§9-316. Confirmatory adoptions

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Assisted reproduction" has the same meaning as in Title 19-A, section 1832, subsection 3. [PL 2023, c. 356, §1 (NEW).]

B. "Confirmatory adoption" means an adoption proceeding governed by this section through which a child born as a result of assisted reproduction may be adopted by an individual who is a parent or presumed parent of that child. [PL 2023, c. 356, §1 (NEW).]

C. "Donor" has the same meaning as in Title 19-A, section 1832, subsection 5. [PL 2023, c. 356, §1 (NEW).]

D. "Marriage" means the legally recognized union of 2 people or any legal relationship that provides substantially the same rights, benefits and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered. [PL 2023, c. 356, §1 (NEW).]

E. "Parentage" has the same meaning as in Title 19-A, section 1832, subsection 14. [PL 2023, c. 356, §1 (NEW).]

F. "Presumed parent" has the same meaning as in Title 19-A, section 1832, subsection 16. [PL 2023, c. 356, §1 (NEW).]

[PL 2023, c. 356, §1 (NEW).]

2. Petitioner or joint petitioners. Notwithstanding any provision of law to the contrary, a petition for a confirmatory adoption of a child born as a result of assisted reproduction may be filed:

A. By a single petitioner who gave birth to the child; or [PL 2023, c. 356, §1 (NEW).]

B. Jointly by a petitioner who gave birth to the child and a petitioner who is a parent or presumed parent of the child. [PL 2023, c. 356, §1 (NEW).]

[PL 2023, c. 356, §1 (NEW).]

3. Petition contents. Notwithstanding sections 9-301 and 9-303 or any other provision of law to the contrary, a petition for confirmatory adoption must be signed by the single petitioner under oath or by each of the joint petitioners under oath and must include the following:

A. A copy of the child's birth certificate; [PL 2023, c. 356, §1 (NEW).]

B. An explanation of the circumstances of the child's birth through assisted reproduction; [PL 2023, c. 356, §1 (NEW).]

C. An attestation that each petitioner consented to the child's birth through assisted reproduction; [PL 2023, c. 356, §1 (NEW).]

D. An attestation that, other than the claim of the single petitioner or the claims of the joint petitioners, no competing claims of parentage exist; [PL 2023, c. 356, §1 (NEW).]

E. If the petition is filed jointly, a copy of the joint petitioners' marriage certificate, if any; and [PL 2023, c. 356, §1 (NEW).]

F. A filing fee of $65. [PL 2023, c. 356, §1 (NEW).]

[PL 2023, c. 356, §1 (NEW).]

4. Notice to and consent of donor not required. Notwithstanding section 9-302, any provision of Part 2 or any other provision of law to the contrary, if a petitioner under this section conceived through assisted reproduction using a donor who is not a parent pursuant to Title 19-A, section 1922, the court may not require notice of the confirmatory adoption to that donor or the consent of that donor to the confirmatory adoption.

[PL 2023, c. 356, §1 (NEW).]

5. No other consent of petitioner required. Notwithstanding section 9-302, any provision of Part 2 or any other provision of law to the contrary, submission of a complete petition under subsection 3 constitutes notice of and written consent to the confirmatory adoption by the single petitioner or joint petitioners, and the court may not require any additional notice to or consent by any petitioner.
[PL 2023, c. 356, §1 (NEW).]

6. Procedures. Except as specified in this section, the requirements and procedures for adoption proceedings in this Article do not apply to a confirmatory adoption proceeding.

A. The following procedures apply to a confirmatory adoption proceeding:

(1) The requirement in section 9-302, subsection 1, paragraph A for written consent to the adoption by the adoptee, if the adoptee is 12 years of age or older; and

(2) The confidentiality provisions of section 9-308, subsection 3 and section 9-310. [PL 2023, c. 356, §1 (NEW).]

B. Notwithstanding any provision of law to the contrary, for purposes of evaluating a petition for confirmatory adoption, unless required by federal law or ordered by the court for good cause demonstrated in written findings by the court, the court may not require:

(1) A hearing, unless requested by a petitioner;

(2) A home study, screening for child abuse cases or other investigation of a petitioner by the department or any other agency;

(3) A federal or state criminal history record check of any person;

(4) Verification that the child is not registered with a registry for missing children;

(5) Appointment of a guardian ad litem;

(6) An interview of the adoptee; or

(7) A minimum period of time during which the child must have lived in the home of a petitioner or the petitioners before the petition is granted. [PL 2023, c. 356, §1 (NEW).]
[PL 2023, c. 356, §1 (NEW).]

7. Final decree. Notwithstanding section 9-308 and any other provision of law to the contrary, the court shall grant a petition for confirmatory adoption if it finds:

A. For a single petitioner, that the petitioner is the individual who gave birth to the child, the child was born through assisted reproduction and there are no competing claims of parentage; or [PL 2023, c. 356, §1 (NEW).]

B. For joint petitioners, either:

(1) That the child was born through assisted reproduction, one of the petitioners gave birth to the child and, at the time of the child's birth, was married to the other petitioner and there are no competing claims of parentage; or

(2) That the child was born through assisted reproduction with the consent of both petitioners, one of the petitioners gave birth to the child, the other petitioner is a parent or presumed parent of the child and there are no competing claims of parentage. [PL 2023, c. 356, §1 (NEW).]

The court may not deny a petition solely on the grounds that the single petitioner's or the joint petitioners' parentage is already presumed or legally recognized.
[PL 2023, c. 356, §1 (NEW).]

8. Timing of decision. The court shall issue an order under this section within 60 days of receipt of a petition that complies with subsection 3.

[PL 2023, c. 356, §1 (NEW).]

9. Appeal. Appeals from a decision to deny a confirmatory adoption are governed by section 9-309.
[PL 2023, c. 356, §1 (NEW).]

10. Effect on other laws. When adjudicating competing claims of parentage of a child or determining the best interest of a child in a circumstance in which parentage is presumed or legally recognized, a court may not consider as evidence information that a party did not petition for confirmatory adoption under this section.
[PL 2023, c. 356, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 356, §1 (NEW).

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