

ESTATE OF ALICIN E. DAGGETT

Argued May 9, 2024
Decided May 30, 2024

Panel: STANFILL, C.J., and MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Alicin Elaine Daggett died intestate, and her biological son, Matthew M. Daggett, appeals from a judgment of the Cumberland County Probate Court (*Aranson, J.*) concluding that 18-A M.R.S. § 2-109(1) (1992)¹ applies to Alicin's estate and preserves Alicin's biological daughter Amber Lynn Hansen's rights to inherit. In January 1992, Amber's biological father and his wife filed a petition to adopt Amber, Alicin signed a consent of non-petitioning parent, and the Probate Court issued a decree of adoption. Matthew argues that 18-C M.R.S. § 2-117 (2024) applies rather than Title 18-A M.R.S. § 2-109(1), and that under Title 18-C, Amber lacks a right to inherit. Under Title 18-A, the "adoption of a child by the spouse of a natural parent" (as here) "has no effect on the relationship between the child and either natural parent." 18-A M.R.S. § 2-109(1). Under Title 18-C, an order granting an adoption now divests a former parent of all legal rights, powers, privileges, immunities, duties and obligations, but an adoptee "may inherit from the adoptee's former parents if so provided in the adoption decree." 18-C M.R.S. § 2-117.

¹ This statute has since been repealed and replaced by Title 18-C. *See* P.L. 2017, ch. 402 (effective July 1, 2019) (repealing Title 18-A and replacing it with Title 18-C); P.L. 2019, ch. 417, §§ A-103, B-14 (amending the effective date of the repeal and replacement of Title 18-A from July 1, 2019, to September 1, 2019).

Whether Title 18-A or Title 18-C applies, we conclude that Amber inherits from her biological mother because, reading her adoption decree in the context of assumed inheritance at the time she was adopted, the adoption decree sufficiently reflects Alicin's intent that Amber inherit. As the Probate Court's decision reflects, this conclusion is further supported by the contents of the decree in which Alicin consented to the adoption.

The entry is:

Judgment affirmed.

Maryellen Sullivan, Esq., and Joe Lewis, Esq. (orally), Port City Legal, Portland,
for appellant Matthew Daggett

Donna A. Bailey, Esq. (orally), Saco, for appellee Amber Hansen

Cumberland County Probate Court docket number 2022-0748
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