

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

House Bill 719  
Judiciary

(Delegate Nathan-Pulliam, *et al.*)

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**Adoption - Access to Birth and Adoption Records and Search, Contact, and Reunion Services**

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This bill authorizes adoptees and biological parents to access birth certificates and certain adoption records under specified circumstances, regardless of when the adoption occurred. The bill repeals the right of an adoptee or biological parent to file with the State Director of Social Services a disclosure veto prohibiting the disclosure of specified information about the adoptee or biological parent in birth or adoption records. The Department of Health and Mental Hygiene (DHMH) remains responsible for redacting specified information from a birth or adoption record, if a biological parent or an adoptee filed a disclosure veto prior to the bill's October 1, 2012 effective date.

The Secretary of Health and Mental Hygiene must collect data and make quarterly reports available to the public, on request, regarding the number of adoptees and the number of biological parents of adoptees who have applied for records relating to birth and adoption.

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**Fiscal Summary**

**State Effect:** The bill's requirements can be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The bill repeals, as a prerequisite to the disclosure of birth and adoption records, the requirement that the adoption be entered on or after January 1, 2000. The bill alters, from 21 to 18, the age at which an adopted individual may apply for a copy of birth and adoption records and to receive adoption search, contact, and reunion services. The bill alters, from 21 to 18, the age at which an adopted individual must be for a biological parent to apply for birth and adoption records.

The bill also alters, from 21 to 18, the age at which an adopted individual must be for the following individuals to apply for search, contact, and reunion services (1) a biological parent of the adopted individual; (2) a sibling of the adopted individual; and (3) a director of a local department of social services acting on behalf of a minor in out-of-home placement.

The bill also alters provisions of law relating to deceased individuals who are sought by a confidential intermediary. 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 18 years old to assess the willingness of the relative to communicate or exchange information with the applicant. Under current law, the relative must be 21. If the deceased individual is an adopted individual, the confidential intermediary, with the consent of the applicant, may attempt to contact a member of the adoptive family who is at least 18 years old to assess the family member's willingness to communicate or exchange information. Under current law, the member of the adoptive family must be 21.

**Current Law:** The Division of Vital Records in DHMH maintains birth certificates for the State. The release of birth and adoption records is authorized under certain circumstances for adoptions finalized after January 1, 2000. Specifically, 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 and related adoption records. A biological parent of an adoptee who is age 21 or older may also apply for a copy of the specified records. Whenever an individual applies for the records, the Secretary of Health and Mental Hygiene must redact from the copy all information as to the biological parent or the adoptee, if the other party has properly filed a disclosure veto.

A biological parent may file a disclosure veto prohibiting the disclosure of any information concerning that parent that is contained in a birth or adoption record. An adopted individual who is at least 21 years of age may file a disclosure veto prohibiting the disclosure of any information concerning that record that is contained in a birth or adoption record.

An adopted individual older than 21 years of age and a birth parent may apply to the Social Services Administration (SSA) within the Department of Human Resources to receive assistance in contacting birth relatives through search, contact, and reunion services. SSA must maintain a list of confidential intermediaries who can initiate contact with the birth relative.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2012  
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