

## Chapter 619

### (House Bill 563)

AN ACT concerning

#### Adoption – Payment of Expenses

FOR the purpose of authorizing the payment, by an interested person, of certain expenses in connection with a certain adoption; and generally relating to adoption.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–3A–45 and 5–3B–32

Annotated Code of Maryland

(2012 Replacement Volume)

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

#### Article – Family Law

5–3A–45.

(a) Except as otherwise provided by law, a person may not charge or receive, from or for a parent or prospective adoptive parent, any compensation for a service in connection with:

(1) placement of an individual to live with a preadoptive family; or

(2) an agreement for custody in contemplation of adoption.

(b) (1) In this subsection, “Administration” means the Social Services Administration of the Department.

(2) This section does not:

(i) prohibit payment, by an interested person, of:

1. a customary and reasonable charge or fee for **ADOPTION COUNSELING**, hospital, legal, or medical services;

**2. REASONABLE EXPENSES FOR TRANSPORTATION FOR MEDICAL CARE ASSOCIATED WITH THE PREGNANCY OR BIRTH OF THE CHILD;**

**3. REASONABLE EXPENSES FOR FOOD, CLOTHING, AND SHELTER FOR A BIRTH MOTHER IF, ON WRITTEN ADVICE OF A PHYSICIAN, THE BIRTH MOTHER IS UNABLE TO WORK OR OTHERWISE SUPPORT HERSELF BECAUSE OF MEDICAL REASONS ASSOCIATED WITH THE PREGNANCY OR BIRTH OF THE CHILD; OR**

**4. REASONABLE EXPENSES ASSOCIATED WITH ANY REQUIRED COURT APPEARANCE RELATING TO THE ADOPTION, INCLUDING TRANSPORTATION, FOOD, AND LODGING EXPENSES; or**

(ii) prevent the Administration, or a person that the Administration licenses or supervises, from receiving and accepting reasonable reimbursement for costs of an adoptive service in connection with adoption, if:

1. the reimbursement is in accordance with standards set by regulation of the Administration; and

2. the ability to provide this reimbursement does not affect:

A. the acceptability of any individual for adoptive services; or

B. the choice of the most suitable prospective adoptive parent.

(c) Each State's Attorney shall enforce this section.

(d) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 3 months or both, for each offense.

5-3B-32.

(a) Except as otherwise provided by law, a person may not charge or receive, from or for a parent or prospective adoptive parent, any compensation for a service in connection with:

- (1) placement of an individual to live with a preadoptive family; or
- (2) an agreement for custody in contemplation of adoption.

(b) This section does not prohibit payment, by an interested person, of:

(1) a reasonable and customary charge or fee for adoption counseling, hospital, legal, or medical services;

(2) **REASONABLE EXPENSES FOR TRANSPORTATION FOR MEDICAL CARE ASSOCIATED WITH THE PREGNANCY OR BIRTH OF THE CHILD;**

(3) **REASONABLE EXPENSES FOR FOOD, CLOTHING, AND SHELTER FOR A BIRTH MOTHER IF, ON WRITTEN ADVICE OF A PHYSICIAN, THE BIRTH MOTHER IS UNABLE TO WORK OR OTHERWISE SUPPORT HERSELF BECAUSE OF MEDICAL REASONS ASSOCIATED WITH THE PREGNANCY OR BIRTH OF THE CHILD; OR**

(4) **REASONABLE EXPENSES ASSOCIATED WITH ANY REQUIRED COURT APPEARANCE RELATING TO THE ADOPTION, INCLUDING TRANSPORTATION, FOOD, AND LODGING EXPENSES.**

(c) Each State's Attorney shall enforce this section.

(d) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 3 months or both, for each offense.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

**Approved by the Governor, May 16, 2013.**