

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
H.P. 761 - L.D. 1068

**An Act To Prevent the Reduction in Adoption Subsidy after an Agreement
Has Been Signed by the Prospective Adoptive Parents and the Department of
Health and Human Services**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, adoption assistance payments from the Department of Health and Human Services to prospective adoptive parents are essential to those parents' providing the necessary care and support of the adopted child; and

Whereas, when the Department of Health and Human Services reduces adoption assistance payment amounts after they have been agreed upon by the department and prospective adoptive parents it imposes an economic hardship on the parents and threatens their ability to provide proper care for the child; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 18-A MRSA §9-403, sub-§(a), as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

(a). A written agreement between the family entering into the program and the department must precede the final decree of adoption, except that an application may be filed subsequent to the finalization of the adoption if there were facts relevant to the child's eligibility that were not presented at the time of the request for assistance or if the child was eligible for participation in the program at the time of placement and the adoptive parents were not apprised of the program.

Except as provided by section 9-401, subsection (h), once an adoption assistance payment is agreed upon and the agreement signed by the prospective adoptive parents, the department may not reduce the adoption assistance payment amounts.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.