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By: **Delegates F. Turner, Anderson, Bobo, Branch, Carter, Conroy, Dumais, Gutierrez, James, Jones, Kelley, King, Lee, Levy, Madaleno, Mandel, McComas, Menes, Oaks, Pendergrass, Petzold, Proctor, Quinter, Rosenberg, Shewell, Simmons, Smigiel, Sophocleus, Sossi, and Vaughn**

Introduced and read first time: January 26, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Adoption Search, Contact, and Reunion Services - Relatives**  
3 **and Members of the Adoptive Family**

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

20 BY repealing and reenacting, with amendments,  
21 Article - Family Law  
22 Section 5-4B-01, 5-4B-07, 5-4B-10, and 5-4B-11  
23 Annotated Code of Maryland  
24 (2004 Replacement Volume and 2005 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 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 [(d)] (C) "Confidential intermediary" means an individual or child placement  
7 agency qualified by the Director for the purpose of providing search, contact, and  
8 reunion services under this subtitle.

9 [(e)] (D) "Director" means the Director of the Administration.

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

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

15 (1) to locate adopted individuals, biological parents of adopted  
16 individuals, [and] siblings of adopted individuals, AND, AS PROVIDED IN § 5-4B-11 OF  
17 THIS SUBTITLE, RELATIVES AND MEMBERS OF THE ADOPTIVE FAMILY;18 (2) to assess the mutual desire for communication or disclosure of  
19 information between adopted individuals and biological parents of adopted  
20 individuals [or], between adopted individuals and siblings of adopted individuals,  
21 AND, AS PROVIDED IN § 5-4B-11 OF THIS SUBTITLE, BETWEEN ADOPTED  
22 INDIVIDUALS AND RELATIVES AND BIOLOGICAL PARENTS AND MEMBERS OF THE  
23 ADOPTIVE FAMILY; and24 (3) to provide, or provide referral to, counseling for adopted individuals,  
25 biological parents of adopted individuals, [and] siblings of adopted individuals,  
26 RELATIVES, AND MEMBERS OF THE ADOPTIVE FAMILY.

27 [(g)] (H) "Sibling" means a brother or sister of the whole or half blood who:

28 (1) is at least 21 years old; and

29 (2) has been adopted.

30 5-4B-07.

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

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

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

5 (3) the individual sought by the confidential intermediary has not been  
6 located; or

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

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

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

15 5-4B-10.

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

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

25 5-4B-11.

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

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

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

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

6           (3)     IF THE APPLICANT CONSENTS TO CONTACTING A RELATIVE OR  
7 MEMBER OF THE ADOPTIVE FAMILY, THE APPLICANT SHALL EXECUTE ANOTHER  
8 WRITTEN AGREEMENT WITH THE CONFIDENTIAL INTERMEDIARY CONCERNING THE  
9 PROVISION OF SEARCH, CONTACT, AND REUNION SERVICES UNDER THIS  
10 SUBSECTION.

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

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

16          (5)     THE CONFIDENTIAL INTERMEDIARY SHALL PROMPTLY:

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

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

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

23     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2006.