

HOUSE BILL 214

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HB 303/97 - JUD

1998 Regular Session
8lr0089
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By: **Delegates Turner, Perry, Pendergrass, Grosfeld, Mandel, Marriott, C. Mitchell, Oaks, Snodgrass, Hecht, Proctor, Frush, Kagan, Patterson, Muse, Petzold, E. Burns, Bonsack, Bobo, Faulkner, Conroy, Montague, Cryor, Shriver, Love, M. Burns, Genn, Menes, Pitkin, Cadden, Hubbard, Crumlin, Preis, McIntosh, Bissett, Jacobs, Krysiak, Dembrow, Kirk, Nathan-Pulliam, Watson, Malone, Branch, Fulton, Mossburg, Ciliberti, Frank, Finifter, Klausmeier, Hurson, Workman, Edwards, McKee, B. Hughes, Heller, Howard, Gordon, Hixson, Stup, Donoghue, Palumbo, Holt, Hutchins, Comeau, R. Baker, Valderrama, D. Davis, Benson, Miller, Hammen, Dewberry, Boston, Dypski, and Doory**

Introduced and read first time: January 23, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Adoption Search, Contact, and Reunion Services and Access to Birth and**
3 **Adoption Records**

4 FOR the purpose of authorizing certain adopted individuals and biological parents to
5 apply to the Director of the Social Services Administration to receive search,
6 contact, and reunion services under certain circumstances; authorizing the
7 Director to charge a reasonable fee for certain services; prohibiting certain
8 biological parents from applying to receive search, contact, and reunion services;
9 requiring the Director to maintain a list of confidential intermediaries;
10 establishing certain qualifications for confidential intermediaries; requiring the
11 Director to provide the list of confidential intermediaries to an individual who
12 applies for search, contact, and reunion services except under certain
13 circumstances; requiring the Director to refer an individual who applies for
14 search, contact, and reunion services to the child placement agency that placed
15 the child for adoption under certain circumstances; requiring the Director to
16 make reasonable efforts to determine the identity of the child placement agency
17 that placed the child for adoption under certain circumstances; authorizing the
18 Director to access certain records for certain purposes; requiring an individual
19 who applies for search, contact, and reunion services to execute a certain
20 agreement with a confidential intermediary; authorizing a confidential
21 intermediary to charge a reasonable fee for search, contact, and reunion
22 services; requiring a confidential intermediary to file certain documents and
23 attempt to contact certain individuals; authorizing a confidential intermediary
24 to apply to the Secretary of Health and Mental Hygiene for a copy of certain
25 birth records under certain circumstances; authorizing a confidential
26 intermediary to access information contained in a public record under certain

1 circumstances; authorizing a confidential intermediary to disclose certain
2 information under certain circumstances; prohibiting a confidential
3 intermediary from disclosing certain information under certain circumstances;
4 requiring a confidential intermediary to continue to attempt to contact certain
5 individuals for a certain period of time; requiring the Director to adopt certain
6 regulations; authorizing certain individuals to access certain birth and adoption
7 records after a certain date under certain circumstances; authorizing certain
8 individuals to file, cancel, or refile certain documents that prohibit the
9 disclosure of certain information contained in certain birth and adoption records
10 under certain circumstances; requiring the Secretary of Health and Mental
11 Hygiene to adopt certain regulations; establishing that the consent of a natural
12 parent to an adoption or guardianship is not valid unless the consent contains a
13 certain notice; authorizing the seal on certain birth records to be broken under
14 certain circumstances; defining certain terms; providing for a delayed effective
15 date; and generally relating to search, contact, and reunion services and access
16 to certain birth and adoption records.

17 BY adding to

18 Article - Family Law
19 Section 5-4B-01 through 5-4B-12, inclusive, to be under the new subtitle
20 "Subtitle 4B. Adoption Search, Contact, and Reunion Services"; and
21 5-3A-01 through 5-3A-07, inclusive, to be under the new subtitle
22 "Subtitle 3A. Access to Birth and Adoption Records"
23 Annotated Code of Maryland
24 (1991 Replacement Volume and 1997 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article - Family Law
27 Section 5-314(a)
28 Annotated Code of Maryland
29 (1991 Replacement Volume and 1997 Supplement)

30 BY repealing and reenacting, without amendments,

31 Article - Health - General
32 Section 4-211(f) and 4-217(a)
33 Annotated Code of Maryland
34 (1994 Replacement Volume and 1997 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article - Health - General
37 Section 4-211(e) and 4-217(b)
38 Annotated Code of Maryland
39 (1994 Replacement Volume and 1997 Supplement)

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

1 **Article - Family Law**

2 SUBTITLE 4B. ADOPTION SEARCH, CONTACT, AND REUNION 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) "CHILD PLACEMENT AGENCY" HAS THE MEANING STATED IN § 5-301 OF
9 THIS TITLE.10 (D) "CONFIDENTIAL INTERMEDIARY" MEANS AN INDIVIDUAL OR CHILD
11 PLACEMENT AGENCY QUALIFIED BY THE DIRECTOR FOR THE PURPOSE OF
12 PROVIDING SEARCH, CONTACT, AND REUNION SERVICES UNDER THIS SUBTITLE.

13 (E) "DIRECTOR" MEANS THE DIRECTOR OF THE ADMINISTRATION.

14 (F) "SEARCH, CONTACT, AND REUNION SERVICES" MEANS SERVICES:

15 (1) TO LOCATE ADOPTED INDIVIDUALS AND BIOLOGICAL PARENTS OF
16 ADOPTED INDIVIDUALS;17 (2) TO ASSESS THE MUTUAL DESIRE FOR COMMUNICATION OR
18 DISCLOSURE OF INFORMATION BETWEEN ADOPTED INDIVIDUALS AND BIOLOGICAL
19 PARENTS OF ADOPTED INDIVIDUALS; AND20 (3) TO PROVIDE, OR PROVIDE REFERRAL TO, COUNSELING FOR
21 ADOPTED INDIVIDUALS AND BIOLOGICAL PARENTS OF ADOPTED INDIVIDUALS.

22 5-4B-02.

23 (A) (1) AN ADOPTED INDIVIDUAL AT LEAST 21 YEARS OLD MAY APPLY TO
24 THE DIRECTOR TO RECEIVE SEARCH, CONTACT, AND REUNION SERVICES.25 (2) IF AN ADOPTED INDIVIDUAL IS AT LEAST 21 YEARS OLD, A
26 BIOLOGICAL PARENT OF THE ADOPTED INDIVIDUAL MAY APPLY TO THE DIRECTOR
27 TO RECEIVE SEARCH, CONTACT, AND REUNION SERVICES.28 (B) AN INDIVIDUAL WHO APPLIES TO THE DIRECTOR TO RECEIVE SEARCH,
29 CONTACT, AND REUNION SERVICES SHALL SUPPLY ANY PROOF OF IDENTITY OR
30 OTHER RELEVANT INFORMATION REQUIRED BY THE DIRECTOR.31 (C) THE DIRECTOR MAY ESTABLISH A REASONABLE FEE FOR THE
32 APPLICATION FOR SEARCH, CONTACT, AND REUNION SERVICES.

1 (D) A BIOLOGICAL PARENT WHO HAS HAD HIS OR HER PARENTAL RIGHTS
2 TERMINATED UNDER § 5-312 OR § 5-313 OF THIS TITLE MAY NOT APPLY TO RECEIVE
3 SEARCH, CONTACT, AND REUNION SERVICES UNDER THIS SUBTITLE.

4 5-4B-03.

5 (A) THE DIRECTOR SHALL MAINTAIN A LIST OF CONFIDENTIAL
6 INTERMEDIARIES.

7 (B) TO QUALIFY TO BE A CONFIDENTIAL INTERMEDIARY, AN APPLICANT
8 SHALL MEET THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION.

9 (C) IF THE APPLICANT IS A CHILD PLACEMENT AGENCY, THE AGENCY SHALL
10 APPOINT AN EMPLOYEE OF THE AGENCY AS THE REPRESENTATIVE MEMBER TO
11 MAKE THE APPLICATION ON BEHALF OF THE AGENCY.

12 (D) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT SHALL:

13 (I) HAVE COMPLETED AT LEAST 8 HOURS OF TRAINING, APPROVED
14 BY THE DIRECTOR, IN PROVIDING SEARCH, CONTACT, AND REUNION SERVICES; AND

15 (II) MEET ANY OTHER QUALIFICATIONS THAT THE DIRECTOR
16 ESTABLISHES FOR CONFIDENTIAL INTERMEDIARIES.

17 (2) IF THE APPLICANT IS A CHILD PLACEMENT AGENCY, EACH
18 EMPLOYEE WHO WILL PROVIDE SEARCH, CONTACT, AND REUNION SERVICES UNDER
19 THIS SUBTITLE SHALL:

20 (I) HAVE COMPLETED AT LEAST 8 HOURS OF TRAINING, APPROVED
21 BY THE DIRECTOR, IN PROVIDING SEARCH, CONTACT, AND REUNION SERVICES; AND

22 (II) MEET ANY OTHER QUALIFICATIONS THAT THE DIRECTOR
23 ESTABLISHES FOR CONFIDENTIAL INTERMEDIARIES.

24 (E) THE DIRECTOR MAY ESTABLISH A REASONABLE FEE FOR AN APPLICATION
25 UNDER THIS SECTION.

26 5-4B-04.

27 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
28 DIRECTOR SHALL PROVIDE THE LIST OF CONFIDENTIAL INTERMEDIARIES TO AN
29 INDIVIDUAL WHO APPLIES FOR SEARCH, CONTACT, AND REUNION SERVICES.

30 (B) THE DIRECTOR SHALL REFER AN INDIVIDUAL WHO APPLIES FOR SEARCH,
31 CONTACT, AND REUNION SERVICES TO THE CHILD PLACEMENT AGENCY THAT
32 PLACED THE CHILD FOR ADOPTION IF:

33 (1) THE IDENTITY OF THE CHILD PLACEMENT AGENCY THAT PLACED
34 THE CHILD FOR ADOPTION IS KNOWN; AND

1 (2) THE CHILD PLACEMENT AGENCY IS A CONFIDENTIAL
2 INTERMEDIARY, AS DEFINED IN § 5-4B-01 OF THIS SUBTITLE.

3 (C) (1) IF THE IDENTITY OF THE CHILD PLACEMENT AGENCY THAT PLACED
4 THE CHILD FOR ADOPTION IS UNKNOWN, THE DIRECTOR SHALL MAKE REASONABLE
5 EFFORTS TO DETERMINE THE IDENTITY OF THE CHILD PLACEMENT AGENCY THAT
6 PLACED THE CHILD FOR ADOPTION.

7 (2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, THE
8 DIRECTOR SHALL HAVE ACCESS TO ANY INFORMATION THAT IS CONTAINED IN A
9 BIRTH RECORD OR PUBLIC RECORD DESCRIBED IN § 5-4B-06(B)(1) OR (C)(1) OF THIS
10 SUBTITLE.

11 (3) THE DIRECTOR MAY CHARGE AN INDIVIDUAL WHO APPLIES FOR
12 SEARCH, CONTACT, AND REUNION SERVICES A REASONABLE FEE FOR A SEARCH
13 CONDUCTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

14 (4) THE DIRECTOR SHALL FORWARD ANY INFORMATION OBTAINED
15 FROM A SEARCH CONDUCTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS
16 SUBSECTION TO THE CONFIDENTIAL INTERMEDIARY FOR PURPOSES OF PROVIDING
17 SEARCH, CONTACT, AND REUNION SERVICES.

18 5-4B-05.

19 (A) AN INDIVIDUAL WHO APPLIES FOR SEARCH, CONTACT, AND REUNION
20 SERVICES SHALL EXECUTE A WRITTEN AGREEMENT WITH A CONFIDENTIAL
21 INTERMEDIARY CONCERNING THE PROVISION OF SEARCH, CONTACT, AND REUNION
22 SERVICES.

23 (B) THE CONFIDENTIAL INTERMEDIARY MAY CHARGE THE INDIVIDUAL A
24 REASONABLE FEE FOR SEARCH, CONTACT, AND REUNION SERVICES.

25 (C) THE CONFIDENTIAL INTERMEDIARY SHALL PROMPTLY:

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

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

29 5-4B-06.

30 (A) THE DIRECTOR MAY AUTHORIZE A CONFIDENTIAL INTERMEDIARY TO
31 OBTAIN INFORMATION DESCRIBED IN SUBSECTION (B) OR (C) OF THIS SECTION TO
32 LOCATE AN INDIVIDUAL SOUGHT BY AN APPLICANT.

33 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CONFIDENTIAL
34 INTERMEDIARY MAY APPLY TO THE SECRETARY OF HEALTH AND MENTAL HYGIENE
35 FOR A COPY OF THE FOLLOWING:

1 (I) THE ORIGINAL CERTIFICATE OF BIRTH AND ANY RECORDS
2 THAT RELATE TO THE NEW CERTIFICATE OF BIRTH OF AN ADOPTED INDIVIDUAL;

3 (II) THE NEW CERTIFICATE OF BIRTH THAT WAS SUBSTITUTED FOR
4 THE ORIGINAL CERTIFICATE OF BIRTH OF AN ADOPTED INDIVIDUAL UNDER § 4-211
5 OF THE HEALTH - GENERAL ARTICLE; AND

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

9 (2) TO APPLY FOR A COPY OF A RECORD LISTED IN PARAGRAPH (1) OF
10 THIS SUBSECTION, A CONFIDENTIAL INTERMEDIARY SHALL SUBMIT TO THE
11 SECRETARY OF HEALTH AND MENTAL HYGIENE A WRITTEN STATEMENT SIGNED BY
12 THE DIRECTOR AND WITNESSED BY A NOTARY PUBLIC THAT AUTHORIZES THE
13 CONFIDENTIAL INTERMEDIARY TO OBTAIN INFORMATION NECESSARY TO LOCATE
14 AN INDIVIDUAL SOUGHT BY AN APPLICANT.

15 (3) IF A CONFIDENTIAL INTERMEDIARY COMPLIES WITH PARAGRAPH (2)
16 OF THIS SUBSECTION, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL
17 GIVE A COPY OF A RECORD REQUESTED UNDER THIS SUBSECTION THAT IS ON FILE
18 WITH THE SECRETARY TO THE CONFIDENTIAL INTERMEDIARY.

19 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CONFIDENTIAL
20 INTERMEDIARY MAY ACCESS ANY INFORMATION THAT IS CONTAINED IN A PUBLIC
21 RECORD, AS DEFINED IN § 10-611 OF THE STATE GOVERNMENT ARTICLE, INCLUDING
22 A COURT RECORD.

23 (2) TO HAVE ACCESS TO INFORMATION CONTAINED IN A PUBLIC
24 RECORD, A CONFIDENTIAL INTERMEDIARY SHALL SUBMIT TO THE CUSTODIAN OF A
25 PUBLIC RECORD A WRITTEN STATEMENT SIGNED BY THE DIRECTOR AND
26 WITNESSED BY A NOTARY PUBLIC THAT AUTHORIZES THE CONFIDENTIAL
27 INTERMEDIARY TO OBTAIN INFORMATION NECESSARY TO LOCATE AN INDIVIDUAL
28 SOUGHT BY AN APPLICANT.

29 (3) IF A CONFIDENTIAL INTERMEDIARY COMPLIES WITH PARAGRAPH (2)
30 OF THIS SUBSECTION, A CUSTODIAN SHALL PERMIT INSPECTION OF A PUBLIC
31 RECORD REQUESTED UNDER THIS SUBSECTION BY THE CONFIDENTIAL
32 INTERMEDIARY.

33 5-4B-07.

34 (A) WITHIN 90 DAYS AFTER EXECUTING A SEARCH, CONTACT, AND REUNION
35 SERVICES AGREEMENT UNDER § 5-4B-05 OF THIS SUBTITLE, A CONFIDENTIAL
36 INTERMEDIARY SHALL FILE A REPORT WITH THE DIRECTOR STATING THAT:

37 (1) THE INDIVIDUAL CONTACTED BY THE CONFIDENTIAL
38 INTERMEDIARY CONSENTS TO THE DISCLOSURE OF SPECIFIED INFORMATION;

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

3 (3) THE INDIVIDUAL SOUGHT BY THE CONFIDENTIAL INTERMEDIARY
4 HAS NOT BEEN LOCATED; OR

5 (4) THE INDIVIDUAL SOUGHT BY THE CONFIDENTIAL INTERMEDIARY IS
6 DECEASED.

7 (B) THE REPORT AND ANY DOCUMENTS FILED IN ACCORDANCE WITH THIS
8 SECTION ARE CONFIDENTIAL.

9 5-4B-08.

10 (A) (1) IF AN INDIVIDUAL CONTACTED BY A CONFIDENTIAL INTERMEDIARY
11 CONSENTS TO THE DISCLOSURE OF ANY INFORMATION, THE CONFIDENTIAL
12 INTERMEDIARY SHALL OBTAIN THE WRITTEN CONSENT OF THE INDIVIDUAL
13 WITNESSED BY A NOTARY PUBLIC.

14 (2) THE WRITTEN CONSENT SHALL SPECIFY THE NATURE OF THE
15 INFORMATION TO BE DISCLOSED.

16 (B) (1) IF A CONFIDENTIAL INTERMEDIARY OBTAINS WRITTEN CONSENT
17 UNDER SUBSECTION (A) OF THIS SECTION, THE CONFIDENTIAL INTERMEDIARY
18 SHALL DISCLOSE THE INFORMATION SPECIFIED IN THE CONSENT TO THE
19 INDIVIDUAL WHO APPLIED FOR SEARCH, CONTACT, AND REUNION SERVICES.

20 (2) THE CONFIDENTIAL INTERMEDIARY SHALL DISCLOSE ONLY THE
21 INFORMATION THAT HAS BEEN AUTHORIZED BY THE WRITTEN CONSENT.

22 5-4B-09.

23 IF AN INDIVIDUAL CONTACTED BY A CONFIDENTIAL INTERMEDIARY DOES NOT
24 CONSENT TO THE DISCLOSURE OF ANY INFORMATION, THE CONFIDENTIAL
25 INTERMEDIARY:

26 (1) MAY NOT DISCLOSE ANY INFORMATION CONCERNING THE
27 INDIVIDUAL CONTACTED;

28 (2) SHALL REFRAIN FROM FURTHER AND SUBSEQUENT INQUIRY WITH
29 THE INDIVIDUAL CONTACTED; AND

30 (3) SHALL REPORT THE REFUSAL TO THE INDIVIDUAL WHO APPLIED
31 FOR SEARCH, CONTACT, AND REUNION SERVICES.

32 5-4B-10.

33 (A) IF A CONFIDENTIAL INTERMEDIARY FILES A REPORT UNDER § 5-4B-07 OF
34 THIS SUBTITLE STATING THAT AN INDIVIDUAL SOUGHT HAS NOT BEEN LOCATED,
35 THE CONFIDENTIAL INTERMEDIARY SHALL CONTINUE TO MAKE REASONABLE
36 ATTEMPTS TO CONTACT THE INDIVIDUAL SOUGHT FOR THE PERIOD SPECIFIED IN

1 THE SEARCH, CONTACT, AND REUNION SERVICES AGREEMENT EXECUTED IN
2 ACCORDANCE WITH § 5-4B-05 OF THIS SUBTITLE.

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

8 5-4B-11.

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

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

16 5-4B-12.

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

19 (1) THE APPLICATION PROCESS FOR SEARCH, CONTACT, AND REUNION
20 SERVICES;

21 (2) QUALIFICATIONS FOR A CONFIDENTIAL INTERMEDIARY;

22 (3) THE AGREEMENT FOR SEARCH, CONTACT, AND REUNION SERVICES
23 EXECUTED BY A CONFIDENTIAL INTERMEDIARY AND AN ADOPTED INDIVIDUAL OR
24 BIOLOGICAL PARENT; AND

25 (4) THE DELIVERY AND SCOPE OF SEARCH, CONTACT, AND REUNION
26 SERVICES.

27 SUBTITLE 3A. ACCESS TO BIRTH AND ADOPTION RECORDS.

28 5-3A-01.

29 THIS SUBTITLE SHALL APPLY TO ADOPTIONS FINALIZED ON OR AFTER
30 JANUARY 1, 2000.

31 5-3A-02.

32 (A) AN ADOPTED INDIVIDUAL AT LEAST 21 YEARS OLD MAY APPLY TO THE
33 SECRETARY OF HEALTH AND MENTAL HYGIENE FOR A COPY OF THE FOLLOWING:

1 (1) THE ORIGINAL CERTIFICATE OF BIRTH AND ANY RECORDS THAT
2 RELATE TO THE NEW CERTIFICATE OF BIRTH OF THE ADOPTED INDIVIDUAL; AND

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

5 (B) IF AN ADOPTED INDIVIDUAL IS AT LEAST 21 YEARS OLD, A BIOLOGICAL
6 PARENT OF THE ADOPTED INDIVIDUAL MAY APPLY TO THE SECRETARY OF HEALTH
7 AND MENTAL HYGIENE FOR A COPY OF THE FOLLOWING:

8 (1) THE ORIGINAL CERTIFICATE OF BIRTH AND ANY RECORDS THAT
9 RELATE TO THE NEW CERTIFICATE OF BIRTH OF THE ADOPTED 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 BY
14 THE CLERK OF THE COURT UNDER § 4-211 OF THE HEALTH - GENERAL ARTICLE.

15 (C) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL INFORM AN
16 APPLICANT UNDER THIS SECTION OF THE AVAILABILITY OF ADOPTION SEARCH,
17 CONTACT, AND REUNION SERVICES UNDER SUBTITLE 4B OF THIS TITLE.

18 5-3A-03.

19 AN APPLICANT UNDER THIS SUBTITLE SHALL:

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

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

24 5-3A-04.

25 (A) SUBJECT TO SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, IF AN
26 APPLICANT COMPLIES WITH § 5-3A-03 OF THIS SUBTITLE, THE SECRETARY OF
27 HEALTH AND MENTAL HYGIENE SHALL GIVE A COPY OF A RECORD REQUESTED
28 UNDER § 5-3A-02 OF THIS SUBTITLE THAT IS ON FILE WITH THE SECRETARY TO THE
29 APPLICANT.

30 (B) IF THE APPLICANT IS A BIOLOGICAL PARENT AND A DISCLOSURE VETO
31 HAS BEEN FILED IN ACCORDANCE WITH § 5-3A-05 OF THIS SUBTITLE BY THE OTHER
32 BIOLOGICAL PARENT, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL
33 DELETE FROM THE COPY OF A REQUESTED RECORD ANY INFORMATION
34 CONCERNING THE BIOLOGICAL PARENT WHO FILED THE DISCLOSURE VETO.

35 (C) IF THE APPLICANT IS A BIOLOGICAL PARENT AND A DISCLOSURE VETO
36 HAS BEEN FILED IN ACCORDANCE WITH § 5-3A-05 OF THIS SUBTITLE BY THE

1 ADOPTED INDIVIDUAL, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL
2 DELETE FROM THE COPY OF A REQUESTED RECORD ANY INFORMATION
3 CONCERNING:

4 (1) THE ADOPTED INDIVIDUAL; AND

5 (2) THE ADOPTIVE PARENTS.

6 (D) IF THE APPLICANT IS AN ADOPTED INDIVIDUAL AND A DISCLOSURE VETO
7 HAS BEEN FILED IN ACCORDANCE WITH § 5-3A-05 OF THIS SUBTITLE BY A
8 BIOLOGICAL PARENT, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL
9 DELETE FROM THE COPY OF A REQUESTED RECORD ANY INFORMATION
10 CONCERNING THE BIOLOGICAL PARENT WHO FILED THE DISCLOSURE VETO.

11 5-3A-05.

12 (A) A BIOLOGICAL PARENT MAY FILE WITH THE SECRETARY OF HEALTH AND
13 MENTAL HYGIENE A DISCLOSURE VETO PROHIBITING THE DISCLOSURE OF ANY
14 INFORMATION CONCERNING THAT PARENT THAT IS CONTAINED IN A RECORD
15 DESCRIBED IN § 5-3A-02 OF THIS SUBTITLE.

16 (B) AN ADOPTED INDIVIDUAL AT LEAST 20 YEARS OLD MAY FILE WITH THE
17 SECRETARY OF HEALTH AND MENTAL HYGIENE A DISCLOSURE VETO PROHIBITING
18 THE DISCLOSURE OF ANY INFORMATION CONCERNING THAT INDIVIDUAL THAT IS
19 CONTAINED IN A RECORD DESCRIBED IN § 5-3A-02 OF THIS SUBTITLE.

20 (C) AN INDIVIDUAL AUTHORIZED TO FILE A DISCLOSURE VETO UNDER
21 SUBSECTION (A) OR (B) OF THIS SECTION MAY CANCEL OR REFILE A DISCLOSURE
22 VETO AT ANY TIME.

23 5-3A-06.

24 NOTHING IN THIS SUBTITLE PROHIBITS:

25 (1) AN ADOPTED INDIVIDUAL OR A BIOLOGICAL PARENT FROM
26 APPLYING FOR SEARCH, CONTACT, AND REUNION SERVICES UNDER SUBTITLE 4B OF
27 THIS TITLE; OR

28 (2) THE DIRECTOR OF THE SOCIAL SERVICES ADMINISTRATION OF THE
29 DEPARTMENT OF HUMAN RESOURCES OR A CONFIDENTIAL INTERMEDIARY FROM
30 OBTAINING A COPY OF A CERTIFICATE OF BIRTH OR OTHER RECORD UNDER §
31 5-4B-04(C) OR § 5-4B-06(B) OR (C) OF THIS TITLE.

32 5-3A-07.

33 THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL ADOPT
34 REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

1 5-314.

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

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

6 (2) THE SEARCH RIGHTS OF ADOPTED INDIVIDUALS AND BIOLOGICAL
7 PARENTS UNDER SUBTITLES 3A AND 4B OF THIS TITLE; AND

8 (3) THE RIGHT TO FILE A DISCLOSURE VETO UNDER § 5-3A-05 OF THIS
9 TITLE.

10 **Article - Health - General**

11 4-211.

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

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

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

17 (2) The seal may be broken only:

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

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

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

23 (3) A certified copy of the certificate of birth that later is issued shall be
24 a copy of the new certificate of birth, unless:

25 (I) a court of competent jurisdiction orders the issuance of a copy of
26 the original certificate of birth; OR

27 (II) SUBTITLE 3A OR SUBTITLE 4B OF THE FAMILY LAW ARTICLE
28 PROVIDES FOR THE ISSUANCE OF A COPY OF THE ORIGINAL CERTIFICATE OF BIRTH.

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

31 (1) Each decree of adoption;

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

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

5 4-217.

6 (a) (1) Except as provided in subsection (b) of this section, the Secretary
7 shall provide, on request, any person authorized by regulations adopted under this
8 subtitle with a certified or abridged copy of a birth, death, or fetal death certificate
9 registered under this subtitle or of the certificate of a marriage performed after June
10 1, 1951.

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

14 (ii) The Department shall set a fee for the commemorative birth
15 certificate.

16 (iii) The commemorative birth certificate shall:

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

19 2. Have the same status as evidence as the original birth
20 certificate.

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

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

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

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

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

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

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

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

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect October 1, 1999.