

# STATE OF MAINE

PROBATE COURT  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Location of Court

DOCKET NO. \_\_\_\_\_

**In the matter of the Adoption Petition of:**

\_\_\_\_\_  
(Name of Adoptee)

## PETITION FOR ADOPTION AND CHANGE OF NAME

\_\_\_\_\_  
(Name of Petitioner)<sup>1</sup>

\_\_\_\_\_  
(Name of Co-Petitioner)

### 1. Petitioner Information

- a. Full name of Petitioner (s)<sup>1</sup>
- b. Date of birth of petitioner (s):
- c. Legal residence of petitioner (s):
- d. Mailing address of petitioner (s):
- e. Telephone number of petitioner(s):
- f. Date and place of marriage:

### 2. Adoptee Information

- a. Date of birth of adoptee, if known:
- b. Place of birth of adoptee, if known:
- c. Birth name of adoptee, if known:
- d. Other names by which adoptee has been known:
- e. Adoptee's proposed new name, if any:
- f. With whom and where does adoptee reside at the time of the filing of this petition:

A certified copy of the birth record or delayed birth registration of the adoptee must be filed with this petition<sup>2</sup>. If not filed with this petition, explain what steps will be taken to secure and file a birth record or delayed birth registration with this Court prior to the hearing:

3. **This court is the proper place to file this petition because:**<sup>3</sup>

If the adoptee **is** placed by a licensed child placing agency or Department of Human Services:

- a. Petitioner(s) resides in this county.
- b. Adoptee resides or was born in this county.
- c. An office of the agency that placed the adoptee for adoption is located in this county.

If the adoptee **is not** placed by a licensed child placing agency of Department of Human Services:

- a. Adoptee resides in this county.
- b. Petitioner(s) resides in this county.
- c. Consent to this adoption has been or will be filed in this county.

4. **Legal Custody of Adoptee**

- a. \_\_\_\_\_, a licensed child placing agency pursuant to a court order or a duly executed and lawful surrender and release.
- b. Department of Human Services pursuant to a court order or a duly executed and lawful surrender and release.
- c. Petitioner(s). (Attach all documents proving legal custody, including divorce decrees or other court order.)
- d. Other. Explain.

5. **Names and addresses of all persons or agencies known to the petitioner(s) that affect the custody, visitation or access to the adoptee. Explain the relationship of each to the adoptee:**
  
6. **Relationship, if any, of petitioner(s) to the adoptee:**
  
7. **Address of the office of the Department of Human Services involved with this adoption, if any:**
  
8. **Name and address of the licensed child placing agency involved with this adoption, if any:**
  
9. **Consent to the adoption requested is required from the following: <sup>4</sup>**
  - a. Adoptee (if 14 years of age or older.)
  
  - b. Mother<sup>5</sup>
  
  - c. Father. <sup>6</sup>
  
  - d. Guardian or legal custodian of adoptee.
  
  - e. Department of Human Services or other appropriate public agency.
  
  - f. \_\_\_\_\_, a licensed child placing agency.

Any required consent forms must be properly executed and filed with this petition or filed with this court prior to or at the hearing.

10. **Petitioner(s) has filed with this Court prior to the hearing a Child Custody Affidavit.<sup>7</sup>**
  
11. **Petitioner has filed with this petition or will file with this Court prior to the hearing a State of Maine Department of Human Services Certificate of Adoption (Form VS-9) to apply for an amended birth record with the State Registrar of Vital Statistics.<sup>8</sup>**
  
12. **Petitioner(s) acknowledges that unless exempted by Maine law the Court shall notify the department or a licensed child placing agency, which shall investigate the conditions and antecedents of the child to determine whether the child is a proper subject for adoption and whether the proposed home is suitable for the child; that the department or agency shall submit to the report to the court. The court may order an adoption study, investigation and home study if one of the petitioners is a blood relative.<sup>9</sup>**
  
13. **Petitioner(s) has filed with this petition or will file with this Court prior to the hearing of a full accounting of all disbursements of anything of value made or agreed to be made by or on behalf of the petitioner(s) in connection with the adoption (not required if the petitioner(s) is a blood relative or the adoptee is an adult)<sup>10</sup>**
  
14. **Indicate whether petitioner(s) intends to share any information about the adoptee with the birth parents after the adoption takes place, and if so, explain in detail what information is to be shared, under what circumstances it is to be shared, and how that information will be updated.<sup>11</sup>**
  
15. **Petitioner(s) acknowledges that before the adoption is decreed, the Court shall ensure that the petitioner is informed of the existence of the adoption registry and the services available under 22 MRSA § 2706-A.<sup>12</sup>**
  
16. **Petitioner(s) acknowledges that the adoptee may inherit from the birth parents and their kin if the adoption decree so provides pursuant to Maine law and will so inherit if either Petitioner is a parent of the adoptee.<sup>13</sup>**
  
17. **Petitioner(s) acknowledges that if neither petitioner is a parent of the adoptee, and if neither birth parent of the adoptee has asked the Court to preserve the adoptee's inheritance rights with regard to the birth parents and their kin, the Court in its discretion may place in the decree of adoption a special entry which will preserve the adoptee's right to inherit from either or both of the birth parents and their kin. If Petitioner(s) wants such a special entry to be included in the decree, state here the nature of the entry sought and the reasons why it is sought.**

18. The birth parents  have  have not requested a special entry with respect to the inheritance rights of the adoptee (if known).
  
19. The child  is  is not a special needs child.<sup>14</sup> If it is, the needs are described in the attached written statement.
  
20. This adoption  is  is not being funded under the Adoption Assistance Program.<sup>15</sup> If it is, an explanation of this funding is attached.
  
21. A written statement relating to the child's cultural, ethnic, or racial background is attached.
  
22. Petitioner(s) acknowledges and represents to this Court that the petitioner(s) intends to establish a parent and child relationship with the adoptee and is a fit and proper person able to care and provide for the adoptee's welfare.
  
23. Petitioner(s) understand that this Court will take into account the adoptee's cultural, ethnic, or racial background, but that the adoption may not be delayed or denied solely because the adoptive parent(s) and the child do not share the same race, color or national origin.<sup>16</sup>

WHEREFORE, Petitioner(s) prays that the Honorable Court grant the adoption and the change of name of the adoptee requested in this petition.

Dated: \_\_\_\_\_  
\_\_\_\_\_ Petitioner

Dated: \_\_\_\_\_  
\_\_\_\_\_ Petitioner

STATE OF MAINE  
COUNTY OF \_\_\_\_\_, 20\_\_\_\_

Then personally appeared the above-named \_\_\_\_\_, who under penalty of perjury, affirmed under oath the truth of the facts in the foregoing petition as far as known or informed.<sup>17</sup>

Before me,  
  
\_\_\_\_\_

Print Name: \_\_\_\_\_  
Notary Public/Attorney-at-Law/Registry of Probate

\_\_\_\_\_  
For Notary Public: Date Commission Expires

Attorney for Petitioner(s):  
\_\_\_\_\_  
(Signature of Attorney and Maine Bar Registration Number)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

Currently Effective

<sup>1</sup> A husband and wife jointly or an unmarried person, resident or nonresident of the State, may petition to adopt a person, regardless of age, and to change that person's name 19 MRSA § 1121.

<sup>2</sup> 19 MRSA § 1125(7)

<sup>3</sup> 19 MRSA § 1104

<sup>4</sup> 19 MRSA § 1122

<sup>5</sup> If established parental rights of either parent have not been terminated and such parent has not consented to this adoption or executed a surrender and release, a petition for termination of those rights must also be filed. See 19 MRSA § 1114. In the case of an illegitimate child, if the putative father has not consented to this adoption or executed a surrender and release, a mother's affidavit must be submitted. See 19 MRSA § 1111. The record of any surrender and release of termination of parental rights must be filed with this Court prior to the hearing together with the mailing address of the parent surrendering.

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- <sup>6</sup> See Footnote 5.  
<sup>7</sup> 19 MRSA § 810.  
<sup>8</sup> 19 MRSA § 1125(7)  
<sup>9</sup> 19 MRSA § 1125(1)  
<sup>10</sup> 19 MRSA § 1127(2)  
<sup>11</sup> 19 MRSA § 1123(2)  
<sup>12</sup> 19 MRSA § 1125(5)  
<sup>13</sup> 19 MRSA § 1105  
<sup>14</sup> 19 MRSA § 1141  
<sup>15</sup> 18-A MRSA § 1142  
<sup>16</sup> 19 MRSA § 1129(2)(B)  
<sup>17</sup> 18-A MRSA § 1-310

Effective October 1, 1997

<sup>1</sup> A husband and wife jointly or an unmarried person, resident or nonresident of the State, may petition to adopt a person, regardless of age, and to change that person's name. 18-A M.R.S.A. § 9-301

<sup>2</sup> 18-A M.R.S.A. § 9-304(g)

<sup>3</sup> 18-A M.R.S.A. § 9-104

<sup>4</sup> 18-A M.R.S.A. § 9-302

<sup>5</sup> If established parental rights of either parent have not been terminated and such parent has not consented to this adoption or executed a surrender and release, a petition for termination of those rights must also be filed. See 18-A M.R.S.A. § 9-204. In the case of an illegitimate child, if the putative father has not consented to this adoption or executed a surrender and release, a mother's affidavit must be submitted. See 18-A M.R.S.A. §9-201. The record of any surrender and release of termination of parental rights must be filed with this Court prior to the hearing together with the mailing address of the parent surrendering.

<sup>6</sup> See Footnote 5.

<sup>7</sup> 19-A M.R.S.A. § 1710.

<sup>8</sup> 18-A M.R.S.A. § 9-304(g)

<sup>9</sup> 18-A M.R.S.A. § 9-304(a)

<sup>10</sup> 18-A M.R.S.A. § 9-306(b)

<sup>11</sup> 18-A M.R.S.A. § 9-303(b)

<sup>12</sup> 18-A M.R.S.A. § 9-304(e)

<sup>13</sup> 18-A M.R.S.A. § 9-105

<sup>14</sup> 18-A M.R.S.A. § 9-401

<sup>15</sup> 18-A M.R.S.A. § 9-402

<sup>16</sup> 18-A M.R.S.A. § 9-308(b)(2)

<sup>17</sup> 18-A MR.S.A. § 1-310

MARP