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By: **Delegates Turner, R. Baker, Barkley, Bobo, Boschert, Branch, Burns, Carlson, Cole, D'Amato, Doory, Franchot, Giannetti, Gladden, Grosfeld, Hecht, Hubers, James, A. Jones, V. Jones, Kopp, Menes, Montague, Morhaim, Owings, Pendergrass, Petzold, Pitkin, Proctor, Riley, and Valderrama**

Introduced and read first time: January 17, 2002  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of expanding adoption search, contact, and reunion services within  
4 the Social Services Administration to include services to search for, contact, and  
5 facilitate reunions with siblings of adopted individuals, relatives of biological  
6 parents, and members of the adoptive family under certain circumstances;  
7 authorizing a confidential intermediary providing adoption search, contact, and  
8 reunion services to attempt to contact a sibling of an adopted individual, a  
9 relative of a biological parent, or a member of the adoptive family under certain  
10 circumstances; requiring a certain consent to be included in a certain written  
11 agreement; requiring a confidential intermediary to include certain information  
12 in a certain report filed with the Director of the Social Services Administration  
13 under certain circumstances; requiring an applicant for search, contact, and  
14 reunion services to execute an additional written agreement with a confidential  
15 intermediary under certain circumstances; authorizing a confidential  
16 intermediary to charge a certain fee for certain services; requiring a confidential  
17 intermediary to file a certain agreement with the Director and attempt to  
18 contact certain individuals under certain circumstances; defining certain terms;  
19 altering certain definitions; and generally relating to adoption search, contact,  
20 and reunion services.

21 BY repealing and reenacting, with amendments,  
22 Article - Family Law  
23 Section 5-4B-01, 5-4B-05, 5-4B-07, 5-4B-10, and 5-4B-11  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume and 2001 Supplement)

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

1 **Article - Family Law**

2 5-4B-01.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Administration" means the Social Services Administration of the  
5 Department.

6 (c) "Child placement agency" has the meaning stated in § 5-301 of this title.

7 (d) "Confidential intermediary" means an individual or child placement  
8 agency qualified by the Director for the purpose of providing search, contact, and  
9 reunion services under this subtitle.

10 (e) "Director" means the Director of the Administration.

11 (F) "MEMBER OF THE ADOPTIVE FAMILY" MEANS AN ADOPTIVE PARENT,  
12 GRANDPARENT, BROTHER, OR SISTER OF AN ADOPTED INDIVIDUAL.13 (G) "RELATIVE" MEANS A PARENT, SIBLING, CHILD, AUNT, OR UNCLE OF A  
14 BIOLOGICAL PARENT.

15 [(f)] (H) "Search, contact, and reunion services" means services:

16 (1) to locate adopted individuals [and], biological parents of adopted  
17 individuals, AND, AS PROVIDED IN §§ 5-4B-05 AND 5-4B-11 OF THIS SUBTITLE,  
18 SIBLINGS OF ADOPTED INDIVIDUALS, RELATIVES, AND MEMBERS OF THE ADOPTIVE  
19 FAMILY;20 (2) to assess the mutual desire for communication or disclosure of  
21 information between adopted individuals and biological parents of adopted  
22 individuals AND, AS PROVIDED IN §§ 5-4B-05 AND 5-4B-11 OF THIS SUBTITLE,  
23 BETWEEN ADOPTED INDIVIDUALS AND SIBLINGS OF ADOPTED INDIVIDUALS,  
24 ADOPTED INDIVIDUALS AND RELATIVES, AND BIOLOGICAL PARENTS AND MEMBERS  
25 OF THE ADOPTIVE FAMILY; and26 (3) to provide, or provide referral to, counseling for adopted individuals  
27 [and], biological parents of adopted individuals, SIBLINGS OF ADOPTED  
28 INDIVIDUALS, RELATIVES, AND MEMBERS OF THE ADOPTIVE FAMILY.29 (I) "SIBLING" MEANS A BROTHER OR SISTER OF THE WHOLE OR HALF BLOOD.  
30 5-4B-05.31 (a) An individual who applies for search, contact, and reunion services shall  
32 execute a written agreement with a confidential intermediary concerning the  
33 provision of search, contact, and reunion services.34 (B) (1) IF THE CONFIDENTIAL INTERMEDIARY IS A CHILD PLACEMENT  
35 AGENCY AND THE AGENCY FILE INDICATES THAT AN APPLICANT WHO IS AN

1 ADOPTED INDIVIDUAL HAS A SIBLING WHO IS AT LEAST 21 YEARS OLD AND WAS  
2 ALSO ADOPTED, THE CONFIDENTIAL INTERMEDIARY MAY, WITH THE CONSENT OF  
3 THE APPLICANT, ATTEMPT TO CONTACT THE SIBLING TO ASSESS THE WILLINGNESS  
4 OF THE SIBLING TO COMMUNICATE OR EXCHANGE INFORMATION WITH THE  
5 APPLICANT.

6 (2) ANY CONSENT BY AN APPLICANT UNDER PARAGRAPH (1) OF THIS  
7 SUBSECTION SHALL BE INCLUDED IN THE WRITTEN AGREEMENT EXECUTED UNDER  
8 SUBSECTION (A) OF THIS SECTION.

9 (3) THE PROVISIONS OF THIS SUBTITLE SHALL APPLY TO SEARCH,  
10 CONTACT, AND REUNION SERVICES PROVIDED BY A CONFIDENTIAL INTERMEDIARY  
11 UNDER THIS SUBSECTION.

12 [(b)] (C) (1) The confidential intermediary may charge the individual a  
13 reasonable fee for search, contact, and reunion services.

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

16 [(c)] (D) The confidential intermediary shall promptly:

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

18 (2) attempt to contact [either] the adopted individual [or], the  
19 biological parent, OR, SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS  
20 SECTION, THE SIBLING sought by the applicant.

21 5-4B-07.

22 (a) Within 90 days after executing a search, contact, and reunion services  
23 agreement under § 5-4B-05 OR § 5-4B-11 of this subtitle, a confidential intermediary  
24 shall file a report with the Director stating that:

25 (1) the individual contacted by the confidential intermediary consents to  
26 the disclosure of specified information;

27 (2) the individual contacted by the confidential intermediary does not  
28 consent to the disclosure of any information;

29 (3) the individual sought by the confidential intermediary has not been  
30 located; or

31 (4) the individual sought by the confidential intermediary is deceased.

32 (B) IF THE INDIVIDUAL SOUGHT BY THE CONFIDENTIAL INTERMEDIARY IS  
33 DECEASED, THE CONFIDENTIAL INTERMEDIARY SHALL INDICATE IN THE REPORT  
34 WHETHER ANY RELATIVES OR MEMBERS OF THE ADOPTIVE FAMILY WERE  
35 CONTACTED, AS PROVIDED IN § 5-4B-11 OF THIS SUBTITLE, AND WHETHER THOSE  
36 INDIVIDUALS CONSENT TO THE DISCLOSURE OF INFORMATION.

1 [(b)] (C) The report and any documents filed in accordance with this section  
2 are confidential.

3 5-4B-10.

4 (a) If a confidential intermediary files a report under § 5-4B-07 of this  
5 subtitle stating that an individual sought has not been located, the confidential  
6 intermediary shall continue to make reasonable attempts to contact the individual  
7 sought for the period specified in the search, contact, and reunion services agreement  
8 executed in accordance with § 5-4B-05 OR § 5-4B-11 of this subtitle.

9 (b) If the confidential intermediary is unsuccessful at locating the individual  
10 sought within the period specified in the search, contact, and reunion services  
11 agreement, the confidential intermediary shall file a report with the Director stating  
12 the failure to locate the individual sought.

13 5-4B-11.

14 (a) If an individual sought by a confidential intermediary is deceased, the  
15 confidential intermediary may not disclose the identity of the deceased to the  
16 individual who applied for search, contact, and reunion services.

17 (b) The confidential intermediary shall report the fact that the individual  
18 sought is deceased to the individual who applied for search, contact, and reunion  
19 services.

20 (C) (1) IF THE DECEASED INDIVIDUAL IS A BIOLOGICAL PARENT, THE  
21 CONFIDENTIAL INTERMEDIARY MAY, WITH THE CONSENT OF THE APPLICANT,  
22 ATTEMPT TO CONTACT A RELATIVE WHO IS AT LEAST 21 YEARS OLD TO ASSESS THE  
23 WILLINGNESS OF THE RELATIVE TO COMMUNICATE OR EXCHANGE INFORMATION  
24 WITH THE APPLICANT.

25 (2) IF THE DECEASED INDIVIDUAL IS AN ADOPTED INDIVIDUAL, THE  
26 CONFIDENTIAL INTERMEDIARY MAY, WITH THE CONSENT OF THE APPLICANT,  
27 ATTEMPT TO CONTACT A MEMBER OF THE ADOPTIVE FAMILY WHO IS AT LEAST 21  
28 YEARS OLD TO ASSESS THE WILLINGNESS OF THE MEMBER OF THE ADOPTIVE  
29 FAMILY TO COMMUNICATE OR EXCHANGE INFORMATION WITH THE APPLICANT.

30 (3) IF AN APPLICANT CONSENTS TO CONTACTING A RELATIVE OR  
31 MEMBER OF THE ADOPTIVE FAMILY, THE APPLICANT SHALL EXECUTE ANOTHER  
32 WRITTEN AGREEMENT WITH THE CONFIDENTIAL INTERMEDIARY CONCERNING THE  
33 PROVISION OF SEARCH, CONTACT, AND REUNION SERVICES UNDER THIS  
34 SUBSECTION.

35 (4) (I) THE CONFIDENTIAL INTERMEDIARY MAY CHARGE THE  
36 INDIVIDUAL A REASONABLE FEE FOR THE ADDITIONAL SEARCH, CONTACT, AND  
37 REUNION SERVICES DESCRIBED IN THIS SUBSECTION.

38 (II) THE OVERALL AMOUNT OF FEES COLLECTED MAY NOT EXCEED  
39 THE COSTS OF PROVIDING THE SERVICES.

1           (5)     THE CONFIDENTIAL INTERMEDIARY SHALL PROMPTLY:

2                   (I)     FILE THE EXECUTED AGREEMENT WITH THE DIRECTOR; AND

3                   (II)    ATTEMPT TO CONTACT THE RELATIVE OR MEMBER OF THE  
4 ADOPTIVE FAMILY SOUGHT BY THE APPLICANT.

5           (6)     THE PROVISIONS OF THIS SUBTITLE SHALL APPLY TO SEARCH,  
6 CONTACT, AND REUNION SERVICES PROVIDED BY A CONFIDENTIAL INTERMEDIARY  
7 UNDER THIS SUBSECTION.

8     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2002.