
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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2006

CHAPTER _____

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

1 (2004 Replacement Volume and 2005 Supplement)

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

4 **Article - Family Law**

5 5-4B-01.

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

7 (b) "Administration" means the Social Services Administration of the
8 Department.

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

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

13 (E) "MEMBER OF THE ADOPTIVE FAMILY" MEANS AN ADOPTIVE PARENT,
14 GRANDPARENT, BROTHER, OR SISTER OF AN ADOPTED INDIVIDUAL.

15 (F) "RELATIVE" MEANS A PARENT, BROTHER, SISTER, CHILD, AUNT, OR UNCLE
16 OF A BIOLOGICAL PARENT.

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

18 (1) to locate adopted individuals, biological parents of adopted
19 individuals, [and] siblings of adopted individuals, AND, AS PROVIDED IN § 5-4B-11 OF
20 THIS SUBTITLE, RELATIVES AND MEMBERS OF THE ADOPTIVE FAMILY;

21 (2) to assess the mutual desire for communication or disclosure of
22 information;

23 (I) between adopted individuals and biological parents of adopted
24 individuals [or];

25 (II) between adopted individuals and siblings of adopted
26 individuals; AND;

27 (III) AS PROVIDED IN § 5-4B-11 OF THIS SUBTITLE, BETWEEN:

28 1. ADOPTED INDIVIDUALS AND RELATIVES ~~AND~~; AND

29 2. BIOLOGICAL PARENTS AND MEMBERS OF THE ADOPTIVE
30 FAMILY; and

31 (3) to provide, or provide referral to, counseling for adopted individuals,
32 biological parents of adopted individuals, [and] siblings of adopted individuals,
33 RELATIVES, AND MEMBERS OF THE ADOPTIVE FAMILY.

1 [(g)] (H) "Sibling" means a brother or sister of the whole or half blood who:
2 (1) is at least 21 years old; and
3 (2) has been adopted.

4 5-4B-07.

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

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

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

12 (3) the individual sought by the confidential intermediary has not been
13 located; or

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

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

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

22 5-4B-10.

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

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

32 5-4B-11.

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

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

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

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

14 (3) IF THE APPLICANT CONSENTS TO CONTACTING A RELATIVE OR
15 MEMBER OF THE ADOPTIVE FAMILY, THE APPLICANT SHALL EXECUTE ANOTHER
16 WRITTEN AGREEMENT WITH THE CONFIDENTIAL INTERMEDIARY CONCERNING THE
17 PROVISION OF SEARCH, CONTACT, AND REUNION SERVICES UNDER THIS
18 SUBSECTION.

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

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

24 (5) THE CONFIDENTIAL INTERMEDIARY SHALL PROMPTLY:

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

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

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

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

