

HOUSE BILL 563

D4

3lr2356

By: **Delegate Dumais**

Introduced and read first time: January 31, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Adoption – Payment of Expenses**

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

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 5–3A–45 and 5–3B–32
9 Annotated Code of Maryland
10 (2012 Replacement Volume)

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

13 **Article – Family Law**

14 5–3A–45.

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

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

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

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

22 (2) This section does not:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

30 5-3B-32.

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

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

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

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

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

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

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

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

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

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

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