

# HOUSE BILL 563

D4

3lr2356

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By: **Delegate Dumais**

Introduced and read first time: January 31, 2013

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Adoption – Payment of Expenses**

3 FOR the purpose of authorizing the payment, by an interested person, of certain  
4 expenses in connection with a certain adoption; and generally relating to  
5 adoption.

6 BY repealing and reenacting, with amendments,  
7 Article – Family Law  
8 Section 5–3A–45 and 5–3B–32  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Family Law**

14 5–3A–45.

15 (a) Except as otherwise provided by law, a person may not charge or receive,  
16 from or for a parent or prospective adoptive parent, any compensation for a service in  
17 connection with:

18 (1) placement of an individual to live with a preadoptive family; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) an agreement for custody in contemplation of adoption.

2 (b) (1) In this subsection, "Administration" means the Social Services  
3 Administration of the Department.

4 (2) This section does not:

5 (i) prohibit payment, by an interested person, of:

6 1. a customary and reasonable charge or fee for  
7 **ADOPTION COUNSELING**, hospital, legal, or medical services;

8 2. **REASONABLE EXPENSES FOR TRANSPORTATION**  
9 **FOR MEDICAL CARE ASSOCIATED WITH THE PREGNANCY OR BIRTH OF THE**  
10 **CHILD;**

11 3. **REASONABLE EXPENSES FOR FOOD, CLOTHING,**  
12 **AND SHELTER FOR A BIRTH MOTHER IF, ON WRITTEN ADVICE OF A PHYSICIAN,**  
13 **THE BIRTH MOTHER IS UNABLE TO WORK OR OTHERWISE SUPPORT HERSELF**  
14 **BECAUSE OF MEDICAL REASONS ASSOCIATED WITH THE PREGNANCY OR BIRTH**  
15 **OF THE CHILD; OR**

16 4. **REASONABLE EXPENSES ASSOCIATED WITH ANY**  
17 **REQUIRED COURT APPEARANCE RELATING TO THE ADOPTION, INCLUDING**  
18 **TRANSPORTATION, FOOD, AND LODGING EXPENSES; or**

19 (ii) prevent the Administration, or a person that the  
20 Administration licenses or supervises, from receiving and accepting reasonable  
21 reimbursement for costs of an adoptive service in connection with adoption, if:

22 1. the reimbursement is in accordance with standards  
23 set by regulation of the Administration; and

24 2. the ability to provide this reimbursement does not  
25 affect:

26 A. the acceptability of any individual for adoptive  
27 services; or

28 B. the choice of the most suitable prospective adoptive  
29 parent.

30 (c) Each State's Attorney shall enforce this section.

1 (d) A person who violates any provision of this section is guilty of a  
2 misdemeanor and on conviction is subject to a fine not exceeding \$100 or  
3 imprisonment not exceeding 3 months or both, for each offense.

4 5-3B-32.

5 (a) Except as otherwise provided by law, a person may not charge or receive,  
6 from or for a parent or prospective adoptive parent, any compensation for a service in  
7 connection with:

8 (1) placement of an individual to live with a preadoptive family; or

9 (2) an agreement for custody in contemplation of adoption.

10 (b) This section does not prohibit payment, by an interested person, of:

11 (1) a reasonable and customary charge or fee for adoption counseling,  
12 hospital, legal, or medical services;

13 (2) **REASONABLE EXPENSES FOR TRANSPORTATION FOR MEDICAL**  
14 **CARE ASSOCIATED WITH THE PREGNANCY OR BIRTH OF THE CHILD;**

15 (3) **REASONABLE EXPENSES FOR FOOD, CLOTHING, AND SHELTER**  
16 **FOR A BIRTH MOTHER IF, ON WRITTEN ADVICE OF A PHYSICIAN, THE BIRTH**  
17 **MOTHER IS UNABLE TO WORK OR OTHERWISE SUPPORT HERSELF BECAUSE OF**  
18 **MEDICAL REASONS ASSOCIATED WITH THE PREGNANCY OR BIRTH OF THE**  
19 **CHILD; OR**

20 (4) **REASONABLE EXPENSES ASSOCIATED WITH ANY REQUIRED**  
21 **COURT APPEARANCE RELATING TO THE ADOPTION, INCLUDING**  
22 **TRANSPORTATION, FOOD, AND LODGING EXPENSES.**

23 (c) Each State's Attorney shall enforce this section.

24 (d) A person who violates any provision of this section is guilty of a  
25 misdemeanor and on conviction is subject to a fine not exceeding \$100 or  
26 imprisonment not exceeding 3 months or both, for each offense.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2013.