

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 165

(Senator Pugh, *et al.*)

Judicial Proceedings

Adoption - Access to Birth and Adoption Records and Search, Contact, and Reunion Services

This bill authorizes adoptees and biological parents to access birth certificates and certain adoption records under specified circumstances, regardless of when the adoption occurred. The bill repeals the right of an adoptee or biological parent to file with the State Director of Social Services a disclosure veto prohibiting the disclosure of specified information about the adoptee or biological parent in birth or adoption records. The Department of Health and Mental Hygiene (DHMH) remains responsible for redacting specified information from a birth or adoption record if a biological parent or an adoptee filed a disclosure veto prior to the bill's October 1, 2013 effective date.

The Secretary of Health and Mental Hygiene must collect data and make quarterly reports available to the public, on request, regarding the number of adoptees and the number of biological parents of adoptees who have applied for records relating to birth and adoption.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill repeals, as a prerequisite to the disclosure of birth and adoption records, the requirement that the adoption be entered on or after January 1, 2000. The bill alters, from 21 to 18, the age at which an adopted individual may apply for a copy of birth and adoption records and to receive adoption search, contact, and reunion services. The bill alters, from 21 to 18, the age at which an adopted individual must be for a biological parent to apply for birth and adoption records.

The bill also alters, from 21 to 18, the age at which an adopted individual must be for the following individuals to apply for search, contact, and reunion services: (1) a biological parent of the adopted individual; (2) a sibling of the adopted individual; and (3) a director of a local department of social services acting on behalf of a minor in out-of-home placement.

The bill also alters provisions of law relating to deceased individuals who are sought by a confidential intermediary. If the deceased individual is a biological parent, the confidential intermediary may, with the consent of the applicant, attempt to contact a relative who is at least age 18 to assess the willingness of the relative to communicate or exchange information with the applicant. Under current law, the relative must be age 21. If the deceased individual is an adopted individual, the confidential intermediary, with the consent of the applicant, may attempt to contact a member of the adoptive family who is at least age 18 to assess the family member's willingness to communicate or exchange information. Under current law, the member of the adoptive family must be age 21.

Current Law: The Division of Vital Records in DHMH maintains birth certificates for the State. The release of birth and adoption records is authorized under certain circumstances for adoptions finalized after January 1, 2000. Specifically, an adopted person who is 21 or older and was adopted after the year 2000 may apply to the Secretary of Health and Mental Hygiene for a copy of the adopted person's original certificate of birth and related adoption records. A biological parent of an adoptee who is 21 or older may also apply for a copy of the specified records. Whenever an individual applies for the records, the Secretary of Health and Mental Hygiene must redact from the copy all information as to the biological parent or the adoptee, if the other party has properly filed a disclosure veto.

A biological parent may file a disclosure veto prohibiting the disclosure of any information concerning that parent that is contained in a birth or adoption record. An adopted individual who is at least age 21 may file a disclosure veto prohibiting the disclosure of any information concerning that record that is contained in a birth or adoption record.

An adopted individual older than 21 and a birth parent may apply to the Social Services Administration (SSA) within the Department of Human Resources to receive assistance in contacting birth relatives through search, contact, and reunion services. SSA must maintain a list of confidential intermediaries who can initiate contact with the birth relative.

Background: Chapter 679 of 1998 (HB 214) established the requirement for DHMH, for adoptions finalized on or after January 1, 2000, to give copies of birth records to an adopted individual older than 21 or a birth parent unless one of these individuals filed a disclosure veto. DHMH reports that it has received no related requests for birth and adoption records from adoptees who are at least age 21 nor have any adoptees who are at least that age filed disclosure vetoes. Further, no biological parents of adoptees who are at least age 21 have applied for or received birth or adoption records under the provisions of Chapter 679. DHMH notes that the provisions of Chapter 679 are most applicable in cases of infant adoptions where the identities of the biological parents and the adoptee are unknown to each other. Because infants adopted on or after January 1, 2000, are currently younger than 21, they are not yet eligible to file disclosure vetoes or access birth and adoption records. However, DHMH reports that since 2000, it has received 196 disclosure vetoes from biological parents of adoptees.

Additional Information

Prior Introductions: HB 719 of 2012 received an unfavorable report from the House Judiciary Committee.

Cross File: HB 22 (Delegate Nathan-Pulliam) - Judiciary.

Information Source(s): Department of Human Resources, Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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