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Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1997

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Adoption~~– Adoption Contact Services and Access to Adoption Records

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to give copies  
 4 of certain birth records to certain adopted individuals and birth parents under  
 5 certain circumstances; authorizing certain adopted individuals and birth parents to  
 6 file a written veto prohibiting the disclosure of certain birth records; authorizing  
 7 certain adopted individuals and birth parents to file a written no contact  
 8 declaration; prohibiting the Secretary from giving copies of certain birth records to  
 9 certain individuals unless the individual signs a certain agreement; making it a  
 10 misdemeanor subject to certain penalties to violate a certain agreement; authorizing  
 11 certain individuals and certain adult relatives of certain adopted individuals to  
 12 register with the Director of the Social Services Administration to exchange  
 13 identifying information; granting the Director the right to certain information  
 14 contained in certain public records; authorizing certain individuals to apply to the  
 15 Director for assistance in locating certain individuals; making it a misdemeanor  
 16 subject to certain penalties to use or disclose certain information for certain  
 17 purposes; authorizing the seal on certain birth records to be broken under certain  
 18 circumstances; making stylistic changes; providing for a delayed effective date; and  
 19 generally relating to access to certain birth and adoption records permitting certain  
 20 adopted individuals and biological parents to apply to the Director of the Social  
 21 Services Administration to receive contact services under certain circumstances;  
 22 prohibiting certain biological parents from applying to receive contact services

2

1 under certain circumstances; requiring the Director to maintain a certain list of  
 2 confidential intermediaries; requiring the Director to provide a list of confidential  
 3 intermediaries to certain individuals who apply for contact services; requiring an  
 4 adopted individual or a biological parent to execute a certain agreement with a  
 5 confidential intermediary under certain circumstances; requiring a confidential  
 6 intermediary to file certain documents and attempt to contact certain individuals  
 7 under certain circumstances; authorizing a confidential intermediary to apply to the  
 8 Secretary of Health and Mental Hygiene for a copy of certain birth records under  
 9 certain circumstances; requiring the Secretary of Health and Mental Hygiene to give  
 10 a copy of certain birth records to the confidential intermediary under certain  
 11 circumstances; authorizing the Director to assist a confidential intermediary to  
 12 obtain additional information under certain circumstances; requiring that if an  
 13 individual contacted by the confidential intermediary consents to the disclosure of  
 14 specified information, the confidential intermediary must obtain the consent in  
 15 writing; prohibiting the confidential intermediary from releasing information of a  
 16 person contacted if the person does not consent to the disclosure of any  
 17 information; requiring the confidential intermediary to continue to attempt to  
 18 contact certain individuals for a certain period of time; requiring the Director to  
 19 adopt certain regulations; establishing that certain individuals may have access to  
 20 certain birth records after a certain date under certain circumstances; permitting  
 21 certain individuals to file certain documents to prohibit the disclosure of certain  
 22 birth records under certain circumstances; authorizing the seal on certain birth  
 23 records to be broken under certain circumstances; defining certain terms; providing  
 24 for delayed effective dates for this Act; providing for the application of certain  
 25 provisions of this Act; and generally relating to access to certain birth and adoption  
 26 records.

27 ~~BY repealing~~

28 ~~Article—Family Law~~  
 29 ~~Section 5-4A-01 through 5-4A-07, inclusive, and the subtitle "Subtitle 4A. Mutual~~  
 30 ~~Consent Voluntary Adoption Registry"~~  
 31 ~~Annotated Code of Maryland~~  
 32 ~~(1991 Replacement Volume and 1996 Supplement)~~

33 ~~BY adding to~~

34 ~~Article—Family Law~~  
 35 ~~Section 5-4A-01 through 5-4A-10, inclusive, to be under the new subtitle "Subtitle~~  
 36 ~~4A. Disclosure of Identifying Information"~~  
 37 ~~Annotated Code of Maryland~~  
 38 ~~(1991 Replacement Volume and 1996 Supplement)~~

39 ~~BY repealing and reenacting, with amendments,~~

40 ~~Article—Health—General~~  
 41 ~~Section 4-211~~  
 42 ~~Annotated Code of Maryland~~  
 43 ~~(1994 Replacement Volume and 1996 Supplement)~~

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1 BY adding to  
2 Article - Family Law  
3 Section 5-4B-01 through 5-4B-11, inclusive, to be under the new subtitle "Subtitle  
4 4B. Adoption Contact Services"; and 5-3A-01 through 5-3A-06, inclusive, to  
5 be under the new subtitle "Subtitle 3A. Open Adoption Records"  
6 Annotated Code of Maryland  
7 (1991 Replacement Volume and 1996 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article - Family Law  
10 Section 5-314(a)  
11 Annotated Code of Maryland  
12 (1991 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article - Health - General  
15 Section 4-211(f) and 4-217(a)  
16 Annotated Code of Maryland  
17 (1994 Replacement Volume and 1996 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Health - General  
20 Section 4-211(e) and 4-217(b)  
21 Annotated Code of Maryland  
22 (1994 Replacement Volume and 1996 Supplement)

23 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~  
24 ~~MARYLAND, That Section(s) 5-4A-01 through 5-4A-07, inclusive, and the subtitle~~  
25 ~~"Subtitle 4A. Mutual Consent Voluntary Adoption Registry" of Article Family Law of~~  
26 ~~the Annotated Code of Maryland be repealed.~~

27 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
28 ~~read as follows:~~

29 ~~**Article Family Law**~~

30 ~~SUBTITLE 4A. DISCLOSURE OF IDENTIFYING INFORMATION.~~

31 ~~5-4A-01.~~

32 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
33 ~~INDICATED.~~

34 ~~(B) "ADMINISTRATION" MEANS THE SOCIAL SERVICES ADMINISTRATION OF~~  
35 ~~THE DEPARTMENT.~~

36 ~~(C) "DIRECTOR" MEANS THE DIRECTOR OF THE ADMINISTRATION.~~

1 ~~5-4A-02.~~

2           (A) ~~AN ADOPTED INDIVIDUAL 25 YEARS OF AGE OR OLDER MAY APPLY TO~~  
3 ~~THE SECRETARY OF HEALTH AND MENTAL HYGIENE FOR A COPY OF THE~~  
4 ~~FOLLOWING:~~

5                   (1) ~~THE ADOPTED INDIVIDUAL'S ORIGINAL CERTIFICATE OF BIRTH;~~  
6 ~~AND~~

7                   (2) ~~THE REPORT OF THE DECREE OR JUDGMENT OF ADOPTION FILED~~  
8 ~~BY THE CLERK OF THE COURT UNDER § 4-211 OF THE HEALTH—GENERAL ARTICLE.~~

9           (B) ~~IF AN APPLICANT COMPLIES WITH § 5-4A-06 OF THIS SUBTITLE, THE~~  
10 ~~SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL GIVE THE APPLICANT A~~  
11 ~~COPY OF THE REQUESTED RECORDS UNLESS:~~

12                   (1) ~~A DISCLOSURE VETO HAS BEEN FILED UNDER § 5-4A-04 OF THIS~~  
13 ~~SUBTITLE; OR~~

14                   (2) ~~A NO-CONTACT DECLARATION HAS BEEN FILED UNDER § 5-4A-05 OF~~  
15 ~~THIS SUBTITLE AND THE APPLICANT HAS NOT SIGNED THE AGREEMENT DESCRIBED~~  
16 ~~IN THAT SECTION.~~

17 ~~5-4A-03.~~

18           (A) ~~IF AN ADOPTED INDIVIDUAL IS 25 YEARS OF AGE OR OLDER, A BIRTH~~  
19 ~~PARENT NAMED ON THE ADOPTED INDIVIDUAL'S ORIGINAL CERTIFICATE OF BIRTH~~  
20 ~~MAY APPLY TO THE SECRETARY OF HEALTH AND MENTAL HYGIENE FOR A COPY OF~~  
21 ~~ONE OR MORE OF THE FOLLOWING:~~

22                   (1) ~~THE ORIGINAL CERTIFICATE OF BIRTH;~~

23                   (2) ~~THE NEW CERTIFICATE OF BIRTH THAT WAS SUBSTITUTED FOR THE~~  
24 ~~ADOPTED INDIVIDUAL'S ORIGINAL CERTIFICATE OF BIRTH UNDER § 4-211 OF THE~~  
25 ~~HEALTH—GENERAL ARTICLE; OR~~

26                   (3) ~~THE REPORT OF THE DECREE OR JUDGMENT OF ADOPTION FILED~~  
27 ~~BY THE CLERK OF THE COURT UNDER § 4-211 OF THE HEALTH—GENERAL ARTICLE.~~

28           (B) ~~IF AN APPLICANT COMPLIES WITH § 5-4A-06 OF THIS SUBTITLE, THE~~  
29 ~~SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL GIVE THE APPLICANT A~~  
30 ~~COPY OF THE REQUESTED RECORDS UNLESS:~~

31                   (1) ~~A DISCLOSURE VETO HAS BEEN FILED UNDER § 5-4A-04 OF THIS~~  
32 ~~SUBTITLE; OR~~

33                   (2) ~~A NO-CONTACT DECLARATION HAS BEEN FILED UNDER § 5-4A-05 OF~~  
34 ~~THIS SUBTITLE AND THE APPLICANT HAS NOT SIGNED THE AGREEMENT DESCRIBED~~  
35 ~~IN THAT SECTION.~~

36           (C) ~~BEFORE GIVING THE APPLICANT A COPY OF THE REQUESTED RECORD,~~  
37 ~~THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL DELETE ANY~~  
38 ~~IDENTIFYING INFORMATION ABOUT THE ADOPTIVE PARENTS.~~

1 ~~5-4A-04.~~

2 ~~(A) THE FOLLOWING INDIVIDUALS MAY APPLY TO THE SECRETARY OF~~  
3 ~~HEALTH AND MENTAL HYGIENE TO FILE A WRITTEN VETO PROHIBITING THE~~  
4 ~~DISCLOSURE OF A CERTIFICATE OF BIRTH OR OTHER RECORD UNDER § 5-4A-02 OR~~  
5 ~~§ 5-4A-03 OF THIS SUBTITLE:~~

6 ~~(1) AN ADOPTED INDIVIDUAL WHO IS 24 YEARS OF AGE OR OLDER; AND~~

7 ~~(2) A BIRTH PARENT NAMED ON THE ORIGINAL CERTIFICATE OF BIRTH~~  
8 ~~OF AN ADOPTED INDIVIDUAL.~~

9 ~~(B) IF AN APPLICANT COMPLIES WITH § 5-4A-06 OF THIS SUBTITLE, THE~~  
10 ~~SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL FILE THE DISCLOSURE~~  
11 ~~VETO.~~

12 ~~(C) AN INDIVIDUAL WHO FILES A DISCLOSURE VETO MAY FILE WITH IT A~~  
13 ~~WRITTEN STATEMENT THAT INCLUDES ANY OF THE FOLLOWING:~~

14 ~~(1) THE REASONS FOR WISHING NOT TO DISCLOSE ANY IDENTIFYING~~  
15 ~~INFORMATION;~~

16 ~~(2) IN THE CASE OF A BIRTH PARENT, A BRIEF SUMMARY OF ANY~~  
17 ~~AVAILABLE INFORMATION ABOUT THE MEDICAL AND SOCIAL HISTORY OF THE~~  
18 ~~BIRTH PARENTS AND THEIR FAMILIES; AND~~

19 ~~(3) ANY OTHER RELEVANT NONIDENTIFYING INFORMATION.~~

20 ~~(D) WHEN AN INDIVIDUAL APPLYING FOR A COPY OF A RECORD IS~~  
21 ~~INFORMED THAT A DISCLOSURE VETO HAS BEEN FILED, THE SECRETARY OF~~  
22 ~~HEALTH AND MENTAL HYGIENE SHALL GIVE THE INDIVIDUAL THE INFORMATION~~  
23 ~~IN ANY WRITTEN STATEMENT FILED WITH THE DISCLOSURE VETO.~~

24 ~~(E) AN INDIVIDUAL WHO FILES A DISCLOSURE VETO MAY CANCEL THE VETO~~  
25 ~~AT ANY TIME BY NOTIFYING, IN WRITING, THE SECRETARY OF HEALTH AND~~  
26 ~~MENTAL HYGIENE.~~

27 ~~(F) UNLESS CANCELED UNDER SUBSECTION (E) OF THIS SECTION, A~~  
28 ~~DISCLOSURE VETO CONTINUES IN EFFECT UNTIL 2 YEARS AFTER THE DEATH OF~~  
29 ~~THE INDIVIDUAL WHO FILED THE VETO.~~

30 ~~(G) WHILE A DISCLOSURE VETO IS IN EFFECT, THE SECRETARY OF HEALTH~~  
31 ~~AND MENTAL HYGIENE MAY NOT DISCLOSE ANY INFORMATION THAT IS IN A~~  
32 ~~RECORD APPLIED FOR UNDER § 5-4A-02 OR § 5-4A-03 OF THIS SUBTITLE AND THAT~~  
33 ~~RELATES TO THE INDIVIDUAL WHO FILED THE VETO.~~

34 ~~5-4A-05.~~

35 ~~(A) (1) A BIRTH PARENT WHO IS NAMED IN AN ORIGINAL CERTIFICATE OF~~  
36 ~~BIRTH AND WHO WISHES NOT TO BE CONTACTED BY THE INDIVIDUAL NAMED AS~~  
37 ~~THE CHILD IN THE CERTIFICATE MAY APPLY TO THE SECRETARY OF HEALTH AND~~  
38 ~~MENTAL HYGIENE TO FILE A WRITTEN NO-CONTACT DECLARATION.~~

1           ~~(2) AN ADOPTED INDIVIDUAL 24 YEARS OF AGE OR OLDER WHO~~  
2 ~~WISHES NOT TO BE CONTACTED BY A BIRTH PARENT NAMED ON THE INDIVIDUAL'S~~  
3 ~~CERTIFICATE OF BIRTH MAY APPLY TO THE SECRETARY OF HEALTH AND MENTAL~~  
4 ~~HYGIENE TO FILE A WRITTEN NO CONTACT DECLARATION.~~

5           ~~(B) IF AN APPLICANT UNDER SUBSECTION (A) OF THIS SECTION COMPLIES~~  
6 ~~WITH § 5-4A-06 OF THIS SUBTITLE, THE SECRETARY OF HEALTH AND MENTAL~~  
7 ~~HYGIENE SHALL FILE THE NO CONTACT DECLARATION.~~

8           ~~(C) (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE MAY NOT GIVE~~  
9 ~~AN INDIVIDUAL TO WHOM A NO CONTACT DECLARATION RELATES A COPY OF A~~  
10 ~~CERTIFICATE OF BIRTH OR OTHER RECORD IDENTIFYING THE INDIVIDUAL WHO~~  
11 ~~FILED THE DECLARATION UNLESS THE APPLICANT HAS SIGNED AN AGREEMENT IN~~  
12 ~~THE FORM REQUIRED BY THE SECRETARY THAT THE APPLICANT WILL NOT:~~

13                     ~~(I) KNOWINGLY CONTACT OR ATTEMPT TO CONTACT THE~~  
14 ~~INDIVIDUAL WHO FILED THE DECLARATION;~~

15                     ~~(II) PROCURE ANOTHER INDIVIDUAL TO CONTACT THE~~  
16 ~~INDIVIDUAL WHO FILED THE DECLARATION;~~

17                     ~~(III) USE INFORMATION OBTAINED UNDER THIS SUBTITLE TO~~  
18 ~~INTIMIDATE OR HARASS THE INDIVIDUAL WHO FILED THE DECLARATION; OR~~

19                     ~~(IV) PROCURE ANOTHER INDIVIDUAL TO INTIMIDATE OR HARASS,~~  
20 ~~BY THE USE OF INFORMATION OBTAINED UNDER THIS SUBTITLE, THE INDIVIDUAL~~  
21 ~~WHO FILED THE DECLARATION.~~

22           ~~(2) A PERSON WHO VIOLATES AN AGREEMENT UNDER PARAGRAPH (1)~~  
23 ~~OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS~~  
24 ~~SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90~~  
25 ~~DAYS OR BOTH.~~

26           ~~(D) AN INDIVIDUAL WHO FILES A NO CONTACT DECLARATION MAY FILE~~  
27 ~~WITH IT A WRITTEN STATEMENT THAT INCLUDES ANY OF THE FOLLOWING:~~

28                     ~~(1) THE REASONS FOR WISHING NOT TO BE CONTACTED;~~

29                     ~~(2) IN THE CASE OF A BIRTH PARENT, A BRIEF SUMMARY OF ANY~~  
30 ~~AVAILABLE INFORMATION ABOUT THE MEDICAL AND SOCIAL HISTORY OF THE~~  
31 ~~BIRTH PARENTS AND THEIR FAMILIES; AND~~

32                     ~~(3) ANY OTHER RELEVANT NONIDENTIFYING INFORMATION.~~

33           ~~(E) WHEN AN INDIVIDUAL TO WHOM A NO CONTACT DECLARATION~~  
34 ~~RELATES IS GIVEN A COPY OF A CERTIFICATE OF BIRTH UNDER § 5-4A-02 OR §~~  
35 ~~5-4A-03 OF THIS SUBTITLE, THE SECRETARY OF HEALTH AND MENTAL HYGIENE~~  
36 ~~SHALL GIVE THE INDIVIDUAL THE INFORMATION IN ANY WRITTEN STATEMENT~~  
37 ~~FILED WITH THE DECLARATION.~~

38           ~~(F) AN INDIVIDUAL WHO FILES A NO CONTACT DECLARATION MAY CANCEL~~  
39 ~~THE DECLARATION AT ANY TIME BY NOTIFYING, IN WRITING, THE SECRETARY OF~~  
40 ~~HEALTH AND MENTAL HYGIENE.~~

1 ~~(G) (1) UNLESS CANCELED UNDER SUBSECTION (F) OF THIS SECTION, A~~  
2 ~~NO CONTACT DECLARATION CONTINUES IN EFFECT FOR 10 YEARS AFTER IT IS~~  
3 ~~FILED.~~

4 ~~(2) BEFORE THE EXPIRATION OF THE 10-YEAR PERIOD, THE~~  
5 ~~INDIVIDUAL WHO FILED THE DECLARATION MAY APPLY TO THE SECRETARY OF~~  
6 ~~HEALTH AND MENTAL HYGIENE TO RENEW THE DECLARATION FOR AN~~  
7 ~~ADDITIONAL 10 YEARS.~~

8 ~~5-4A-06.~~

9 ~~AN INDIVIDUAL WHO APPLIES TO THE SECRETARY OF HEALTH AND MENTAL~~  
10 ~~HYGIENE UNDER THIS SUBTITLE SHALL:~~

11 ~~(1) SUPPLY ANY PROOF OF IDENTITY REQUIRED BY THE SECRETARY;~~  
12 ~~AND~~

13 ~~(2) IF THE APPLICATION IS FOR A COPY OF A RECORD, PAY ANY FEE~~  
14 ~~REQUIRED UNDER TITLE 4, SUBTITLE 2 OF THE HEALTH—GENERAL ARTICLE.~~

15 ~~5-4A-07.~~

16 ~~(A) THE FOLLOWING INDIVIDUALS MAY REGISTER WITH THE DIRECTOR TO~~  
17 ~~EXCHANGE IDENTIFYING INFORMATION:~~

18 ~~(1) AN ADOPTED INDIVIDUAL 25 YEARS OF AGE OR OLDER; AND~~

19 ~~(2) AN ADULT RELATIVE OF AN ADOPTED INDIVIDUAL 25 YEARS OF~~  
20 ~~AGE OR OLDER.~~

21 ~~(B) IF AN ADOPTED INDIVIDUAL 25 YEARS OF AGE OR OLDER AND A~~  
22 ~~RELATIVE OF THE ADOPTED INDIVIDUAL HAVE BOTH REGISTERED UNDER THIS~~  
23 ~~SECTION, THE DIRECTOR SHALL NOTIFY EACH OF THEM AND DISCLOSE THE~~  
24 ~~IDENTIFYING INFORMATION PROVIDED BY THE OTHER.~~

25 ~~5-4A-08.~~

26 ~~(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DIRECTOR HAS~~  
27 ~~THE RIGHT TO ANY INFORMATION THAT:~~

28 ~~(1) IS CONTAINED IN A PUBLIC RECORD, AS DEFINED IN § 10-611 OF THE~~  
29 ~~STATE GOVERNMENT ARTICLE; AND~~

30 ~~(2) IS NECESSARY TO ENABLE THE DIRECTOR OR A CHILD PLACEMENT~~  
31 ~~AGENCY TO LOCATE AN INDIVIDUAL FOR THE PURPOSES OF THIS SUBTITLE OR IS~~  
32 ~~NECESSARY FOR THE HEALTH OR SAFETY OF AN ADOPTED INDIVIDUAL.~~

33 ~~(B) A CUSTODIAN OF A PUBLIC RECORD THAT CONTAINS INFORMATION TO~~  
34 ~~WHICH THE DIRECTOR IS ENTITLED UNDER SUBSECTION (A) OF THIS SECTION~~  
35 ~~SHALL DISCLOSE THAT INFORMATION TO THE DIRECTOR ON REQUEST.~~

1 ~~5-4A-09.~~

2 ~~(A) AN INDIVIDUAL WHO HAS OBTAINED A RECORD UNDER § 5-4A-02 OR §~~  
3 ~~5-4A-03 OF THIS SUBTITLE MAY APPLY TO THE DIRECTOR FOR ASSISTANCE IN~~  
4 ~~LOCATING ANY OF THE FOLLOWING:~~

5 ~~(1) IF THE APPLICANT IS AN ADOPTED INDIVIDUAL:~~

6 ~~(I) A BIRTH PARENT OF THE APPLICANT;~~

7 ~~(II) AN ADULT ADOPTED SIBLING OF THE APPLICANT; OR~~

8 ~~(III) IF A BIRTH PARENT OF THE APPLICANT IS DEAD, AN ADULT~~  
9 ~~BIRTH SIBLING OF THE APPLICANT; AND~~

10 ~~(2) IF THE APPLICANT IS A BIRTH PARENT, AN ADULT ADOPTED CHILD~~  
11 ~~OF THE APPLICANT.~~

12 ~~(B) A BIRTH PARENT WHO SIGNED A CONSENT TO THE ADOPTION OF A CHILD~~  
13 ~~MAY APPLY TO THE DIRECTOR FOR ASSISTANCE IN LOCATING THE CHILD, IF THE~~  
14 ~~CHILD IS 25 YEARS OF AGE OR OLDER.~~

15 ~~(C) (1) AFTER THE DEATH OF AN ADULT WHO WAS ADOPTED AS A CHILD,~~  
16 ~~ANY OF THE FOLLOWING MAY APPLY TO THE DIRECTOR:~~

17 ~~(I) AN ADULT CHILD OR ADULT GRANDCHILD OF THE DECEASED;~~  
18 ~~AND~~

19 ~~(II) IF A CHILD OF THE DECEASED IS UNDER 25 YEARS OF AGE, THE~~  
20 ~~CHILD'S SURVIVING PARENT OR GUARDIAN.~~

21 ~~(2) AN APPLICANT UNDER THIS SUBSECTION MAY APPLY FOR~~  
22 ~~ASSISTANCE IN LOCATING:~~

23 ~~(I) A BIRTH PARENT OF THE DECEASED;~~

24 ~~(II) AN ADULT ADOPTED SIBLING OF THE DECEASED; OR~~

25 ~~(III) IF THE DECEASED'S BIRTH PARENT IS DEAD, AN ADULT BIRTH~~  
26 ~~SIBLING OF THE DECEASED.~~

27 ~~(D) AFTER THE DEATH OF A BIRTH PARENT WHOSE ADULT CHILD WAS~~  
28 ~~ADOPTED, ANOTHER ADULT CHILD OF THE DECEASED MAY APPLY TO THE~~  
29 ~~DIRECTOR FOR ASSISTANCE IN LOCATING THE APPLICANT'S ADOPTED BIRTH~~  
30 ~~SIBLING.~~

31 ~~(E) AN APPLICANT UNDER SUBSECTION (C) OR (D) OF THIS SECTION SHALL~~  
32 ~~PROVIDE A COPY OF THE DECEASED'S BIRTH CERTIFICATE.~~

33 ~~(F) AN INDIVIDUAL IS NOT ENTITLED TO ASSISTANCE UNDER THIS SECTION~~  
34 ~~IN LOCATING AN INDIVIDUAL WHO HAS FILED A DISCLOSURE VETO OR A~~  
35 ~~NO-CONTACT DECLARATION.~~

1           ~~(G) SUBJECT TO REGULATIONS ADOPTED BY THE SECRETARY, THE~~  
2 ~~DIRECTOR MAY PROVIDE THE ASSISTANCE REQUESTED BY AN APPLICANT UNDER~~  
3 ~~SUBSECTIONS (A) THROUGH (F) OF THIS SECTION.~~

4           ~~(H) IF AN INDIVIDUAL LOCATED BY THE DIRECTOR WISHES NOT TO BE~~  
5 ~~CONTACTED BY AN APPLICANT, THE DIRECTOR MAY NOT DISCLOSE ANY~~  
6 ~~INFORMATION IDENTIFYING THE NAME OR LOCATION OF THE INDIVIDUAL.~~

7           ~~(I) IF AN INDIVIDUAL LOCATED BY THE DIRECTOR WISHES TO BE~~  
8 ~~CONTACTED BY AN APPLICANT, THE DIRECTOR MAY ASSIST THEM TO MEET OR TO~~  
9 ~~COMMUNICATE.~~

10           ~~(J) THE DIRECTOR SHALL INFORM AN APPLICANT IF THE INDIVIDUAL WHOM~~  
11 ~~THE APPLICANT REQUESTED ASSISTANCE IN LOCATING WISHES NOT TO BE~~  
12 ~~CONTACTED, IS DEAD, OR CANNOT BE LOCATED.~~

13 5-4A-10.

14           ~~(A) INFORMATION PROVIDED TO THE DIRECTOR UNDER §§ 5-4A-07, 5-4A-08,~~  
15 ~~AND 5-4A-09 OF THIS SUBTITLE MAY NOT BE USED OR DISCLOSED FOR ANY PURPOSE~~  
16 ~~EXCEPT THE PURPOSE FOR WHICH IT WAS PROVIDED.~~

17           ~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR~~  
18 ~~AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR~~  
19 ~~IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.~~

20           ~~**Article – Health – General**~~

21 4-211.

22           ~~(a) Except as provided in subsection (c) of this section, the Secretary shall make~~  
23 ~~a new certificate of birth for an individual if the Department receives satisfactory proof~~  
24 ~~that:~~

25                   ~~(1) The individual was born in this State; and~~

26                   ~~(2) Regardless of the location, one of the following has occurred:~~

27                           ~~(i) The previously unwed parents of the individual have married each~~  
28 ~~other after the birth of the individual;~~

29                           ~~(ii) A court of competent jurisdiction has entered an order as to the~~  
30 ~~parentage, legitimation, or adoption of the individual; or~~

31                           ~~(iii) If a father is not named on an earlier certificate of birth:~~

32                                   ~~1. The father of the individual has acknowledged himself by~~  
33 ~~affidavit to be the father; and~~

34                                   ~~2. The mother of the individual has consented by affidavit to~~  
35 ~~the acknowledgment.~~

36           ~~(b) Except as provided in subsection (c) of this section, the Secretary may make a~~  
37 ~~new certificate of birth for an individual who was born outside the United States if one of~~  
38 ~~the following occurred in this State:~~

10

1                   (1) ~~The previously unwed parents of the individual have married each other~~  
2 ~~after the birth of the individual;~~

3                   (2) ~~A court of competent jurisdiction in this State has entered an order as to~~  
4 ~~parentage, legitimation, or adoption; or~~

5                   (3) ~~The father of the individual acknowledged himself by affidavit to be the~~  
6 ~~father and the mother of the individual has consented by affidavit to the acknowledgment.~~

7                   (e) ~~The Secretary may not make a new certificate of birth if one of the following~~  
8 ~~so directs the Secretary:~~

9                   (1) ~~The court that decrees the adoption[.];~~

10                  (2) ~~The adoptive parents[.]; OR~~

11                  (3) ~~The adopted individual, if an adult.~~

12                  (d) ~~A new certificate of birth shall be prepared on the following basis:~~

13                  (1) ~~The individual shall be treated as having at birth the status that later is~~  
14 ~~acquired or established and of which proof is submitted.~~

15                  (2) ~~If the parents of the individual were not married and paternity is~~  
16 ~~established by legal proceedings, the name of the father shall be inserted. The legal~~  
17 ~~proceeding should request and report to the Secretary that the surname of the subject of~~  
18 ~~the record be changed from that shown on the original certificate, if a change is desired.~~

19                  (3) ~~If the individual is adopted, the name of the individual shall be that set~~  
20 ~~by the decree of adoption, and the adoptive parents shall be recorded as the parents of~~  
21 ~~the individual.~~

22                  (4) ~~The new certificate of birth shall contain wording that requires each~~  
23 ~~parent shown on the new certificate to indicate his or her own Social Security number.~~

24                  (e) ~~(1) If a new certificate of birth is made, the Secretary shall:~~

25                                 (i) ~~Substitute the new certificate of birth for any certificate then on~~  
26 ~~file; and~~

27                                 (ii) ~~Place the original certificate of birth and all records that relate to~~  
28 ~~the new certificate of birth under seal.~~

29                  (2) ~~The seal may be broken only:~~

30                                 (i) ~~On order of a court of competent jurisdiction; [or]~~

31                                 (ii) ~~If it does not violate the confidentiality of the record, on written~~  
32 ~~order of a designee of the Secretary; OR~~

33                                 (III) ~~IN ACCORDANCE WITH TITLE 5, SUBTITLE 4A OF THE FAMILY~~  
34 ~~LAW ARTICLE.~~

11

1                   ~~(3) A certified copy of the certificate of birth that later is issued shall be a~~  
 2 ~~copy of the new certificate of birth, unless a court of competent jurisdiction orders the~~  
 3 ~~issuance of a copy of the original certificate of birth.~~

4                   ~~(f) Each clerk of court shall send to the Secretary, on the form that the Secretary~~  
 5 ~~provides, a report of:~~

6                   ~~(1) Each decree of adoption;~~

7                   ~~(2) Each adjudication of paternity, including the father's Social Security~~  
 8 ~~number; and~~

9                   ~~(3) Each revocation or amendment of any decree of adoption or~~  
 10 ~~adjudication of paternity that the court enters.~~

11                   ~~(g) Upon receipt of a report or decree of annulment of adoption, the original~~  
 12 ~~certificate of birth shall be restored to its place in the files, and the adoption certificate~~  
 13 ~~and any accompanying documents is not subject to inspection except upon order of a~~  
 14 ~~court of competent jurisdiction or as provided by regulation.~~

15                   ~~(h) If no certificate of birth is on file for the person for whom a new birth~~  
 16 ~~certificate is to be established under this section, and the date and place of birth have not~~  
 17 ~~been determined in the adoption or paternity proceedings:~~

18                   ~~(1) A delayed certificate of birth shall be filed with the Secretary as~~  
 19 ~~provided in § 4-210 of this subtitle before a new certificate of birth is established; and~~

20                   ~~(2) The new birth certificate shall be prepared on the delayed birth~~  
 21 ~~certificate form.~~

22                   ~~(i) (1) The Secretary shall, upon request, prepare and register a certificate in~~  
 23 ~~this State for a person born in a foreign country who is not a citizen of the United States~~  
 24 ~~and who was adopted through a court of competent jurisdiction in this State.~~

25                   ~~(2) The certificate shall be established upon receipt of a certificate of~~  
 26 ~~adoption from the court decreeing the adoption, proof of the date and place of the child's~~  
 27 ~~birth, and a request from the court, the adopting parents, or the adopted person if 18~~  
 28 ~~years of age or over that the certificate be prepared.~~

29                   ~~(3) The certificate shall be labeled "Certificate of Foreign Birth" and shall~~  
 30 ~~show the actual country of birth.~~

31                   ~~(4) A statement shall also be included on the certificate indicating that it is~~  
 32 ~~not evidence of United States citizenship for the child for whom it is issued.~~

33                   ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
 34 ~~July 1, 1998.~~

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

12

1 Article - Family Law

2 SUBTITLE 4B. ADOPTION CONTACT SERVICES.

3 5-4B-01.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) "ADMINISTRATION" MEANS THE SOCIAL SERVICES ADMINISTRATION OF  
7 THE DEPARTMENT.

8 (C) "CONTACT SERVICES" MEANS SERVICES:

9 (1) TO LOCATE ADOPTED INDIVIDUALS AND BIOLOGICAL PARENTS OF  
10 ADOPTED INDIVIDUALS;

11 (2) TO ASSESS THE MUTUAL DESIRE FOR COMMUNICATION OR  
12 DISCLOSURE OF INFORMATION BETWEEN ADOPTED INDIVIDUALS AND BIOLOGICAL  
13 PARENTS OF ADOPTED INDIVIDUALS; AND

14 (3) TO ASSESS THE MUTUAL DESIRE FOR COUNSELING OR ACCESS TO  
15 COUNSELING TO ASSIST WITH COMMUNICATION OR DISCLOSURE OF INFORMATION  
16 BETWEEN ADOPTED INDIVIDUALS AND BIOLOGICAL PARENTS OF ADOPTED  
17 INDIVIDUALS.

18 (D) "DIRECTOR" MEANS THE DIRECTOR OF THE ADMINISTRATION.

19 5-4B-02.

20 (A) (1) AN ADOPTED INDIVIDUAL 21 YEARS OF AGE OR OLDER MAY APPLY  
21 TO THE DIRECTOR TO RECEIVE CONTACT SERVICES.

22 (2) IF AN ADOPTED INDIVIDUAL IS 21 YEARS OF AGE OR OLDER, A  
23 BIOLOGICAL PARENT OF THE ADOPTED INDIVIDUAL MAY APPLY TO THE DIRECTOR  
24 TO RECEIVE CONTACT SERVICES.

25 (B) AN INDIVIDUAL WHO APPLIES TO THE DIRECTOR TO RECEIVE CONTACT  
26 SERVICES UNDER THIS SUBTITLE SHALL SUPPLY ANY PROOF OF IDENTITY OR  
27 OTHER RELEVANT INFORMATION REQUIRED BY THE DIRECTOR.

28 (C) THE DIRECTOR MAY ESTABLISH A REASONABLE ADMINISTRATIVE FEE  
29 FOR THE APPLICATION FOR CONTACT SERVICES.

30 (D) A BIOLOGICAL PARENT WHO HAS HAD HIS OR HER PARENTAL RIGHTS  
31 TERMINATED UNDER § 5-312 OR § 5-313 OF THIS TITLE MAY NOT APPLY TO RECEIVE  
32 CONTACT SERVICES UNDER THIS SUBTITLE.

33 5-4B-03.

34 (A) THE DIRECTOR SHALL MAINTAIN A LIST OF CONFIDENTIAL  
35 INTERMEDIARIES WHO HAVE REGISTERED WITH THE DIRECTOR FOR PURPOSES OF  
36 PROVIDING CONTACT SERVICES UNDER THE PROVISIONS OF THIS SUBTITLE.

13

1 (B) THE DIRECTOR SHALL PROVIDE A LIST OF REGISTERED CONFIDENTIAL  
2 INTERMEDIARIES TO AN INDIVIDUAL WHO HAS APPLIED FOR CONTACT SERVICES.

3 5-4B-04.

4 (A) IF AN INDIVIDUAL APPLIES FOR CONTACT SERVICES, THE INDIVIDUAL  
5 SHALL EXECUTE A WRITTEN AGREEMENT WITH THE CONFIDENTIAL  
6 INTERMEDIARY CONCERNING:

7 (1) THE PROVISION OF CONTACT SERVICES; AND

8 (2) THE FEE TO BE PAID TO THE CONFIDENTIAL INTERMEDIARY FOR  
9 CONTACT SERVICES.

10 (B) THE CONFIDENTIAL INTERMEDIARY SHALL PROMPTLY:

11 (1) FILE THE EXECUTED AGREEMENT WITH THE DIRECTOR; AND

12 (2) ATTEMPT TO CONTACT EITHER THE ADOPTED INDIVIDUAL OR THE  
13 BIOLOGICAL PARENT SOUGHT BY THE APPLICANT.

14 5-4B-05.

15 (A) AT THE REQUEST OF THE CONFIDENTIAL INTERMEDIARY, THE  
16 DIRECTOR MAY AUTHORIZE THE CONFIDENTIAL INTERMEDIARY TO OBTAIN  
17 INFORMATION UNDER SUBSECTION (B) OF THIS SECTION TO LOCATE AN  
18 INDIVIDUAL SOUGHT BY AN APPLICANT.

19 (B) PURSUANT TO THE AUTHORIZATION UNDER SUBSECTION (A) OF THIS  
20 SECTION, THE CONFIDENTIAL INTERMEDIARY MAY APPLY TO THE SECRETARY OF  
21 HEALTH AND MENTAL HYGIENE FOR A COPY OF THE FOLLOWING:

22 (1) THE ORIGINAL CERTIFICATE OF BIRTH OF AN ADOPTED  
23 INDIVIDUAL WHO WAS BORN IN THIS STATE;

24 (2) THE NEW CERTIFICATE OF BIRTH THAT WAS SUBSTITUTED FOR THE  
25 ORIGINAL CERTIFICATE OF BIRTH OF AN ADOPTED INDIVIDUAL WHO WAS BORN IN  
26 THIS STATE; AND

27 (3) THE REPORT OF THE DECREE OR JUDGMENT OF ADOPTION FILED  
28 BY THE CLERK OF THE COURT UNDER § 4-211 OF THE HEALTH - GENERAL ARTICLE.

29 (C) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL GIVE THE  
30 CONFIDENTIAL INTERMEDIARY A COPY OF A RECORD REQUESTED UNDER THIS  
31 SECTION.

32 (D) (1) IF THE CONFIDENTIAL INTERMEDIARY REQUIRES ADDITIONAL  
33 INFORMATION TO LOCATE AN INDIVIDUAL SOUGHT BY AN APPLICANT, THE  
34 CONFIDENTIAL INTERMEDIARY MAY REQUEST ASSISTANCE FROM THE DIRECTOR.

35 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
36 DIRECTOR HAS THE RIGHT TO ANY INFORMATION THAT IS CONTAINED IN A PUBLIC  
37 RECORD, AS DEFINED UNDER § 10-611 OF THE STATE GOVERNMENT ARTICLE.

14

1 (3) THE DIRECTOR MAY CHARGE THE INTERMEDIARY A REASONABLE  
2 FEE FOR ADDITIONAL INFORMATION UNDER THIS SUBSECTION.

3 5-4B-06.

4 (A) WITHIN 30 DAYS AFTER EXECUTING THE CONTACT SERVICES  
5 AGREEMENT UNDER § 5-4B-04 OF THIS SUBTITLE, THE CONFIDENTIAL  
6 INTERMEDIARY SHALL FILE A REPORT WITH THE DIRECTOR STATING THAT:

7 (1) THE INDIVIDUAL CONTACTED BY THE INTERMEDIARY CONSENTS  
8 TO THE DISCLOSURE OF SPECIFIED INFORMATION;

9 (2) THE INDIVIDUAL CONTACTED BY THE INTERMEDIARY DOES NOT  
10 CONSENT TO THE DISCLOSURE OF ANY INFORMATION;

11 (3) THE INDIVIDUAL SOUGHT BY THE INTERMEDIARY HAS NOT BEEN  
12 LOCATED; OR

13 (4) THE INDIVIDUAL SOUGHT BY THE INTERMEDIARY IS DECEASED.

14 (B) THE REPORT AND ALL DOCUMENTS FILED PURSUANT TO THIS SECTION  
15 SHALL REMAIN CONFIDENTIAL.

16 5-4B-07.

17 (A) (1) IF THE INDIVIDUAL CONTACTED BY THE INTERMEDIARY CONSENTS  
18 TO THE DISCLOSURE OF ANY INFORMATION, THE CONFIDENTIAL INTERMEDIARY  
19 SHALL OBTAIN WRITTEN CONSENT WITNESSED BY A NOTARY PUBLIC.

20 (2) THE WRITTEN CONSENT SHALL SPECIFY THE NATURE OF THE  
21 INFORMATION TO BE DISCLOSED.

22 (B) (1) IF THE CONFIDENTIAL INTERMEDIARY OBTAINS FROM THE  
23 INDIVIDUAL CONTACTED A WRITTEN CONSENT FOR THE DISCLOSURE OF  
24 INFORMATION, THE CONFIDENTIAL INTERMEDIARY SHALL DISCLOSE THE  
25 INFORMATION SPECIFIED IN THE CONSENT TO THE PERSON WHO APPLIED FOR  
26 CONTACT SERVICES.

27 (2) THE CONFIDENTIAL INTERMEDIARY SHALL DISCLOSE ONLY THE  
28 INFORMATION THAT HAS BEEN AUTHORIZED PURSUANT TO THE WRITTEN  
29 CONSENT.

30 5-4B-08.

31 IF THE INDIVIDUAL CONTACTED BY THE INTERMEDIARY DOES NOT CONSENT  
32 TO THE DISCLOSURE OF ANY INFORMATION, THE CONFIDENTIAL INTERMEDIARY  
33 MAY NOT DISCLOSE ANY INFORMATION CONCERNING THE INDIVIDUAL  
34 CONTACTED AND SHALL REFRAIN FROM FURTHER AND SUBSEQUENT INQUIRY  
35 WITH THE INDIVIDUAL CONTACTED AND REPORT THE REFUSAL TO THE  
36 INDIVIDUAL WHO APPLIED FOR CONTACT SERVICES.

37 5-4B-09.

38 (A) IF THE CONFIDENTIAL INTERMEDIARY FILES A REPORT UNDER § 5-4B-06  
39 OF THIS SUBTITLE STATING THAT AN INDIVIDUAL SOUGHT HAS NOT BEEN

15

1 LOCATED, THE CONFIDENTIAL INTERMEDIARY SHALL CONTINUE TO MAKE  
2 REASONABLE ATTEMPTS TO CONTACT THE INDIVIDUAL SOUGHT FOR THE PERIOD  
3 SPECIFIED IN THE CONTACT SERVICES AGREEMENT UNDER § 5-4B-04 OF THIS  
4 SUBTITLE.

5 (B) IF THE CONFIDENTIAL INTERMEDIARY IS UNSUCCESSFUL AT LOCATING  
6 THE INDIVIDUAL SOUGHT WITHIN THE PERIOD SPECIFIED IN THE CONTACT  
7 SERVICES AGREEMENT, THE CONFIDENTIAL INTERMEDIARY SHALL FILE A REPORT  
8 WITH THE DIRECTOR STATING THE FAILURE TO LOCATE THE INDIVIDUAL SOUGHT.

9 5-4B-10.

10 (A) IF THE INDIVIDUAL SOUGHT BY THE CONFIDENTIAL INTERMEDIARY IS  
11 DECEASED, THE CONFIDENTIAL INTERMEDIARY MAY NOT DISCLOSE THE IDENTITY  
12 OF THE DECEASED TO THE INDIVIDUAL WHO APPLIED FOR CONTACT SERVICES.

13 (B) THE CONFIDENTIAL INTERMEDIARY SHALL REPORT THE FACT THAT THE  
14 INDIVIDUAL SOUGHT IS DECEASED TO THE INDIVIDUAL WHO APPLIED FOR  
15 CONTACT SERVICES.

16 5-4B-11.

17 THE DIRECTOR SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS  
18 OF THIS SUBTITLE, INCLUDING REGULATIONS CONCERNING:

19 (1) THE APPLICATION PROCESS BY WHICH AN ADOPTED INDIVIDUAL  
20 OR BIRTH PARENT MAY REQUEST CONTACT SERVICES;

21 (2) QUALIFICATIONS FOR A CONFIDENTIAL INTERMEDIARY;

22 (3) ANY AGREEMENT OR AGREEMENTS FOR CONTACT SERVICES  
23 BETWEEN AN ADOPTED INDIVIDUAL OR A BIOLOGICAL PARENT AND A  
24 CONFIDENTIAL INTERMEDIARY; AND

25 (4) THE DELIVERY AND SCOPE OF CONTACT SERVICES.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
27 read as follows:

28 **Article - Family Law**

29 **SUBTITLE 3A. OPEN ADOPTION RECORDS.**

30 5-3A-01.

31 THIS SUBTITLE SHALL APPLY TO ADOPTIONS FINALIZED ON OR AFTER  
32 JANUARY 1, 1999.

33 5-3A-02.

34 (A) AN ADOPTED INDIVIDUAL 21 YEARS OF AGE OR OLDER BORN IN THIS  
35 STATE MAY APPLY TO THE SECRETARY OF HEALTH AND MENTAL HYGIENE FOR A  
36 COPY OF THE FOLLOWING:

16

1 (1) THE ORIGINAL CERTIFICATE OF BIRTH OF THE ADOPTED  
2 INDIVIDUAL; AND

3 (2) THE REPORT OF THE DECREE OR JUDGMENT OF ADOPTION FILED  
4 BY THE CLERK OF THE COURT UNDER § 4-211 OF THE HEALTH - GENERAL ARTICLE.

5 (B) IF AN ADOPTED INDIVIDUAL BORN IN THIS STATE IS 21 YEARS OF AGE OR  
6 OLDER, A BIOLOGICAL PARENT OF THE ADOPTED INDIVIDUAL MAY APPLY TO THE  
7 SECRETARY OF HEALTH AND MENTAL HYGIENE FOR A COPY OF THE FOLLOWING:

8 (1) THE ORIGINAL CERTIFICATE OF BIRTH OF THE ADOPTED  
9 INDIVIDUAL;

10 (2) THE NEW CERTIFICATE OF BIRTH THAT WAS SUBSTITUTED FOR THE  
11 ORIGINAL CERTIFICATE OF BIRTH OF THE ADOPTED INDIVIDUAL UNDER § 4-211 OF  
12 THE HEALTH - GENERAL ARTICLE; AND

13 (3) THE REPORT OF THE DECREE OR JUDGMENT OF ADOPTION FILED  
14 BY THE CLERK OF THE COURT UNDER § 4-211 OF THE HEALTH - GENERAL ARTICLE.

15 5-3A-03.

16 AN INDIVIDUAL WHO APPLIES TO THE SECRETARY OF HEALTH AND MENTAL  
17 HYGIENE UNDER THIS SUBTITLE SHALL:

18 (1) SUPPLY ANY PROOF OF IDENTITY OR OTHER RELEVANT  
19 INFORMATION REQUIRED BY THE SECRETARY; AND

20 (2) PAY ANY FEE FOR A COPY OF A RECORD REQUIRED UNDER TITLE 4,  
21 SUBTITLE 2 OF THE HEALTH - GENERAL ARTICLE.

22 5-3A-04.

23 (A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, IF THE  
24 APPLICANT COMPLIES WITH § 5-3A-03 OF THIS SUBTITLE, THE SECRETARY OF  
25 HEALTH AND MENTAL HYGIENE SHALL GIVE THE APPLICANT A COPY OF THE  
26 REQUESTED RECORDS UNLESS A DISCLOSURE VETO HAS BEEN FILED UNDER §  
27 5-3A-05 OF THIS SUBTITLE.

28 (B) IF THE APPLICANT IS AN ADOPTED INDIVIDUAL AND A DISCLOSURE VETO  
29 HAS BEEN FILED BY ONLY ONE OF THE BIOLOGICAL PARENTS, THE SECRETARY  
30 SHALL DELETE ALL INFORMATION CONCERNING THE BIOLOGICAL PARENT TO  
31 WHOM THE DISCLOSURE VETO RELATES BEFORE GIVING THE APPLICANT A COPY  
32 OF THE REQUESTED RECORDS.

33 5-3A-05.

34 (A) A BIOLOGICAL PARENT MAY FILE WITH THE SECRETARY OF HEALTH AND  
35 MENTAL HYGIENE A DISCLOSURE VETO PROHIBITING THE DISCLOSURE OF A  
36 CERTIFICATE OF BIRTH OR OTHER RECORD UNDER § 5-3A-02 OF THIS SUBTITLE.

37 (B) AN ADOPTED INDIVIDUAL 21 YEARS OF AGE OR OLDER MAY FILE WITH  
38 THE SECRETARY OF HEALTH AND MENTAL HYGIENE A DISCLOSURE VETO

17

1 PROHIBITING THE DISCLOSURE OF A CERTIFICATE OF BIRTH OR OTHER RECORD  
2 UNDER § 5-3A-02 OF THIS SUBTITLE.

3 5-3A-06.

4 NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT AN ADOPTED  
5 INDIVIDUAL OR A BIOLOGICAL PARENT FROM MAKING AN APPLICATION FOR  
6 CONTACT SERVICES UNDER SUBTITLE 4B OF THIS TITLE.

7 5-314.

8 (a) The consent of a natural parent to either an adoption or guardianship of a  
9 child is not valid unless the consent contains an express notice of:

10 (1) the right to revoke consent under § 5-311 or § 5-317 of this subtitle[, as  
11 the case may be]; AND

12 (2) THE RIGHT TO FILE A DISCLOSURE VETO UNDER § 5-3A-05 OF THIS  
13 TITLE.

14 **Article - Health - General**

15 4-211.

16 (e) (1) If a new certificate of birth is made, the Secretary shall:

17 (i) Substitute the new certificate of birth for any certificate then on  
18 file; and

19 (ii) Place the original certificate of birth and all records that relate to  
20 the new certificate of birth under seal.

21 (2) The seal may be broken only:

22 (i) On order of a court of competent jurisdiction; [or]

23 (ii) If it does not violate the confidentiality of the record, on written  
24 order of a designee of the Secretary; OR

25 (III) IN ACCORDANCE WITH TITLE 5, SUBTITLE 4B OR SUBTITLE 3A  
26 OF THE FAMILY LAW ARTICLE.

27 (3) A certified copy of the certificate of birth that later is issued shall be a  
28 copy of the new certificate of birth, unless a court of competent jurisdiction orders the  
29 issuance of a copy of the original certificate of birth.

30 (f) Each clerk of court shall send to the Secretary, on the form that the Secretary  
31 provides, a report of:

32 (1) Each decree of adoption;

33 (2) Each adjudication of paternity, including the father's Social Security  
34 number; and

35 (3) Each revocation or amendment of any decree of adoption or  
36 adjudication of paternity that the court enters.

18

1 4-217.

2 (a) (1) Except as provided in subsection (b) of this section, the Secretary shall  
3 provide, on request, any person authorized by regulations adopted under this subtitle with  
4 a certified or abridged copy of a birth, death, or fetal death certificate registered under  
5 this subtitle or of the certificate of a marriage performed after June 1, 1951.

6 (2) (i) The Secretary shall provide on request, to any person authorized  
7 by regulation adopted under this subtitle, a commemorative birth certificate.

8 (ii) The Department shall set a fee for the commemorative birth  
9 certificate.

10 (iii) The commemorative birth certificate shall:

11 1. Be in a form consistent with the need to protect the integrity  
12 of vital records but suitable for display; and

13 2. Have the same status as evidence as the original birth  
14 certificate.

15 (iv) Funds collected under this paragraph shall be paid into the  
16 Children's Trust Fund.

17 (v) The Secretary shall adopt regulations to implement the provisions  
18 of this paragraph.

19 (b) (1) A certified or abridged copy of a birth certificate may be issued only:

20 (i) On order of a court of competent jurisdiction;

21 (ii) On request of the individual to whom the record relates; [or]

22 (iii) On request of a parent, guardian, or other authorized  
23 representative of the individual; OR

24 (IV) IN ACCORDANCE WITH TITLE 5, SUBTITLE 4B OR SUBTITLE 3A  
25 OF THE FAMILY LAW ARTICLE.

26 (2) A certified or abridged copy of a birth certificate may contain only the  
27 personal information that appears on the birth certificate and may not include any  
28 confidential medical information that appears on the birth certificate.

29 (3) Birth certificate information may not be given if it is to be used for  
30 commercial solicitation or private gain.

31 (4) A noncertified copy of a birth certificate including confidential medical  
32 information may be provided to a unit of the Department to carry out its legal mandate or  
33 to conduct Institutional Review Board (IRB) approved research or study. Any report  
34 resulting from this research or study may not contain personal identifiers unless  
35 authorized by the subject of the record or the subject's parent or authorized  
36 representative.

1                   (5) A copy of a birth certificate may be given to the Maryland Immunization  
2 Program to improve childhood immunization rates.

3                   SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
4 be construed prospectively and shall only apply to adoptions finalized on or after January  
5 1, 1999.

6                   SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
7 take effect January 1, 1999.

8                   SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in  
9 Section 4 of this Act, this Act shall take effect October 1, 1998.