

HOUSE BILL 461

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2000 Regular Session
0lr0206

By: **Delegates Turner, Grosfeld, Pendergrass, V. Jones, Hubers, D'Amato, Dembrow, Cole, Gladden, Montague, Giannetti, James, Zirkin, Proctor, Valderrama, Barkley, Hecht, Branch, Dewberry, Bronrott, Shriver, Heller, Frush, Gordon, Mandel, Healey, Howard, Moe, Swain, Pitkin, Patterson, Paige, Krysiak, Phillips, Marriott, R. Baker, Klausmeier, Cane, Burns, Benson, and Petzold**

Introduced and read first time: February 4, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Adoption Search, Contact, and Reunion Services - Siblings**

3 FOR the purpose of expanding provisions of law concerning adoption search, contact,
4 and reunion services within the Social Services Administration to include
5 services to locate siblings of adopted individuals, to assess the mutual desire for
6 communication or disclosure of information between adopted individuals and
7 siblings of adopted individuals, and to provide or provide referral to counseling
8 for siblings of adopted individuals; authorizing a sibling of an adopted individual
9 to apply to receive adoption search, contact, and reunion services under certain
10 circumstances; requiring a confidential intermediary to attempt to contact a
11 sibling of an adopted individual under certain circumstances; requiring the
12 Director of the Social Services Administration to adopt regulations concerning a
13 certain agreement between a confidential intermediary and a sibling of an
14 adopted individual; establishing that the consent of a natural parent to either
15 an adoption or guardianship of a child is not valid unless the consent contains a
16 certain notice; defining a certain term; altering a certain definition; and
17 generally relating to adoption search, contact, and reunion services.

18 BY repealing and reenacting, with amendments,
19 Article - Family Law
20 Section 5-314(a), 5-4B-01(f), 5-4B-02(a), 5-4B-05, and 5-4B-12
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 1999 Supplement)

23 BY adding to
24 Article - Family Law
25 Section 5-4B-01(g)
26 Annotated Code of Maryland
27 (1999 Replacement Volume and 1999 Supplement)

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

3 **Article - Family Law**

4 5-314.

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

7 (1) the right to revoke consent under § 5-311 or § 5-317 of this subtitle;

8 (2) the search rights of adopted individuals and biological parents under
9 [Subtitles 3A and 4B] SUBTITLE 3A of this title AND THE SEARCH RIGHTS OF
10 ADOPTED INDIVIDUALS, BIOLOGICAL PARENTS, AND SIBLINGS UNDER SUBTITLE 4B
11 OF THIS TITLE; and

12 (3) the right to file a disclosure veto under § 5-3A-05 of this title.

13 5-4B-01.

14 (f) "Search, contact, and reunion services" means services:

15 (1) to locate adopted individuals [and], biological parents of adopted
16 individuals, AND SIBLINGS OF ADOPTED INDIVIDUALS;

17 (2) to assess the mutual desire for communication or disclosure of
18 information between adopted individuals and biological parents of adopted
19 individuals OR BETWEEN ADOPTED INDIVIDUALS AND SIBLINGS OF ADOPTED
20 INDIVIDUALS; and

21 (3) to provide, or provide referral to, counseling for adopted individuals
22 [and], biological parents of adopted individuals, AND SIBLINGS OF ADOPTED
23 INDIVIDUALS.

24 (G) "SIBLING" MEANS A BROTHER OR SISTER OF THE WHOLE OR HALF BLOOD.
25 5-4B-02.

26 (a) (1) An adopted individual at least 21 years old may apply to the Director
27 to receive search, contact, and reunion services.

28 (2) If an adopted individual is at least 21 years old, [a biological parent
29 of the adopted individual] THE FOLLOWING INDIVIDUALS may apply to the Director
30 to receive search, contact, and reunion services:

31 (I) A BIOLOGICAL PARENT OF THE ADOPTED INDIVIDUAL; AND

32 (II) A SIBLING OF THE ADOPTED INDIVIDUAL, IF THE SIBLING IS AT
33 LEAST 21 YEARS OLD.

1 5-4B-05.

2 (a) An individual who applies for search, contact, and reunion services shall
3 execute a written agreement with a confidential intermediary concerning the
4 provision of search, contact, and reunion services.

5 (b) (1) The confidential intermediary may charge the individual a
6 reasonable fee for search, contact, and reunion services.

7 (2) The overall amount of fees collected may not exceed the costs of
8 providing the services.

9 (c) The confidential intermediary shall promptly:

10 (1) file the executed agreement with the Director; and

11 (2) attempt to contact [either] the adopted individual [or], the
12 biological parent, OR THE SIBLING sought by the applicant.

13 5-4B-12.

14 The Director shall adopt regulations to implement the provisions of this subtitle,
15 including regulations concerning:

16 (1) the application process for search, contact, and reunion services;

17 (2) qualifications for a confidential intermediary;

18 (3) the agreement for search, contact, and reunion services executed by a
19 confidential intermediary and an adopted individual [or], biological parent, OR
20 SIBLING; and

21 (4) the delivery and scope of search, contact, and reunion services.

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