

SENATE BILL 276

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1998 Regular Session
8lr0544

By: **Senator Forehand**

Introduced and read first time: February 3, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Mutual Consent Voluntary Adoption Registry - Disclosure of Nonidentifying**
3 **Information**

4 FOR the purpose of authorizing certain individuals to register with the Mutual
5 Consent Voluntary Adoption Registry for purposes of disclosing or receiving
6 nonidentifying information; requiring registrants to provide certain
7 information; authorizing registrants to withdraw from the Registry under
8 certain circumstances; authorizing the Social Services Administration to obtain
9 certain information for purposes of identifying certain individuals; prohibiting
10 the Administration from obtaining information regarding certain individuals;
11 requiring the Administration to attempt to match registrants and to disclose
12 certain information to registrants under certain circumstances; requiring the
13 court that issued the adoption decree to order that the Administration have
14 access to court records under certain circumstances for certain purposes;
15 defining a certain term; and generally relating to the Mutual Consent Voluntary
16 Adoption Registry.

17 BY repealing and reenacting, with amendments,
18 Article - Family Law
19 Section 5-4A-01, 5-4A-02, 5-4A-06, and 5-4A-07
20 Annotated Code of Maryland
21 (1991 Replacement Volume and 1997 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Family Law
24 Section 5-4A-03, 5-4A-04, and 5-4A-05
25 Annotated Code of Maryland
26 (1991 Replacement Volume and 1997 Supplement)

27 BY adding to
28 Article - Family Law
29 Section 5-4A-06.1 and 5-4A-07.1
30 Annotated Code of Maryland

1 (1991 Replacement Volume and 1997 Supplement)

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

4 **Article - Family Law**

5 5-4A-01.

6 (a) In this subtitle the following words have the meanings indicated.

7 (b) "Administration" means the Social Services Administration of the
8 Department.

9 (c) "Adoptee" means an individual:

10 (1) who was adopted in this State; or

11 (2) who was placed for adoption by:

12 (i) a child placement agency licensed in this State; or

13 (ii) a local department.

14 (d) "Director" means the Director of the Administration.

15 (e) "Identifying information" means information that reveals the identity or
16 location of an adoptee, the natural parents of an adoptee, or a natural sibling.

17 (f) "Local department" means a local department of social services for a
18 county.

19 (g) "Natural father" means a man who:

20 (1) was married to the adoptee's natural mother at the time of
21 conception;

22 (2) was married to the adoptee's natural mother at the time of the
23 adoptee's birth;

24 (3) was named as the father on the adoptee's pre-adoption birth
25 certificate, unless the man has signed a denial of paternity or his nonpaternity has
26 been determined by a court;

27 (4) was identified by the natural mother as the father of the adoptee,
28 unless the man has signed a denial of paternity or his nonpaternity has been
29 determined by a court;

30 (5) has been adjudicated to be the father of the adoptee; or

1 (6) has acknowledged himself orally or in writing to be the father of the
2 adoptee.

3 (H) (1) "NONIDENTIFYING INFORMATION" MEANS INFORMATION THAT
4 DOES NOT REVEAL THE IDENTITY OR LOCATION OF AN ADOPTEE, THE NATURAL
5 PARENTS OF AN ADOPTEE, OR A NATURAL SIBLING OF AN ADOPTEE.

6 (2) "NONIDENTIFYING INFORMATION" INCLUDES MEDICAL AND FAMILY
7 HISTORY INFORMATION.

8 [(h)] (I) "Registry" means the Mutual Consent Voluntary Adoption Registry.

9 [(i)] (J) "Natural sibling" means an individual who is at least 21 years old
10 and shares 1 or both natural parents with an adoptee.

11 5-4A-02.

12 The purpose of this subtitle is to:

13 (1) establish within the Administration a Mutual Consent Voluntary
14 Adoption Registry where natural parents, adoptees, and natural siblings may register
15 if they wish to have identifying information OR NONIDENTIFYING INFORMATION
16 released to each other; and

17 (2) provide for the disclosure of identifying information OR
18 NONIDENTIFYING INFORMATION to natural parents, adoptees, and natural siblings
19 who have registered with the Mutual Consent Voluntary Adoption Registry.

20 5-4A-03.

21 (a) The Director shall:

22 (1) establish and maintain a Mutual Consent Voluntary Adoption
23 Registry;

24 (2) adopt rules and regulations to carry out the provisions of this
25 subtitle; and

26 (3) set and assess a reasonable fee for registrants, except that an
27 individual may not be denied registration solely because of an inability to pay the fee.

28 (b) The Director may contract with child placement agencies in this State to
29 perform specific duties under this subtitle.

30 5-4A-04.

31 (a) Except as otherwise provided in this subtitle, or pursuant to a court order,
32 the Administration may not disclose information contained in the Registry.

1 (b) The Administration shall retain affidavits and other information collected
2 concerning a registrant until the date specified by the registrant, or for 99 years after
3 the date of registration, whichever occurs first.

4 5-4A-05.

5 Only the following individuals may register with the Registry:

6 (1) an adoptee:

7 (i) who is at least 21 years of age; and

8 (ii) who does not have a natural sibling under the age of 21 years
9 who has the same adoptive parents;

10 (2) a natural mother;

11 (3) a natural father; and

12 (4) a natural sibling.

13 5-4A-06.

14 (a) (1) To register with the Registry FOR THE PURPOSE OF EXCHANGING
15 IDENTIFYING INFORMATION, an individual shall submit a notarized affidavit
16 containing the following information:

17 (i) the individual's current name and any previous name by which
18 the individual was known;

19 (ii) the individual's address and telephone number;

20 (iii) if the individual is a natural parent of the adoptee, the original
21 and adopted names, if known, of the adoptee;

22 (iv) if the individual is an adoptee who is seeking information
23 regarding the adoptee's natural parents, any names, if known, by which the natural
24 parents are or were known;

25 (v) if the individual is an adoptee who is seeking information
26 regarding a natural sibling, any names, if known, by which the natural sibling is or
27 was known;

28 (vi) if known, the place and date of birth of the adoptee;

29 (vii) if known, the name and address of the child placement agency
30 or local department, if any, that placed the adoptee;

31 (viii) if known, the names of the adoptive parents of the adoptee;

1 (ix) the name and address of the court that issued the adoption or
2 guardianship decree; and

3 (x) a statement of the individual's consent to be identified to other
4 registrants.

5 (2) A registrant shall notify the Administration of changes in information
6 occurring after the affidavit is filed.

7 (3) A registrant may withdraw from the Registry at any time by
8 submitting a notarized affidavit to that effect to the Administration.

9 (b) (1) The Administration shall obtain information necessary for
10 identifying an adoptee, a natural mother of an adoptee, a natural father, or a natural
11 sibling.

12 (2) The Administration may not obtain information regarding:

13 (i) the adoptive parents of the adoptee;

14 (ii) a child of the adoptive parents who is not a natural sibling; or

15 (iii) the financial status of the adoptive parents of the adoptee.

16 5-4A-06.1.

17 (A) TO REGISTER WITH THE REGISTRY FOR THE PURPOSE OF DISCLOSING
18 NONIDENTIFYING INFORMATION TO AN INDIVIDUAL WHO REGISTERS UNDER THIS
19 SECTION, OR RECEIVING NONIDENTIFYING INFORMATION FROM AN INDIVIDUAL
20 WHO REGISTERS UNDER THIS SECTION, OR BOTH, AN INDIVIDUAL SHALL SUBMIT A
21 NOTARIZED AFFIDAVIT CONTAINING THE FOLLOWING INFORMATION:

22 (1) THE CURRENT NAME OF THE INDIVIDUAL AND ANY PREVIOUS NAME
23 BY WHICH THE INDIVIDUAL WAS KNOWN;

24 (2) THE ADDRESS AND TELEPHONE NUMBER OF THE INDIVIDUAL;

25 (3) IF THE INDIVIDUAL IS A NATURAL PARENT OF THE ADOPTEE, THE
26 ORIGINAL AND ADOPTED NAMES, IF KNOWN, OF THE ADOPTEE;

27 (4) IF THE INDIVIDUAL IS AN ADOPTEE WHO IS SEEKING INFORMATION
28 REGARDING THE NATURAL PARENTS OF THE ADOPTEE, ANY NAMES, IF KNOWN, BY
29 WHICH THE NATURAL PARENTS ARE OR WERE KNOWN;

30 (5) IF THE INDIVIDUAL IS AN ADOPTEE WHO IS SEEKING INFORMATION
31 REGARDING A NATURAL SIBLING, ANY NAMES, IF KNOWN, BY WHICH THE NATURAL
32 SIBLING IS OR WAS KNOWN;

33 (6) IF KNOWN, THE PLACE AND DATE OF BIRTH OF THE ADOPTEE;

1 (7) IF KNOWN, THE NAME AND ADDRESS OF THE CHILD PLACEMENT
2 AGENCY OR LOCAL DEPARTMENT, IF ANY, THAT PLACED THE ADOPTEE;

3 (8) IF KNOWN, THE NAMES OF THE ADOPTIVE PARENTS OF THE
4 ADOPTEE;

5 (9) THE NAME AND ADDRESS OF THE COURT THAT ISSUED THE
6 ADOPTION OR GUARDIANSHIP DECREE; AND

7 (10) ANY NONIDENTIFYING INFORMATION THAT THE INDIVIDUAL
8 WISHES TO DISCLOSE AND A STATEMENT OF THE CONSENT OF THE INDIVIDUAL TO
9 THE DISCLOSURE OF THAT INFORMATION.

10 (B) A REGISTRANT SHALL NOTIFY THE ADMINISTRATION OF CHANGES IN
11 INFORMATION OCCURRING AFTER THE AFFIDAVIT IS FILED.

12 (C) A REGISTRANT MAY WITHDRAW FROM THE REGISTRY AT ANY TIME BY
13 SUBMITTING A NOTARIZED AFFIDAVIT TO THAT EFFECT TO THE ADMINISTRATION.

14 (D) (1) THE ADMINISTRATION SHALL OBTAIN INFORMATION NECESSARY
15 FOR IDENTIFYING AN ADOPTEE, A NATURAL MOTHER, A NATURAL FATHER, OR A
16 NATURAL SIBLING.

17 (2) THE ADMINISTRATION MAY NOT OBTAIN INFORMATION REGARDING:

18 (I) THE ADOPTIVE PARENTS OF THE ADOPTEE;

19 (II) A CHILD OF THE ADOPTIVE PARENTS WHO IS NOT A NATURAL
20 SIBLING; OR

21 (III) THE FINANCIAL STATUS OF THE ADOPTIVE PARENTS OF THE
22 ADOPTEE.

23 5-4A-07.

24 (a) On receipt of an affidavit SUBMITTED UNDER § 5-4A-06 OF THIS SUBTITLE,
25 the Administration shall:

26 (1) attempt to match registrants or to provide matching information; and

27 (2) if a match is made, direct the child placement agency, if known, or the
28 local department, if there is no known child placement agency, to notify the
29 registrants through a confidential contact.

30 (b) (1) Except as otherwise provided in this subsection, a match is made
31 when:

32 (i) an adoptee and the adoptee's natural mother and natural father
33 register UNDER § 5-4A-06 OF THIS SUBTITLE; or

1 (ii) 2 or more natural siblings register UNDER § 5-4A-06 OF THIS
2 SUBTITLE.

3 (2) A match is made when an adoptee and only 1 natural parent of the
4 adoptee register UNDER § 5-4A-06 OF THIS SUBTITLE if:

5 (i) notice of the filing of the petition for adoption or guardianship
6 was given to the nonregistering parent and the parent did not participate in the
7 judicial proceedings that terminated the parent-child relationship or declared the
8 parent-child relationship was nonexistent;

9 (ii) an adoptee and the natural mother of the adoptee register and
10 there is no known natural father;

11 (iii) the natural mother of the adoptee, or in the case of an agency
12 adoption, the agency submits, or the Administration obtains from a court of
13 competent jurisdiction in the state of the adoptee's birth or adoption, a copy of a
14 judgment that declares that the identity of the natural father is unknown;

15 (iv) the Administration has information that indicates that the
16 other natural parent is dead;

17 (v) notice of the filing of the petition for adoption or guardianship
18 was not given to the nonregistering natural parent of the adoptee; or

19 (vi) 1 year has elapsed since the registering natural parent filed the
20 affidavit and the nonregistering natural parent has not filed a notarized affidavit
21 stating the nonregistering parent's refusal to permit the match.

22 (3) Matching information is provided:

23 (i) if both natural parents are deceased; and

24 (ii) if only an adoptee has registered.

25 (c) (1) In order to make a match or provide matching information, the
26 Administration may inquire into the records of a child placement agency, local
27 department, or court that issued an adoption or guardianship decree.

28 (2) The court that issued the adoption decree shall order that the
29 Administration have access to court records on receipt of a petition from the
30 Administration that states that review of the records is needed in order to make a
31 match or to provide matching information under this section.

32 5-4A-07.1.

33 (A) ON RECEIPT OF AN AFFIDAVIT SUBMITTED UNDER § 5-4A-06.1 OF THIS
34 SUBTITLE, THE ADMINISTRATION SHALL:

35 (1) ATTEMPT TO MATCH REGISTRANTS; AND

1 (2) IF A MATCH IS MADE, DISCLOSE THE NONIDENTIFYING
2 INFORMATION SPECIFIED IN A CONSENT OBTAINED FROM A REGISTRANT UNDER §
3 5-4A-06.1 TO THE OTHER REGISTRANT.

4 (B) FOR PURPOSES OF THIS SECTION, A MATCH IS MADE WHEN AN ADOPTEE
5 AND ANY OF THE FOLLOWING INDIVIDUALS REGISTER UNDER § 5-4A-06.1 OF THIS
6 SUBTITLE:

7 (1) THE NATURAL MOTHER OF THE ADOPTEE;

8 (2) THE NATURAL FATHER OF THE ADOPTEE; OR

9 (3) A NATURAL SIBLING OF THE ADOPTEE.

10 (C) (1) IN ORDER TO MAKE A MATCH, THE ADMINISTRATION MAY INQUIRE
11 INTO THE RECORDS OF A CHILD PLACEMENT AGENCY, LOCAL DEPARTMENT, OR
12 COURT THAT ISSUED AN ADOPTION OR GUARDIANSHIP DECREE.

13 (2) THE COURT THAT ISSUED THE ADOPTION DECREE SHALL ORDER
14 THAT THE ADMINISTRATION HAVE ACCESS TO COURT RECORDS ON RECEIPT OF A
15 PETITION FROM THE ADMINISTRATION THAT STATES THAT REVIEW OF THE
16 RECORDS IS NEEDED IN ORDER TO MAKE A MATCH UNDER THIS SECTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1998.