
By: **Delegates Turner, Grosfeld, Barkley, Dembrow, D'Amato, Pendergrass, Montague, Love, Bobo, Giannetti, Cole, Zirkin, Healey, Gladden, Valderrama, Menes, Proctor, Conroy, Frush, Cane, Phillips, Paige, Hubers, Marriott, Howard, Pitkin, Benson, V. Jones, Dobson, Petzold, Shriver, and James**

Introduced and read first time: January 28, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Adoption Search, Contact, and Reunion Services - Disclosure of Identity of**
3 **Deceased**

4 FOR the purpose of requiring a confidential intermediary providing adoption search,
5 contact, and reunion services within the Social Services Administration to
6 disclose the identity of a deceased individual to an applicant for search, contact,
7 and reunion services under certain circumstances; requiring a confidential
8 intermediary to submit a certain request to the Secretary of Health and Mental
9 Hygiene under certain circumstances; requiring the Secretary of Health and
10 Mental Hygiene to provide certain information to a confidential intermediary
11 under certain circumstances; prohibiting a confidential intermediary from
12 disclosing the identity of a deceased individual to an applicant for search,
13 contact, and reunion services under certain circumstances; and generally
14 relating to adoption search, contact, and reunion services.

15 BY repealing and reenacting, without amendments,
16 Article - Family Law
17 Section 5-3A-01, 5-3A-02, and 5-3A-05
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 1999 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Family Law
22 Section 5-4B-11
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 1999 Supplement)

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

1

Article - Family Law

2 5-3A-01.

3 This subtitle shall apply to adoptions finalized on or after January 1, 2000.

4 5-3A-02.

5 (a) An adopted individual at least 21 years old may apply to the Secretary of
6 Health and Mental Hygiene for a copy of the following:7 (1) the original certificate of birth and any records that relate to the new
8 certificate of birth of the adopted individual; and9 (2) the report of the decree or judgment of adoption filed by the clerk of
10 the court under § 4-211 of the Health - General Article.11 (b) If an adopted individual is at least 21 years old, a biological parent of the
12 adopted individual may apply to the Secretary of Health and Mental Hygiene for a
13 copy of the following:14 (1) the original certificate of birth and any records that relate to the new
15 certificate of birth of the adopted individual;16 (2) the new certificate of birth that was substituted for the original
17 certificate of birth of the adopted individual under § 4-211 of the Health - General
18 Article; and19 (3) the report of the decree or judgment of adoption filed by the clerk of
20 the court under § 4-211 of the Health - General Article.21 (c) The Secretary of Health and Mental Hygiene shall inform an applicant
22 under this section of the availability of adoption search, contact, and reunion services
23 under Subtitle 4B of this title.

24 5-3A-05.

25 (a) A biological parent may file with the Secretary of Health and Mental
26 Hygiene a disclosure veto prohibiting the disclosure of any information concerning
27 that parent that is contained in a record described in § 5-3A-02 of this subtitle.28 (b) An adopted individual at least 20 years old may file with the Secretary of
29 Health and Mental Hygiene a disclosure veto prohibiting the disclosure of any
30 information concerning that individual that is contained in a record described in §
31 5-3A-02 of this subtitle.32 (c) An individual authorized to file a disclosure veto under subsection (a) or
33 (b) of this section may cancel or refile a disclosure veto at any time.

1 5-4B-11.

2 (a) [If] FOR ADOPTIONS FINALIZED BEFORE JANUARY 1, 2000, IF AN
3 individual sought by a confidential intermediary is deceased, the confidential
4 intermediary [may not] SHALL disclose the identity of the deceased to the individual
5 who applied for search, contact, and reunion services.

6 (b) (1) FOR ADOPTIONS FINALIZED ON OR AFTER JANUARY 1, 2000, IF AN
7 INDIVIDUAL SOUGHT BY A CONFIDENTIAL INTERMEDIARY IS DECEASED, THE
8 CONFIDENTIAL INTERMEDIARY SHALL SUBMIT TO THE SECRETARY OF HEALTH AND
9 MENTAL HYGIENE A WRITTEN REQUEST SIGNED BY THE DIRECTOR INQUIRING
10 WHETHER A DISCLOSURE VETO HAS BEEN FILED BY THE DECEASED UNDER §
11 5-3A-05 OF THIS TITLE.

12 (2) ON RECEIPT OF A WRITTEN REQUEST, THE SECRETARY OF HEALTH
13 AND MENTAL HYGIENE SHALL NOTIFY THE CONFIDENTIAL INTERMEDIARY IN
14 WRITING AS TO WHETHER A DISCLOSURE VETO HAS BEEN FILED BY THE DECEASED.

15 (3) IF A DISCLOSURE VETO HAS NOT BEEN FILED BY THE DECEASED,
16 THE CONFIDENTIAL INTERMEDIARY SHALL DISCLOSE THE IDENTITY OF THE
17 DECEASED TO THE INDIVIDUAL WHO APPLIED FOR SEARCH, CONTACT, AND
18 REUNION SERVICES.

19 (4) [The] IF A DISCLOSURE VETO HAS BEEN FILED BY THE DECEASED,
20 THE confidential intermediary MAY NOT DISCLOSE THE IDENTITY OF THE DECEASED
21 AND shall report ONLY the fact that the individual sought is deceased to the
22 individual who applied for search, contact, and reunion services.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2000.