes the burden off women to prove or disprove paternity and support. Other area states allow for women to consent to adoption outside of court. Maine's current system, in addition to requiring a hearing in front of a judge, also requires women to have their name and pregnancy advertised in the newspaper in cases of unresponsive punitive fathers – even in the case of sexual assault. It is long overdue to be revisited.

I welcome an opportunity to discuss private adoptions and the best way to support the families of adoption – both birth families and adoptive families – with anyone who has more questions or wishes to further explore this topic. There are very few private adoption agencies in Maine who are offering a trauma informed, client centered approach to open adoption that prioritizes the needs of women and children and who seek to promote open adoption right here in Maine. It is our hope we can continue to offer this option in Maine.

Respectfully,
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