

HOUSE BILL 214

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1998 Regular Session
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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**

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Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 1998

CHAPTER _____

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~~ certain fee for certain services; prohibiting
8 certain biological parents from applying to receive search, contact, and reunion
9 services; 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

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

24 BY adding to

25 Article - Family Law
26 Section 5-4B-01 through 5-4B-12, inclusive, to be under the new subtitle
27 "Subtitle 4B. Adoption Search, Contact, and Reunion Services"; and
28 5-3A-01 through 5-3A-07, inclusive, to be under the new subtitle
29 "Subtitle 3A. Access to Birth and Adoption Records"
30 Annotated Code of Maryland
31 (1991 Replacement Volume and 1997 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article - Family Law
34 Section 5-314(a)
35 Annotated Code of Maryland
36 (1991 Replacement Volume and 1997 Supplement)

37 BY repealing and reenacting, without amendments,

38 Article - Health - General
39 Section 4-211(f) and 4-217(a)
40 Annotated Code of Maryland
41 (1994 Replacement Volume and 1997 Supplement)

42 BY repealing and reenacting, with amendments,

1 Article - Health - General
2 Section 4-211(e) and 4-217(b)
3 Annotated Code of Maryland
4 (1994 Replacement Volume and 1997 Supplement)

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

7 **Article - Family Law**

8 SUBTITLE 4B. ADOPTION SEARCH, CONTACT, AND REUNION SERVICES.

9 5-4B-01.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) "ADMINISTRATION" MEANS THE SOCIAL SERVICES ADMINISTRATION OF
13 THE DEPARTMENT.

14 (C) "CHILD PLACEMENT AGENCY" HAS THE MEANING STATED IN § 5-301 OF
15 THIS TITLE.

16 (D) "CONFIDENTIAL INTERMEDIARY" MEANS AN INDIVIDUAL OR CHILD
17 PLACEMENT AGENCY QUALIFIED BY THE DIRECTOR FOR THE PURPOSE OF
18 PROVIDING SEARCH, CONTACT, AND REUNION SERVICES UNDER THIS SUBTITLE.

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

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

21 (1) TO LOCATE ADOPTED INDIVIDUALS AND BIOLOGICAL PARENTS OF
22 ADOPTED INDIVIDUALS;

23 (2) TO ASSESS THE MUTUAL DESIRE FOR COMMUNICATION OR
24 DISCLOSURE OF INFORMATION BETWEEN ADOPTED INDIVIDUALS AND BIOLOGICAL
25 PARENTS OF ADOPTED INDIVIDUALS; AND

26 (3) TO PROVIDE, OR PROVIDE REFERRAL TO, COUNSELING FOR
27 ADOPTED INDIVIDUALS AND BIOLOGICAL PARENTS OF ADOPTED INDIVIDUALS.

28 5-4B-02.

29 (A) (1) AN ADOPTED INDIVIDUAL AT LEAST 21 YEARS OLD MAY APPLY TO
30 THE DIRECTOR TO RECEIVE SEARCH, CONTACT, AND REUNION SERVICES.

31 (2) IF AN ADOPTED INDIVIDUAL IS AT LEAST 21 YEARS OLD, A
32 BIOLOGICAL PARENT OF THE ADOPTED INDIVIDUAL MAY APPLY TO THE DIRECTOR
33 TO RECEIVE SEARCH, CONTACT, AND REUNION SERVICES.

1 (B) AN INDIVIDUAL WHO APPLIES TO THE DIRECTOR TO RECEIVE SEARCH,
2 CONTACT, AND REUNION SERVICES SHALL SUPPLY ANY PROOF OF IDENTITY OR
3 OTHER RELEVANT INFORMATION REQUIRED BY THE DIRECTOR.

4 (C) (1) THE DIRECTOR MAY ESTABLISH A REASONABLE FEE FOR THE
5 APPLICATION FOR SEARCH, CONTACT, AND REUNION SERVICES.

6 (2) THE OVERALL AMOUNT OF FEES COLLECTED MAY NOT EXCEED THE
7 COSTS OF PROCESSING THE APPLICATIONS.

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

11 5-4B-03.

12 (A) THE DIRECTOR SHALL MAINTAIN A LIST OF CONFIDENTIAL
13 INTERMEDIARIES.

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

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

19 (D) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT 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 (2) IF THE APPLICANT IS A CHILD PLACEMENT AGENCY, EACH
25 EMPLOYEE WHO WILL PROVIDE SEARCH, CONTACT, AND REUNION SERVICES UNDER
26 THIS SUBTITLE SHALL:

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

29 (II) MEET ANY OTHER QUALIFICATIONS THAT THE DIRECTOR
30 ESTABLISHES FOR CONFIDENTIAL INTERMEDIARIES.

31 (E) (1) THE DIRECTOR MAY ESTABLISH A REASONABLE FEE FOR AN
32 APPLICATION UNDER THIS SECTION.

33 (2) THE OVERALL AMOUNT OF FEES COLLECTED MAY NOT EXCEED THE
34 COSTS OF PROCESSING THE APPLICATIONS.

1 5-4B-04.

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

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

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

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

12 (C) (1) IF THE IDENTITY OF THE CHILD PLACEMENT AGENCY THAT PLACED
13 THE CHILD FOR ADOPTION IS UNKNOWN, THE DIRECTOR SHALL MAKE REASONABLE
14 EFFORTS TO DETERMINE THE IDENTITY OF THE CHILD PLACEMENT AGENCY THAT
15 PLACED THE CHILD FOR ADOPTION.

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

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

23 (II) THE OVERALL AMOUNT OF FEES COLLECTED MAY NOT EXCEED
24 THE COSTS OF PROVIDING THE SEARCH.

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

29 5-4B-05.

30 (A) AN INDIVIDUAL WHO APPLIES FOR SEARCH, CONTACT, AND REUNION
31 SERVICES SHALL EXECUTE A WRITTEN AGREEMENT WITH A CONFIDENTIAL
32 INTERMEDIARY CONCERNING THE PROVISION OF SEARCH, CONTACT, AND REUNION
33 SERVICES.

34 (B) (1) THE CONFIDENTIAL INTERMEDIARY MAY CHARGE THE INDIVIDUAL
35 A REASONABLE FEE FOR SEARCH, CONTACT, AND REUNION SERVICES.

36 (2) THE OVERALL AMOUNT OF FEES COLLECTED MAY NOT EXCEED THE
37 COSTS OF PROVIDING THE SERVICES.

1 (C) THE CONFIDENTIAL INTERMEDIARY SHALL PROMPTLY:

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

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

5 5-4B-06.

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

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

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

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

17 (III) THE REPORT OF THE DECREE OR JUDGMENT OF ADOPTION
18 FILED BY THE CLERK OF THE COURT UNDER § 4-211 OF THE HEALTH - GENERAL
19 ARTICLE.

20 (2) TO APPLY FOR A COPY OF A RECORD LISTED IN PARAGRAPH (1) OF
21 THIS SUBSECTION, A CONFIDENTIAL INTERMEDIARY SHALL SUBMIT TO THE
22 SECRETARY OF HEALTH AND MENTAL HYGIENE A WRITTEN STATEMENT SIGNED BY
23 THE DIRECTOR AND WITNESSED BY A NOTARY PUBLIC THAT AUTHORIZES THE
24 CONFIDENTIAL INTERMEDIARY TO OBTAIN INFORMATION NECESSARY TO LOCATE
25 AN INDIVIDUAL SOUGHT BY AN APPLICANT.

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

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

34 (2) TO HAVE ACCESS TO INFORMATION CONTAINED IN A PUBLIC
35 RECORD, A CONFIDENTIAL INTERMEDIARY SHALL SUBMIT TO THE CUSTODIAN OF A
36 PUBLIC RECORD A WRITTEN STATEMENT SIGNED BY THE DIRECTOR AND
37 WITNESSED BY A NOTARY PUBLIC THAT AUTHORIZES THE CONFIDENTIAL

1 INTERMEDIARY TO OBTAIN INFORMATION NECESSARY TO LOCATE AN INDIVIDUAL
2 SOUGHT BY AN APPLICANT.

3 (3) IF A CONFIDENTIAL INTERMEDIARY COMPLIES WITH PARAGRAPH (2)
4 OF THIS SUBSECTION, A CUSTODIAN SHALL PERMIT INSPECTION OF A PUBLIC
5 RECORD REQUESTED UNDER THIS SUBSECTION BY THE CONFIDENTIAL
6 INTERMEDIARY.

7 5-4B-07.

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

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

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

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

17 (4) THE INDIVIDUAL SOUGHT BY THE CONFIDENTIAL INTERMEDIARY IS
18 DECEASED.

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

21 5-4B-08.

22 (A) (1) IF AN INDIVIDUAL CONTACTED BY A CONFIDENTIAL INTERMEDIARY
23 CONSENTS TO THE DISCLOSURE OF ANY INFORMATION, THE CONFIDENTIAL
24 INTERMEDIARY SHALL OBTAIN THE WRITTEN CONSENT OF THE INDIVIDUAL
25 WITNESSED BY A NOTARY PUBLIC.

26 (2) THE WRITTEN CONSENT SHALL SPECIFY THE NATURE OF THE
27 INFORMATION TO BE DISCLOSED.

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

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

1 5-4B-09.

2 IF AN INDIVIDUAL CONTACTED BY A CONFIDENTIAL INTERMEDIARY DOES NOT
3 CONSENT TO THE DISCLOSURE OF ANY INFORMATION, THE CONFIDENTIAL
4 INTERMEDIARY:

5 (1) MAY NOT DISCLOSE ANY INFORMATION CONCERNING THE
6 INDIVIDUAL CONTACTED;

7 (2) SHALL REFRAIN FROM FURTHER AND SUBSEQUENT INQUIRY WITH
8 THE INDIVIDUAL CONTACTED; AND

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

11 5-4B-10.

12 (A) IF A CONFIDENTIAL INTERMEDIARY FILES A REPORT UNDER § 5-4B-07 OF
13 THIS SUBTITLE STATING THAT AN INDIVIDUAL SOUGHT HAS NOT BEEN LOCATED,
14 THE CONFIDENTIAL INTERMEDIARY SHALL CONTINUE TO MAKE REASONABLE
15 ATTEMPTS TO CONTACT THE INDIVIDUAL SOUGHT FOR THE PERIOD SPECIFIED IN
16 THE SEARCH, CONTACT, AND REUNION SERVICES AGREEMENT EXECUTED IN
17 ACCORDANCE WITH § 5-4B-05 OF THIS SUBTITLE.

18 (B) IF THE CONFIDENTIAL INTERMEDIARY IS UNSUCCESSFUL AT LOCATING
19 THE INDIVIDUAL SOUGHT WITHIN THE PERIOD SPECIFIED IN THE SEARCH,
20 CONTACT, AND REUNION SERVICES AGREEMENT, THE CONFIDENTIAL
21 INTERMEDIARY SHALL FILE A REPORT WITH THE DIRECTOR STATING THE FAILURE
22 TO LOCATE THE INDIVIDUAL SOUGHT.

23 5-4B-11.

24 (A) IF AN INDIVIDUAL SOUGHT BY A CONFIDENTIAL INTERMEDIARY IS
25 DECEASED, THE CONFIDENTIAL INTERMEDIARY MAY NOT DISCLOSE THE IDENTITY
26 OF THE DECEASED TO THE INDIVIDUAL WHO APPLIED FOR SEARCH, CONTACT, AND
27 REUNION SERVICES.

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

31 5-4B-12.

32 THE DIRECTOR SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS
33 OF THIS SUBTITLE, INCLUDING REGULATIONS CONCERNING:

34 (1) THE APPLICATION PROCESS FOR SEARCH, CONTACT, AND REUNION
35 SERVICES;

36 (2) QUALIFICATIONS FOR A CONFIDENTIAL INTERMEDIARY;

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

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

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

7 5-3A-01.

8 THIS SUBTITLE SHALL APPLY TO ADOPTIONS FINALIZED ON OR AFTER
9 JANUARY 1, 2000.

10 5-3A-02.

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

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

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

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

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

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

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

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

30 5-3A-03.

31 AN APPLICANT UNDER THIS SUBTITLE SHALL:

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

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

3 5-3A-04.

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

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

14 (C) IF THE APPLICANT IS A BIOLOGICAL PARENT AND A DISCLOSURE VETO
15 HAS BEEN FILED IN ACCORDANCE WITH § 5-3A-05 OF THIS SUBTITLE BY THE
16 ADOPTED INDIVIDUAL, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL
17 DELETE FROM THE COPY OF A REQUESTED RECORD ANY INFORMATION
18 CONCERNING:

19 (1) THE ADOPTED INDIVIDUAL; AND

20 (2) THE ADOPTIVE PARENTS.

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

26 5-3A-05.

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

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

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

1 5-3A-06.

2 NOTHING IN THIS SUBTITLE PROHIBITS:

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

6 (2) THE DIRECTOR OF THE SOCIAL SERVICES ADMINISTRATION OF THE
7 DEPARTMENT OF HUMAN RESOURCES OR A CONFIDENTIAL INTERMEDIARY FROM
8 OBTAINING A COPY OF A CERTIFICATE OF BIRTH OR OTHER RECORD UNDER §
9 5-4B-04(C) OR § 5-4B-06(B) OR (C) OF THIS TITLE.

10 5-3A-07.

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

13 5-314.

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

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

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

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

22 **Article - Health - General**

23 4-211.

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
28 to 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

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

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

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

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

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

11 (1) Each decree of adoption;

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

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

16 4-217.

17 (a) (1) Except as provided in subsection (b) of this section, the Secretary
18 shall provide, on request, any person authorized by regulations adopted under this
19 subtitle with a certified or abridged copy of a birth, death, or fetal death certificate
20 registered under this subtitle or of the certificate of a marriage performed after June
21 1, 1951.

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

25 (ii) The Department shall set a fee for the commemorative birth
26 certificate.

27 (iii) The commemorative birth certificate shall:

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

30 2. Have the same status as evidence as the original birth
31 certificate.

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

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

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

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

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

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

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

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

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

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

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

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