



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

---

Legislative Document

No. 376

S.P. 156

In Senate, February 12, 2013

### An Act To Amend the Laws Concerning the Adoption of Siblings

---

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Representative BEAULIEU of Auburn and  
Senators: CRAVEN of Androscoggin, LACHOWICZ of Kennebec, VALENTINO of York,  
Representative: LIBBY of Lewiston.

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

2 **Sec. 1. 18-A MRSA §9-304, sub-§(e-1)** is enacted to read:

3 (e-1). If the child has siblings, the court shall include in the adoption decree in  
4 subsection (f) a requirement that the petitioner facilitate contact between the child and the  
5 child's siblings unless the contact is not in the child's best interests.

6 **Sec. 2. 18-A MRSA §9-304, sub-§(f)**, as enacted by PL 1995, c. 694, Pt. C, §7  
7 and affected by Pt. E, §2, is amended to read:

8 (f). If the judge is satisfied with the identity and relations of the parties, of the  
9 ability of the petitioner to bring up and educate the child properly, considering the  
10 condition of the child's biological parents, of the ability of the petitioner to facilitate  
11 contact between the child and the child's siblings if required under subsection (e-1) and of  
12 the fitness and propriety of the adoption, the judge shall make a decree setting forth the  
13 facts and declaring that from that date the child is the child of the petitioner and that the  
14 child's name is changed, without requiring public notice of that change.

15 **Sec. 3. 18-A MRSA §9-305, sub-§(d)** is enacted to read:

16 (d). The court shall determine, based on the information available, whether an  
17 adoptee who is a minor has siblings and the status of the relationship between the adoptee  
18 and the siblings.

19 **Sec. 4. 22 MRSA §4068, sub-§2**, as enacted by PL 2005, c. 526, §2, is amended  
20 to read:

21 **2. Siblings separated through adoption.** The department shall make reasonable  
22 efforts to establish agreements with prospective adoptive parents that provide for  
23 reasonable contact between an adoptive child and the child's siblings ~~when~~ unless the  
24 department believes that the contact will not be in the children's best interests.

## 25 **SUMMARY**

26 This bill provides that minor siblings who are separated by adoption, whether through  
27 child welfare actions or otherwise, may have contact with each other unless it is not in  
28 their best interests.

29 Current law requires the Department of Health and Human Services in child welfare  
30 cases to make reasonable efforts to establish agreements with adoptive parents of children  
31 that provide for reasonable contact with the child's siblings when the department believes  
32 the contact is in the child's best interests. This bill requires the agreements unless the  
33 contact will not be in the best interests of the child.

34 The bill also provides for contact between siblings who are adopted into different  
35 families in cases that are not child welfare cases.