

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 255

(Chair, Judiciary Committee)(By Request - Departmental
- Human Resources)

Judiciary

Judicial Proceedings

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

This departmental bill expands the adoption search, contact, and reunion services program in the Department of Human Resources (DHR) to include contacting adopted siblings of a minor in out-of-home placement to develop a placement resource or facilitate a family connection.

Fiscal Summary

State Effect: It is expected that the bill's requirements can be met with existing resources.

Local Effect: None.

Small Business Effect: The Department of Human Resources (DHR) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill expands the definition of "search, contact, and reunion services" to include contacting the siblings of a minor in out-of-home placement, if the siblings were adopted through a local department of social services, to develop a placement resource or facilitate a family connection with the siblings of the minor.

A director of a local department of social services who is acting on behalf of a minor in out-of-home placement is authorized to apply to the Director of the Social Services Administration within DHR to receive search, contact, and reunion services if an adopted individual is age 21 or older. The bill exempts the director from a provision that authorizes a confidential intermediary to charge an applicant a fee.

Current Law: DHR must provide adoption “search, contact, and reunion services.” These are services (1) to locate adopted individuals, siblings, and biological parents of adopted individuals, and other relatives and members of the adoptive family as specified in statute; (2) to assess the mutual desire for communication or disclosure of information between adopted individuals and siblings and/or adoptive parents and, as specified in statute, between adopted individuals and relatives and biological parents and members of the family; and (3) to provide counseling for adopted individuals, siblings, and biological parents of adopted individuals and members of the adoptive family; or to provide referral to counseling. While DHR is required to provide these services, the agency is prohibited from contacting a sibling on behalf of another younger sibling to discuss the possibility of placement and family connection with the sibling. Siblings adopted by different families no longer have the legal status of siblings, although they are blood relatives.

Biological parents of adopted individuals age 21 or older and the adopted individuals themselves who are age 21 or older can apply for these services through an approved confidential intermediary. An individual who applies for search, contact, and reunion services must execute a written agreement with a confidential intermediary concerning the services. If the applicant consents to contacting a relative or member of the adoptive family, the applicant must execute another written agreement with the intermediary.

Background: DHR advises that the bill is intended to improve the opportunities for permanency for foster children as DHR would then be able to investigate the resources of a child’s birth family to identify resources to establish permanency for a foster child. The bill is also intended to provide the possibility of a familial connection for a child who is in out-of-home placement. DHR advises that a familial connection may be especially important for such a child if the child has no other relatives and needs support to transition from foster care to independent living.

Chapter 679 of 1998 required DHR to provide adoption, search, contact, and reunion services. The biological parents of adopted individuals age 21 or older and adopted individuals age 21 or older apply for these services through the use of an approved confidential intermediary. Chapter 7 of the special session of 2004 expanded the adoption, search, contact, and reunion services program to siblings who were adopted and age 21 or older. After location of the adopted individual or biological parents, the intermediary assesses whether the individuals want to communicate or share information. The intermediary may also provide or refer the individuals to counseling. Intermediaries

are authorized to charge a reasonable fee for their services. An individual who applies for adoption, search, contact, and reunion services is required to execute a written agreement with a confidential intermediary concerning the aspects and limitations of search, contact, and reunion services.

Birth siblings of adoptees and adoptees who wanted to contact birth siblings were limited to registration for DHR's Mutual Consent Voluntary Adoption Registry before enactment of Chapter 7.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2011
ncs/hlb Revised - House Third Reader - March 28, 2011

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Family Law – Adoption – Contact with Adopted Siblings of Minors
in Out-of-Home Placement

BILL NUMBER: HB 255

PREPARED BY: Department of Human Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.