

Chapter 326

(House Bill 255)

AN ACT concerning

Family Law – Adoption Search, Contact, and Reunion Services – ~~Contact~~ ~~with Adopted~~ Siblings of Minors in Out-of-Home Placement

FOR the purpose of ~~requiring that a local department of social services have access to any local department adoption records on the biological siblings of a minor in out-of-home placement for a certain purpose;~~ altering the definition of “search, contact, and reunion services” to include contacting certain adopted siblings of a minor in out-of-home placement for a certain purpose; ~~authorizing an out-of-home placement worker~~ a director of a local department of social services acting on behalf of a minor in out-of-home placement to apply for search, contact, and reunion services; ~~exempting an out-of-home placement worker~~ a director of a local department of social services applying for search, contact, and reunion services on behalf of a minor in out-of-home placement from certain ~~requirements to execute certain written agreements~~ provisions relating to the authority of a confidential intermediary to charge an applicant certain fees; and generally relating to ~~adopted siblings of minors in out-of-home placement~~ adoption search, contact, and reunion services.

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

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

Article – Family Law

~~5-357.~~

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

~~(ii) If a local department denies a request under this paragraph, then on petition of an adoptee or adoptive or former parent and without a showing of~~

~~need, a juvenile court shall order access for the petitioner to inspect, in accordance with subsection (b) of this section, the local department's record on the adoptee.~~

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

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

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

5-4B-01.

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

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

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

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

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

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

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

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

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

- (i) between adopted individuals and biological parents of adopted individuals;
- (ii) between adopted individuals and siblings of adopted individuals; and
- (iii) as provided in § 5-4B-11 of this subtitle, between:
 - 1. adopted individuals and relatives; and
 - 2. biological parents and members of the adoptive family; [and]

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

(4) IF SIBLINGS OF A MINOR IN OUT-OF-HOME PLACEMENT WERE ADOPTED THROUGH A ~~PUBLIC AGENCY~~ LOCAL DEPARTMENT, TO CONTACT THE SIBLINGS TO DEVELOP A PLACEMENT RESOURCE OR FACILITATE A FAMILY CONNECTION WITH THE SIBLINGS OF THE MINOR ~~IN OUT-OF-HOME PLACEMENT~~.

- (h) “Sibling” means a brother or sister of the whole or half blood who:
 - (1) is at least 21 years old; and
 - (2) has been adopted.

5-4B-02.

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

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

- (i) a biological parent of the adopted individual; [and]
- (ii) a sibling of the adopted individual; AND

(III) ~~AN OUT-OF-HOME PLACEMENT WORKER IN A DIRECTOR OF A LOCAL DEPARTMENT ACTING ON BEHALF OF A MINOR IN OUT-OF-HOME PLACEMENT~~.

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

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

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

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

5-4B-05.

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

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

(b) (1) ~~The~~ (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE confidential intermediary may charge the individual a reasonable fee for search, contact, and reunion services.

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

(2) THE CONFIDENTIAL INTERMEDIARY MAY NOT CHARGE A DIRECTOR OF A LOCAL DEPARTMENT WHO APPLIES FOR SEARCH, CONTACT, AND REUNION SERVICES ON BEHALF OF A MINOR IN OUT-OF-HOME PLACEMENT THE FEE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(c) The confidential intermediary shall promptly:

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

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

5-4B-11.

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

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

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

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

(3) ~~(1)~~ ~~[(1)]~~ ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF~~ the applicant consents to contacting a relative or member of the adoptive family, the applicant shall execute another written agreement with the confidential intermediary concerning the provision of search, contact, and reunion services under this subsection.

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

(4) (i) ~~The 1.~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE confidential intermediary may charge the individual a reasonable fee for the additional search, contact, and reunion services described in this subsection.

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

(II) THE CONFIDENTIAL INTERMEDIARY MAY NOT CHARGE A DIRECTOR OF A LOCAL DEPARTMENT WHO APPLIES FOR SEARCH, CONTACT, AND REUNION SERVICES ON BEHALF OF A MINOR IN OUT-OF-HOME PLACEMENT THE FEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(5) The confidential intermediary shall promptly:

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

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

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

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

Approved by the Governor, May 10, 2011.