

HOUSE BILL 395

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HB 461/00 - JUD

2001 Regular Session  
11r0705

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

Introduced and read first time: February 1, 2001  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

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

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

15 BY repealing and reenacting, with amendments,  
16 Article - Family Law  
17 Section 5-314(a), 5-4B-01(f), 5-4B-02(a), 5-4B-05, and 5-4B-12  
18 Annotated Code of Maryland  
19 (1999 Replacement Volume and 2000 Supplement)

20 BY adding to  
21 Article - Family Law  
22 Section 5-4B-01(g)  
23 Annotated Code of Maryland  
24 (1999 Replacement Volume and 2000 Supplement)

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

**Article - Family Law**

2 5-314.

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

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

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

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

11 5-4B-01.

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

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

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

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

22 (G) "SIBLING" MEANS A BROTHER OR SISTER OF THE WHOLE OR HALF BLOOD.  
23 5-4B-02.

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

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

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

30 (II) A SIBLING OF THE ADOPTED INDIVIDUAL, IF THE SIBLING IS AT  
31 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, 2001.