

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 256

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

Judiciary

**Family Law - Local Departments of Social Services - Access to Records of Certain
Adoptees**

This departmental bill establishes that an employee of the Department of Human Resources (DHR) or a local department of social services must have access to all local department records on an adoptee who is the subject of a child protective services investigation or enters out-of-home placement as the result of an involuntary removal from the home of the adoptive parent or a voluntary placement request.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: DHR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: On request of an adoptee or an adoptee's adoptive or former parents, a local department must provide information, other than identifying information, in its adoption record on the adoptee without a showing of need. If a local department denies such a request, on petition of an adoptee or an adoptee's adoptive or former parents and without a showing of need, a juvenile court must order access for the petitioner to inspect the record. A juvenile court may not order opened for inspection any part of a record

containing identifying information (information identifying the identity or location of an individual).

Background: DHR advises this bill is intended to allow the department to access all biological and other information held by DHR and a local department and to identify if a child had previously been adopted from the public foster care system. According to DHR, allowing workers to access these records will improve DHR's ability to plan for the child in a way that optimizes the chances for permanency.

DHR is prohibited under existing law from accessing all paper and electronic records regarding a child who has been adopted from the public foster care system. According to DHR, these records contain important historical data that is needed to adequately plan for permanency for the adopted child. Because local departments are not permitted to review biological records held by DHR, a caseworker must rely on self-reporting by the adoptive family regarding the background of the child.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2011
mc/hlb

Analysis by: Karen D. Morgan

Direct Inquiries to:

(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Family Law – Local Departments of Social Services – Access of Records of Certain Adoptees

BILL NUMBER: HB 256

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.