



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

January 26, 2021

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB0331 – Adoption – Access to Birth and Adoption Records and Search, Contact and Reunion Services – Letter of Information

Dear Chair Smith and Committee Members:

The Maryland Department of Health (MDH) submits this letter of information for SB0331 – Adoption – Access to Birth and Adoption Records and Search, Contact and Reunion Services.

The MDH's Vital Statistics Administration would like to make the Committee aware of the following issues with this legislation:

- Under current statute, adoptions that took place prior to 2000 are sealed, and are only made available under court order. This bill effectively unseals all of these records, without providing any ability for biological parents to block disclosure of their information. This would result in approximately 70,000 sealed records of individuals adopted between 1930 and 2000 to become immediately available to adoptees, without any ability of the biological parents to request a disclosure veto or to request redaction of their names.
- There is no provision in the bill to notify these parents of this change.
- The bill also removes the ability to file disclosure vetoes for adoptions after 1999, so even those records sealed until age 21 (age 18 under this bill), would be unsealed and made available to parents and adoptees who request them (without redaction) as the adoptee reaches age 18.
- The Division of Vital Records would likely experience a substantial surge in requests for copies of original birth certificates. This would create operational challenges that have been noted in the fiscal and policy note submission for this bill.

I hope this information is useful. If you have questions or need more information about this subject, please do not hesitate to contact me at (410) 260-3190 or webster.ye@maryland.gov or Assistant Director of Governmental Affairs, Emily Berg at emily.berg@maryland.gov and the same phone number.

Sincerely,

Webster Ye
Assistant Secretary, Health Policy