

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 1014 (Delegate F. Turner)
Health and Government Operations

Vital Records - Birth Certificates - Adopted Persons

This bill requires the Secretary of Health and Mental Hygiene to provide, on request, a noncertified copy of an adopted person's unaltered original birth certificate to (1) the adopted person, if he or she is age 21 or older; or (2) a descendant of the adopted person, if the adopted person is deceased. The bill also authorizes the Secretary to break the seal of an original birth certificate under these circumstances. The Department of Health and Mental Hygiene (DHMH) must collect a \$12 fee for each noncertified copy of a birth certificate provided under the bill. DHMH must adopt regulations to implement these requirements.

Fiscal Summary

State Effect: General fund revenues increase minimally due to additional fees collected; however, the additional workload can be handled with existing resources.

Local Effect: None. Local health departments do not issue copies of adopted persons' birth certificates.

Small Business Effect: None.

Analysis

Current Law/Background: The Division of Vital Records in DHMH maintains birth certificates for the State. Current law authorizes the release of birth records under certain circumstances for adoptions finalized before January 1, 2000, and the less restrictive release of records requested for adoptions finalized after January 1, 2000. Specifically, in accordance with the Family Law Article, an adopted person who is age 21 or older and

was adopted after the year 2000 may apply to the Secretary of Health and Mental Hygiene for a copy of the adopted person's original certificate of birth. (Persons who were adopted prior to 2000 may also apply, but a local department of social services must be used as an intermediary.) Each applicant must provide proof of identity and other relevant information that the Secretary requires and must pay a \$12 fee. The Secretary must give to each applicant who meets these requirements a copy of each requested record that the Secretary has on file. Whenever an adopted person applies for a record, the Secretary must redact from the copy all information as to the biological parent, if that parent has properly filed a disclosure veto.

State Fiscal Effect: Although the number of adopted persons seeking noncertified copies of birth certificates under the bill is expected to be minimal, the number of "descendants" of adopted persons who may seek such copies under the bill's provisions cannot reliably be determined. Accordingly, general fund administrative expenditures for DHMH may increase by an indeterminate amount due to a greater number of copies of records issued. This increase in expenditures is expected to be offset by an increase in general fund revenues due to additional fees collected.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of County Health Officers, Department of Health and Mental Hygiene, Department of Legislative Services

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ncs/mwc

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