

HOUSE BILL 395

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HB 461/00 - JUD

2001 Regular Session
11r0705

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

Committee Report: Favorable
House action: Adopted
Read second time: February 28, 2001

CHAPTER _____

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

1 Article - Family Law
2 Section 5-4B-01(g)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2000 Supplement)

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

7 **Article - Family Law**

8 5-314.

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

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

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

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

17 5-4B-01.

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

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

21 (2) to assess the mutual desire for communication or disclosure of
22 information between adopted individuals and biological parents of adopted
23 individuals OR BETWEEN ADOPTED INDIVIDUALS AND SIBLINGS OF ADOPTED
24 INDIVIDUALS; and

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

28 (G) "SIBLING" MEANS A BROTHER OR SISTER OF THE WHOLE OR HALF BLOOD.
29 5-4B-02.

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

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

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

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

4 5-4B-05.

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

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

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

12 (c) The confidential intermediary shall promptly:

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

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

16 5-4B-12.

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

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

20 (2) qualifications for a confidential intermediary;

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2001.

