

HOUSE BILL 255

D4

11r0097

By: **Chair, Judiciary Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: January 31, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Adoption – Contact with Adopted Siblings of Minors in**
3 **Out-of-Home Placement**

4 FOR the purpose of requiring that a local department of social services have access to
5 any local department adoption records on the biological siblings of a minor in
6 out-of-home placement for a certain purpose; altering the definition of “search,
7 contact, and reunion services” to include contacting certain adopted siblings of a
8 minor in out-of-home placement for a certain purpose; authorizing an
9 out-of-home placement worker acting on behalf of a minor in out-of-home
10 placement to apply for search, contact, and reunion services; exempting an
11 out-of-home placement worker applying for search, contact, and reunion
12 services from certain requirements to execute certain written agreements; and
13 generally relating to adopted siblings of minors in out-of-home placement.

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 5–357, 5–4B–01, 5–4B–02, 5–4B–05, and 5–4B–11
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2010 Supplement)

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

21 **Article – Family Law**

22 5–357.

23 (a) (1) (i) On request of an adoptee or adoptive or former parent of an
24 adoptee and without a showing of a need, a local department shall provide
25 information, other than identifying information, in its adoption record on the adoptee.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) If a local department denies a request under this paragraph,
2 then on petition of an adoptee or adoptive or former parent and without a showing of
3 need, a juvenile court shall order access for the petitioner to inspect, in accordance
4 with subsection (b) of this section, the local department's record on the adoptee.

5 (2) On petition of an adoptee or adoptive or former parent of an
6 adoptee and without a showing of need, a juvenile court shall order access for the
7 petitioner to inspect, in accordance with subsection (b) of this section, the juvenile
8 court's record on the adoptee.

9 **(3) IF A MINOR ENTERS OUT-OF-HOME PLACEMENT, THE LOCAL**
10 **DEPARTMENT SHALL HAVE ACCESS TO ANY LOCAL DEPARTMENT ADOPTION**
11 **RECORDS ON THE MINOR'S BIOLOGICAL SIBLINGS WHO ARE AT LEAST 21 YEARS**
12 **OLD TO DEVELOP A PLACEMENT RESOURCE OR FACILITATE A FAMILY**
13 **CONNECTION WITH THE SIBLINGS OF THE MINOR IN OUT-OF-HOME**
14 **PLACEMENT.**

15 (b) A juvenile court may not order opened for inspection under this section
16 any part of a record that contains identifying information.

17 5-4B-01.

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

19 (b) "Administration" means the Social Services Administration of the
20 Department.

21 (c) "Confidential intermediary" means an individual or child placement
22 agency qualified by the Director for the purpose of providing search, contact, and
23 reunion services under this subtitle.

24 (d) "Director" means the Director of the Administration.

25 (e) "Member of the adoptive family" means an adoptive parent, grandparent,
26 brother, or sister of an adopted individual.

27 (f) "Relative" means a parent, brother, sister, child, aunt, or uncle of a
28 biological parent.

29 (g) "Search, contact, and reunion services" means services:

30 (1) to locate adopted individuals, biological parents of adopted
31 individuals, siblings of adopted individuals, and, as provided in § 5-4B-11 of this
32 subtitle, relatives and members of the adoptive family;

1 (2) to assess the mutual desire for communication or disclosure of
2 information:

3 (i) between adopted individuals and biological parents of
4 adopted individuals;

5 (ii) between adopted individuals and siblings of adopted
6 individuals; and

7 (iii) as provided in § 5-4B-11 of this subtitle, between:

8 1. adopted individuals and relatives; and

9 2. biological parents and members of the adoptive
10 family; [and]

11 (3) to provide, or provide referral to, counseling for adopted
12 individuals, biological parents of adopted individuals, siblings of adopted individuals,
13 relatives, and members of the adoptive family; **AND**

14 **(4) IF SIBLINGS OF A MINOR IN OUT-OF-HOME PLACEMENT WERE**
15 **ADOPTED THROUGH A PUBLIC AGENCY, TO CONTACT THE SIBLINGS TO DEVELOP**
16 **A PLACEMENT RESOURCE OR FACILITATE A FAMILY CONNECTION WITH THE**
17 **SIBLINGS OF THE MINOR IN OUT-OF-HOME PLACEMENT.**

18 (h) “Sibling” means a brother or sister of the whole or half blood who:

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

20 (2) has been adopted.

21 5-4B-02.

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

24 (2) If an adopted individual is at least 21 years old, the following
25 individuals may apply to the Director to receive search, contact, and reunion services:

26 (i) a biological parent of the adopted individual; [and]

27 (ii) a sibling of the adopted individual; **AND**

28 **(III) AN OUT-OF-HOME PLACEMENT WORKER IN A LOCAL**
29 **DEPARTMENT ACTING ON BEHALF OF A MINOR IN OUT-OF-HOME PLACEMENT.**

1 (b) An individual who applies to the Director to receive search, contact, and
2 reunion services shall supply any proof of identity or other relevant information
3 required by the Director.

4 (c) (1) The Director may establish a reasonable fee for the application for
5 search, contact, and reunion services.

6 (2) The overall amount of fees collected may not exceed the costs of
7 processing the applications.

8 (d) A parent who has had his or her parental rights terminated under
9 Subtitle 3 of this title may not apply to receive search, contact, and reunion services
10 under this subtitle.

11 5-4B-05.

12 (a) **(1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, AN** individual who applies for search, contact, and reunion services
14 shall execute a written agreement with a confidential intermediary concerning the
15 provision of search, contact, and reunion services.

16 **(2) THIS SUBSECTION DOES NOT APPLY TO AN OUT-OF-HOME**
17 **PLACEMENT WORKER.**

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

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

22 (c) The confidential intermediary shall promptly:

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

24 (2) attempt to contact the adopted individual, the biological parent, or
25 the sibling sought by the applicant.

26 5-4B-11.

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

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

1 (c) (1) If the deceased individual is a biological parent, the confidential
2 intermediary may, with the consent of the applicant, attempt to contact a relative who
3 is at least 21 years old to assess the willingness of the relative to communicate or
4 exchange information with the applicant.

5 (2) If the deceased individual is an adopted individual, the confidential
6 intermediary may, with the consent of the applicant, attempt to contact a member of
7 the adoptive family who is at least 21 years old to assess the willingness of the
8 member of the adoptive family to communicate or exchange information with the
9 applicant.

10 (3) (I) **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
11 **THIS PARAGRAPH, IF** the applicant consents to contacting a relative or member of the
12 adoptive family, the applicant shall execute another written agreement with the
13 confidential intermediary concerning the provision of search, contact, and reunion
14 services under this subsection.

15 (II) **THIS PARAGRAPH DOES NOT APPLY TO AN**
16 **OUT-OF-HOME PLACEMENT WORKER.**

17 (4) (i) The confidential intermediary may charge the individual a
18 reasonable fee for the additional search, contact, and reunion services described in this
19 subsection.

20 (ii) The overall amount of fees collected may not exceed the costs
21 of providing the services.

22 (5) The confidential intermediary shall promptly:

23 (i) file the executed agreement with the Director; and

24 (ii) attempt to contact the relative or member of the adoptive
25 family sought by the applicant.

26 (6) The provisions of this subtitle shall apply to search, contact, and
27 reunion services provided by a confidential intermediary under this subsection.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.