

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 295 (Delegate Turner. *et al.*)

Judiciary

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

This bill requires that for adoptions finalized before January 1, 2000, a confidential intermediary providing adoption search, contact, and reunion services must disclose the identity of a deceased individual to the individual who applied for the service. If the adoption was finalized after January 1, 2000, the intermediary must submit a written inquiry to the Secretary of Health and Mental Hygiene to determine whether a disclosure veto was filed by the deceased. If the deceased did not file a disclosure veto, the confidential intermediary must disclose the identity of a deceased individual. If the deceased did file a disclosure veto, the confidential intermediary must not disclose the identity of the deceased, and can only indicate to the individual who applied for the adoption search, contact, and reunion services that the individual sought is deceased.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources. The FY 2001 allowance for the Division of Vital Records includes additional funding for staff and equipment to improve customer service and achieve more accurate record keeping.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 679 of 1998 provides that the Social Services Administration (SSA) of the Maryland Department of Human Resources (DHR) must provide adoption search, contact, and reunion services. Adopted individuals and biological parents over 21 years of age are currently allowed to apply for these services through the use of an approved confidential intermediary. The Division of Vital Records (DVR) in the Department of Health and Mental Hygiene (DHMH) maintains both birth certificates and death certificates for the State. Chapter 679 provides for the release of birth and adoption records under certain circumstances for those adoptions finalized before January 1, 2000, and provides for a less restrictive release of records requested for adoptions finalized after January 1, 2000.

Background: This bill expands the SSA's current adoption search, contact, and reunion services criteria to include the release of information on a deceased individual. Prior to 1998, the original birth certificate and a report of the decree or judgement of adoption were under seal and not open to inspection by any person, except by court order. However, an adopted individual, sibling, or birth parent could access non-identifying medical information pertaining to the adoption or could register with the Mutual Consent Voluntary Adoption Registry through SSA.

State Fiscal Effect: The Division of Vital Records advises of the need for a full-time administrative specialist II and a programming analyst I. These two positions would be responsible for managing disclosure vetoes, ensuring compliance with legal mandates, searching death records, ensuring the proper release of death records, and developing and maintaining a database to track the release of data.

The Department of Legislative Services believes that DVR could accomplish the required disclosure of information on deceased individuals for the Adoption Search, Contact, and Reunion Services with existing budgeted staff and resources. Staff and resources were provided in fiscal 1999 and fiscal 2000. In addition, the fiscal 2001 budget allowance includes \$300,000, of which \$152,000 is for four additional contractual support positions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Human Resources, Department of Legislative Services

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