

HOUSE BILL 1039

D4

0lr2167
CF SB 743

By: **Delegates Malone and Carr**

Introduced and read first time: February 5, 2020

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2020

CHAPTER _____

1 AN ACT concerning

2 **Adoption – Access to Birth and Adoption Records and Search, Contact, and**
3 **Reunion Services**

4 FOR the purpose of repealing certain provisions of law specifying that certain provisions of
5 law apply only to adoptions in which a juvenile court enters an order for adoption on
6 or after a certain date; repealing provisions of law limiting, under certain
7 circumstances, access to certain information in certain birth and adoption records by
8 certain adoptees and biological parents; repealing the right of certain adoptees and
9 biological parents to file, cancel, or refile a disclosure veto barring the disclosure of
10 certain information in certain birth and adoption records; authorizing certain
11 adoptees and biological parents to file, cancel, or refile a certain contact preference
12 form regarding certain contact with certain individuals; altering the age at which an
13 adoptee, or a biological parent if an adoptee is at least a certain age, may apply to
14 the Secretary of Health for a copy of certain birth or adoption records; requiring the
15 Director of Social Services to develop and make available a certain contact preference
16 form; specifying the contents of a contact preference form; requiring the Secretary to
17 take certain actions; repealing certain provisions of law requiring the Secretary to
18 redact certain information from certain birth and adoption records; altering the age
19 at which certain individuals may apply to the Director to receive adoption search,
20 contact, and reunion services; altering the age of certain individuals whom a
21 confidential intermediary is authorized to attempt to contact under certain
22 circumstances; requiring the Secretary to replace a certain disclosure veto with a
23 certain contact preference form under certain circumstances; defining a certain term;
24 altering a certain definition; and generally relating to birth and adoption records and
25 adoption search, contact, and reunion services.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–321(a)(3), 5–339(a)(3), 5–351(a), 5–359, 5–3A–19(a), 5–3A–35(c), 5–3A–42,
5–3B–21(a), 5–3B–29, 5–4B–01(h), 5–4B–02(a), and 5–4B–11

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–4B–01(a)

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4–211(g)

Annotated Code of Maryland

(2019 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Family Law

5–321.

(a) (3) Consent of a party to guardianship is not valid unless:

(i) the consent is given in a language that the party understands;

(ii) if given in a language other than English, the consent:

1. is given before a judge on the record; or

2. is accompanied by the affidavit of a translator stating that

the translation of the document of consent is accurate;

(iii) the party has received written notice or on-the-record notice
before a judge of:

1. the revocation provisions in subsections (a)(2) and (c)(1) of
this section;

2. the search rights of adoptees and parents under § 5–359 of
this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of
this title; and

1 3. the right to file a [disclosure veto] **CONTACT**
2 **PREFERENCE FORM** under § 5–359 of this subtitle;

3 (iv) if signed after counsel enters an appearance for a parent, the
4 consent is accompanied by an affidavit of counsel stating that:

5 1. counsel reviewed the consent with the parent; and

6 2. the parent consents knowingly and voluntarily; and

7 (v) the consent is accompanied by an affidavit of counsel appointed
8 under § 5–307(a) of this subtitle stating that a parent who is a minor or has a disability
9 consents knowingly and voluntarily.

10 5–339.

11 (a) (3) Consent of a party to an adoption under this Part III of this subtitle is
12 not valid unless:

13 (i) the consent is given in a language that the party understands;

14 (ii) if given in a language other than English, the consent:

15 1. is given before a judge on the record; or

16 2. is accompanied by the affidavit of a translator stating that
17 the translation of the document of consent is accurate;

18 (iii) the consent names the child;

19 (iv) the consent contains enough information to identify the
20 prospective adoptive parent;

21 (v) the party has received written notice or on-the-record notice of:

22 1. the revocation provisions in subsections (a)(2) and (b)(1) of
23 this section;

24 2. the search rights of adoptees and parents under § 5–359 of
25 this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of
26 this title; and

27 3. the right to file a [disclosure veto] **CONTACT**
28 **PREFERENCE FORM** under § 5–359 of this subtitle; and

29 (vi) the consent is accompanied by an affidavit of counsel appointed

under § 5–307(a) of this subtitle, stating that a parent who is a minor or has a disability consents knowingly and voluntarily.

5–351.

(a) Consent of a party to an adoption under this Part IV of this subtitle is not valid unless:

(1) the consent is given in a language that the party understands;

(2) if given in a language other than English, the consent:

(i) is given before a judge on the record; or

(ii) is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(3) the consent names the child;

(4) the consent contains enough information to identify the prospective adoptive parent; and

(5) the party has received written notice or on-the-record notice of:

(i) the revocation provisions in this section;

(ii) the search rights of adoptees and parents under § 5–359 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and

(iii) the right to file a [disclosure veto] **CONTACT PREFERENCE FORM** under § 5–359 of this subtitle.

5–359.

(a) (1) In this section the following words have the meanings stated.

(2) “Director” means the State Director of Social Services.

(3) “RELATIVE” MEANS AN INDIVIDUAL WHO IS RELATED TO ANOTHER INDIVIDUAL BY BLOOD OR MARRIAGE WITHIN FIVE DEGREES OF CONSANGUINITY OR AFFINITY UNDER THE CIVIL LAW RULE.

[(3)] (4) “Secretary” means the Secretary of Health.

[(b)] This section applies only to an adoption in which a juvenile court enters an

1 order for adoption on or after January 1, 2000.]

2 [(c)] (B) This section does not bar:

3 (1) an adoptee or biological parent from applying for search, contact, and
4 reunion services under Subtitle 4B of this title; or

5 (2) the Director or a confidential intermediary from obtaining a copy of a
6 record under § 5–4B–04(c) or § 5–4B–06(b) or (c) of this title.

7 [(d)] (C) (1) An adoptee who is at least [21] 18 years old, **OR THE ADOPTEE’S**
8 **RELATIVE IF THE ADOPTEE IS DECEASED**, may apply to the Secretary for a copy of:

9 (i) the adoptee’s original certificate of birth;

10 (ii) all records that relate to the adoptee’s new certificate of birth, if
11 any; and

12 (iii) the report of the adoptee’s order of adoption filed by the clerk of
13 court under § 4–211 of the Health – General Article.

14 (2) If an adoptee is at least [21] 18 years old, a biological parent of the
15 adoptee, **OR THE BIOLOGICAL PARENT’S RELATIVE IF THE BIOLOGICAL PARENT IS**
16 **DECEASED**, may apply to the Secretary for a copy of:

17 (i) the adoptee’s original certificate of birth;

18 (ii) the new certificate of birth, if any, that was substituted, under §
19 4–211 of the Health – General Article, for the adoptee’s original certificate of birth;

20 (iii) all records that relate to the adoptee’s new certificate of birth;
21 and

22 (iv) the report of the adoptee’s order of adoption filed by the clerk of
23 court under § 4–211 of the Health – General Article.

24 (3) Each applicant under this subsection shall:

25 (i) provide all proof of identity and other relevant information that
26 the Secretary requires; and

27 (ii) pay the fee required under Title 4, Subtitle 2 of the Health –
28 General Article for a copy of a record.

29 [(e)] (D) (1) A biological parent may:

(i) file with the Director a [disclosure veto, to bar disclosure of information about that parent in a record accessible under this section] **CONTACT PREFERENCE FORM STATING A PREFERENCE REGARDING CONTACT WITH THE ADOPTEE OR THE ADOPTEE'S RELATIVES, AS DESCRIBED IN SUBSECTION (E) OF THIS SECTION;**

(ii) cancel a [disclosure veto] **CONTACT PREFERENCE FORM** at any time; and

(iii) refile a [disclosure veto] **CONTACT PREFERENCE FORM** at any time.

(2) An adoptee at least [21] **18** years old may:

(i) file with the Director a [disclosure veto, to bar disclosure of information about the adoptee in a record accessible under this section] **CONTACT PREFERENCE FORM, STATING A PREFERENCE REGARDING CONTACT WITH THE BIOLOGICAL PARENTS OR THE BIOLOGICAL PARENTS' RELATIVES, AS DESCRIBED IN SUBSECTION (E) OF THIS SECTION;**

(ii) cancel a [disclosure veto] **CONTACT PREFERENCE FORM** at any time; and

(iii) refile a [disclosure veto] **CONTACT PREFERENCE FORM** at any time.

(3) Immediately after the Director receives a [disclosure veto] **CONTACT PREFERENCE FORM** or cancellation under this subsection, the Director shall forward a copy to the Secretary.

(E) (1) THE DIRECTOR SHALL DEVELOP AND MAKE AVAILABLE A CONTACT PREFERENCE FORM THAT PROVIDES FOR:

(I) A BIOLOGICAL PARENT TO STATE A PREFERENCE REGARDING CONTACT WITH THE ADOPTEE OR, IN THE EVENT THE ADOPTEE IS DECEASED, THE ADOPTEE'S RELATIVES; AND

(II) AN ADOPTEE TO STATE A PREFERENCE REGARDING CONTACT BY THE BIOLOGICAL PARENTS OR, IN THE EVENT THE BIOLOGICAL PARENTS ARE DECEASED, THE BIOLOGICAL PARENTS' RELATIVES.

(2) (I) THE CONTACT PREFERENCE FORM SHALL ALLOW THE ADOPTEE OR THE BIOLOGICAL PARENT TO SELECT ONE OF THE FOLLOWING STATEMENTS:

1 **“I WOULD LIKE TO BE CONTACTED. I HAVE COMPLETED THIS CONTACT**
2 **PREFERENCE FORM AND I AM FILING THIS FORM WITH THE DIRECTOR.**

3 **I WOULD LIKE TO BE CONTACTED ONLY THROUGH THE FOLLOWING**
4 **DESIGNATED INTERMEDIARY: [_____]. (IF NO INTERMEDIARY IS NAMED OR**
5 **NO NAMED INTERMEDIARY IS ABLE OR WILLING TO ACT, THE INVOLVED AGENCY, IF**
6 **ANY, SHALL ACT ON MY BEHALF.). I HAVE COMPLETED THIS CONTACT PREFERENCE**
7 **FORM AND I AM FILING THIS FORM WITH THE DIRECTOR.**

8 **I WOULD NOT LIKE TO BE CONTACTED. I HAVE COMPLETED THIS CONTACT**
9 **PREFERENCE FORM AND I AM FILING THIS FORM WITH THE DIRECTOR.”.**

10 **(II) THE CONTACT PREFERENCE FORM SHALL CONTAIN THE**
11 **FOLLOWING STATEMENT: “I MAY CHANGE THIS CONTACT PREFERENCE FORM BY**
12 **FILLING OUT AND FILING ANOTHER CONTACT PREFERENCE FORM. I UNDERSTAND**
13 **THAT THIS FORM IS ADVISORY ONLY.”.**

14 **(3) (I) IF THE SECRETARY RECEIVES A CONTACT PREFERENCE**
15 **FORM FROM THE DIRECTOR UNDER SUBSECTION (D) OF THIS SECTION, THE**
16 **SECRETARY SHALL ATTACH IT TO THE ADOPTEE’S ORIGINAL CERTIFICATE OF BIRTH**
17 **AND PROVIDE IT TO A BIOLOGICAL PARENT OR AN ADOPTEE WHO APPLIES FOR A**
18 **RECORD UNDER SUBSECTION (C) OF THIS SECTION.**

19 **(II) IF THE SECRETARY RECEIVES A CANCELLATION OF A**
20 **CONTACT PREFERENCE FORM FROM THE DIRECTOR UNDER SUBSECTION (D) OF**
21 **THIS SECTION, THE SECRETARY SHALL REMOVE THE CONTACT PREFERENCE FORM**
22 **FROM THE ADOPTEE’S ORIGINAL CERTIFICATE OF BIRTH.**

23 **(f) (1) The Secretary shall adopt regulations to carry out this section.**

24 **(2) [Subject to paragraphs (3) and (4) of this subsection, the] THE**
25 **Secretary shall give to each applicant who meets the requirements of this section a copy of**
26 **each record that the applicant requested and that the Secretary has on file.**

27 **[(3) Whenever a biological parent applies for a record, the Secretary shall**
28 **redact from the copy all information as to:**

29 **(i) the other biological parent, if that parent has filed a disclosure**
30 **veto in accordance with this section; and**

31 **(ii) the adoptee and each adoptive parent, if the adoptee has filed a**
32 **disclosure veto in accordance with this section.**

(4) Whenever an adoptee applies for a record, the Secretary shall redact from the copy all information as to a biological parent, if that parent has filed a disclosure veto in accordance with this section.]

[(5)] (3) The Secretary shall give each applicant under this section notice of the adoption search, contact, and reunion services available under Subtitle 4B of this title.

5-3A-19.

(a) (1) Consent of a parent may include a waiver of the right to notice of:

(i) the filing of a petition under this subtitle; and

(ii) further proceedings under this subtitle.

(2) Consent to guardianship is not valid unless the consent:

(i) is given after the child for whom guardianship is sought is born;

(ii) is given in a language that the party understands;

(iii) if given in a language other than English:

1. is given before a judge on the record; or

2. is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(iv) contains an express notice of:

1. the right to revoke consent, at any time within 30 days after the person signs the consent, unless the revocation is barred under subsection (b)(2) of this section;

2. the search rights of adoptees and parents under § 5-3A-42 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and

3. the right to file a **[disclosure veto] CONTACT PREFERENCE FORM** under § 5-3A-42 of this subtitle; and

(v) is accompanied by an affidavit of counsel appointed under § 5-3A-07(a) of this subtitle stating that a parent who is a minor or has a disability consents knowingly and voluntarily.

5-3A-35.

(c) Consent of a party to an adoption under this Part III of this subtitle is not valid unless:

(1) the consent is given in a language that the party understands;

(2) if given in a language other than English, the consent:

(i) is given before a judge on the record; or

(ii) is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(3) the consent names the child;

(4) the consent contains enough information to identify the prospective adoptive parent; and

(5) the party has received written notice or on-the-record notice of:

(i) the revocation provisions in this section;

(ii) the search rights of adoptees and parents under § 5-3A-42 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and

(iii) the right to file a [disclosure veto] **CONTACT PREFERENCE FORM** under § 5-3A-42 of this subtitle.
5-3A-42.

(a) (1) In this section the following words have the meanings indicated.

(2) "Director" means the State Director of Social Services.

(3) "RELATIVE" MEANS AN INDIVIDUAL WHO IS RELATED TO ANOTHER INDIVIDUAL BY BLOOD OR MARRIAGE WITHIN FIVE DEGREES OF CONSANGUINITY OR AFFINITY UNDER THE CIVIL LAW RULE.

[(3)] (4) "Secretary" means the Secretary of Health.

[(b)] This section applies only to an adoption in which a court enters an order for adoption on or after January 1, 2000.]

[(c)] (B) This section does not bar:

(1) an adoptee or biological parent from applying for search, contact, and reunion services under Subtitle 4B of this title; or

(2) the Director or a confidential intermediary from obtaining a copy of a record under § 5–4B–04(c) or § 5–4B–06(b) or (c) of this title.

[(d)] (C) (1) An adoptee who is at least **[21] 18** years old, **OR AN ADOPTEE’S RELATIVE IF THE ADOPTEE IS DECEASED**, may apply to the Secretary for a copy of:

(i) the adoptee’s original certificate of birth;

(ii) all records that relate to the adoptee’s new certificate of birth, if any; and

(iii) the report of the adoptee’s order of adoption filed by the clerk of court under § 4–211 of the Health – General Article.

(2) If an adoptee is at least **[21] 18** years old, a biological parent of the adoptee, **OR THE BIOLOGICAL PARENT’S RELATIVE IF THE BIOLOGICAL PARENT IS DECEASED**, may apply to the Secretary for a copy of:

(i) the adoptee’s original certificate of birth;

(ii) the new certificate of birth, if any, substituted, under § 4–211 of the Health – General Article, for the adoptee’s original certificate of birth;

(iii) all records that relate to the adoptee’s new certificate of birth; and

(iv) the report of the adoptee’s order of adoption filed by the clerk of court under § 4–211 of the Health – General Article.

(3) Each applicant under this subsection shall:

(i) provide all proof of identity and other relevant information that the Secretary requires; and

(ii) pay the fee required under Title 4, Subtitle 2 of the Health – General Article for a copy of a record.

[(e)] (D) (1) A biological parent may:

(i) file with the Director a **[disclosure veto, to bar disclosure of information about that parent in a record accessible under this section] CONTACT PREFERENCE FORM STATING A PREFERENCE REGARDING CONTACT WITH THE ADOPTEE OR THE ADOPTEE’S RELATIVES, AS DESCRIBED IN SUBSECTION (E) OF THIS**

1 SECTION;

2 (ii) cancel a [disclosure veto] CONTACT PREFERENCE FORM at any
3 time; and

4 (iii) refile a [disclosure veto] CONTACT PREFERENCE FORM at any
5 time.

6 (2) An adoptee at least [21] 18 years old may:

7 (i) file with the Director a [disclosure veto, to bar disclosure of
8 information about the adoptee in a record accessible under this section] CONTACT
9 PREFERENCE FORM STATING A PREFERENCE REGARDING CONTACT WITH THE
10 BIOLOGICAL PARENTS OR THE BIOLOGICAL PARENTS' RELATIVES, AS DESCRIBED IN
11 SUBSECTION (E) OF THIS SECTION;

12 (ii) cancel a [disclosure veto] CONTACT PREFERENCE FORM at any
13 time; and

14 (iii) refile a [disclosure veto] CONTACT PREFERENCE FORM at any
15 time.

16 (3) Immediately after the Director receives a [disclosure veto] CONTACT
17 PREFERENCE FORM or cancellation under this subsection, the Director shall forward a
18 copy to the Secretary.

19 (E) (1) THE DIRECTOR SHALL DEVELOP AND MAKE AVAILABLE A
20 CONTACT PREFERENCE FORM THAT ALLOWS:

21 (I) A BIOLOGICAL PARENT TO STATE A PREFERENCE
22 REGARDING CONTACT WITH THE ADOPTEE OR, IN THE EVENT THE ADOPTEE IS
23 DECEASED, THE ADOPTEE'S RELATIVES; AND

24 (II) AN ADOPTEE TO STATE A PREFERENCE REGARDING
25 CONTACT BY THE BIOLOGICAL PARENTS OR, IN THE EVENT THE BIOLOGICAL
26 PARENTS ARE DECEASED, THE BIOLOGICAL PARENTS' RELATIVES.

27 (2) (I) THE CONTACT PREFERENCE FORM SHALL ALLOW THE
28 ADOPTEE OR THE BIOLOGICAL PARENT TO SELECT ONE OF THE FOLLOWING
29 STATEMENTS:

30 "I WOULD LIKE TO BE CONTACTED. I HAVE COMPLETED THIS CONTACT
31 PREFERENCE FORM AND I AM FILING THIS FORM WITH THE DIRECTOR.

1 I WOULD LIKE TO BE CONTACTED ONLY THROUGH THE FOLLOWING
2 DESIGNATED INTERMEDIARY: [_____]. (IF NO INTERMEDIARY IS NAMED OR
3 NO NAMED INTERMEDIARY IS ABLE OR WILLING TO ACT, THE INVOLVED AGENCY, IF
4 ANY, SHALL ACT ON MY BEHALF.). I HAVE COMPLETED THIS CONTACT PREFERENCE
5 FORM AND I AM FILING THIS FORM WITH THE DIRECTOR.

6 I WOULD NOT LIKE TO BE CONTACTED. I HAVE COMPLETED THIS CONTACT
7 PREFERENCE FORM AND I AM FILING THIS FORM WITH THE DIRECTOR.”.

8 (II) THE CONTACT PREFERENCE FORM SHALL CONTAIN THE
9 FOLLOWING STATEMENT: “I MAY CHANGE THIS CONTACT PREFERENCE FORM BY
10 FILLING OUT AND FILING ANOTHER CONTACT PREFERENCE FORM. I UNDERSTAND
11 THAT THIS FORM IS ADVISORY ONLY.”.

12 (3) (I) IF THE SECRETARY RECEIVES A CONTACT PREFERENCE
13 FORM FROM THE DIRECTOR UNDER SUBSECTION (D) OF THIS SECTION, THE
14 SECRETARY SHALL ATTACH IT TO THE ADOPTEE’S ORIGINAL CERTIFICATE OF BIRTH
15 AND PROVIDE IT TO A BIOLOGICAL PARENT OR AN ADOPTEE WHO APPLIES FOR A
16 RECORD UNDER SUBSECTION (C) OF THIS SECTION.

17 (II) IF THE SECRETARY RECEIVES A CANCELLATION OF A
18 CONTACT PREFERENCE FORM FROM THE DIRECTOR UNDER SUBSECTION (D) OF
19 THIS SECTION, THE SECRETARY SHALL REMOVE THE CONTACT PREFERENCE FORM
20 FROM THE ADOPTEE’S ORIGINAL CERTIFICATE OF BIRTH.

21 (f) (1) The Secretary shall adopt regulations to carry out this section.

22 (2) [Subject to paragraphs (3) and (4) of this subsection, the] THE
23 Secretary shall give to each applicant who meets the requirements of this section a copy of
24 each record that the applicant requested and that the Secretary has on file.

25 [(3) Whenever a biological parent applies for a record, the Secretary shall
26 redact from the copy all information as to:

27 (i) the other biological parent, if that parent has filed a disclosure
28 veto in accordance with this section; and

29 (ii) the adoptee and each adoptive parent, if the adoptee has filed a
30 disclosure veto in accordance with this section.

31 (4) Whenever an adoptee applies for a record, the Secretary shall redact
32 from the copy all information as to the biological parent, if that parent has filed a disclosure
33 veto in accordance with this section.]

34 [(5)] (3) The Secretary shall give each applicant under this section notice

of the adoption search, contact, and reunion services available under this title.

5–3B–21.

(a) (1) Consent of a parent may include a waiver of rights to notice of:

(i) the filing of a petition under this subtitle; and

(ii) further proceedings under this subtitle.

(2) Consent to adoption under this subtitle is not valid unless the consent:

(i) is given after the prospective adoptee is born;

(ii) is given in a language that the party understands;

(iii) if given in a language other than English:

1. is given before a judge on the record; or

2. is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(iv) contains an express notice of:

1. the right to revoke consent, at any time within 30 days after the consent is signed;

2. the search rights of adoptees and parents under § 5–3B–29 of this subtitle and the search rights of adoptees, siblings, and parents under Subtitle 4B of this title; and

3. the right to file a [disclosure veto] **CONTACT PREFERENCE FORM** under § 5–3B–29 of this subtitle;

(v) except as to an adoption by a spouse of the prospective adoptee's parent or a relative of the prospective adoptee, states that the parent has been advised of the parent's rights to:

1. have independent counsel; and

2. receive adoption counseling and guidance;

(vi) states whether the parent chose to have or not have counsel or counseling; and

(vii) is accompanied by an affidavit of counsel appointed under §

5-3B-06 of this subtitle stating that a parent who is a minor or has a disability gives consent knowingly and voluntarily.

5-3B-29.

(a) (1) In this section the following words have the meanings indicated.

(2) "Director" means the State Director of Social Services.

(3) "RELATIVE" MEANS AN INDIVIDUAL WHO IS RELATED TO ANOTHER INDIVIDUAL BY BLOOD OR MARRIAGE WITHIN FIVE DEGREES OF CONSANGUINITY OR AFFINITY UNDER THE CIVIL LAW RULE.

~~[(3)]~~ (4) "Secretary" means the Secretary of Health.

~~[(b)]~~ This section applies only to an adoption in which a court enters an order for adoption on or after January 1, 2000.]

~~[(c)]~~ (B) This section does not bar:

(1) an adoptee or biological parent from applying for search, contact, and reunion services under Subtitle 4B of this title; or

(2) the Director or a confidential intermediary from obtaining a copy of a record under § 5-4B-04(c) or § 5-4B-06(b) or (c) of this title.

~~[(d)]~~ (C) (1) An adoptee who is at least ~~[21]~~ **18** years old, **OR AN ADOPTEE'S RELATIVE IF THE ADOPTEE IS DECEASED**, may apply to the Secretary for a copy of:

(i) the adoptee's original certificate of birth;

(ii) all records that relate to the adoptee's new certificate of birth, if any; and

(iii) the report of the adoptee's order of adoption filed by the clerk of court under § 4-211 of the Health – General Article.

(2) If an adoptee is at least ~~[21]~~ **18** years old, a biological parent of the adoptee may apply to the Secretary for a copy of:

(i) the adoptee's original certificate of birth;

(ii) the new certificate of birth, if any, that was substituted, under § 4-211 of the Health – General Article, for the adoptee's original certificate of birth;

(iii) all records that relate to the adoptee's new certificate of birth;

1 and

2 (iv) the report of the adoptee's order of adoption filed by the clerk of
3 court under § 4-211 of the Health – General Article.

4 (3) Each applicant under this subsection shall:

5 (i) provide all proof of identity and other relevant information that
6 the Secretary requires; and

7 (ii) pay the fee required under Title 4, Subtitle 2 of the Health –
8 General Article for a copy of a record.

9 **[(e)] (D)** (1) A biological parent may:

10 (i) file with the Director a [disclosure veto, to bar disclosure of
11 information about that parent in a record accessible under this section] **CONTACT**
12 **PREFERENCE FORM STATING A PREFERENCE REGARDING CONTACT WITH THE**
13 **ADOPTEE OR THE ADOPTEE'S RELATIVES, AS DESCRIBED IN SUBSECTION (E) OF THIS**
14 **SECTION;**

15 (ii) cancel a [disclosure veto] **CONTACT PREFERENCE FORM** at any
16 time; and

17 (iii) refile a [disclosure veto] **CONTACT PREFERENCE FORM** at any
18 time.

19 (2) An adoptee **[21] AT LEAST 18** years old may:

20 (i) file with the Director a [disclosure veto, to bar disclosure of
21 information about the adoptee in a record accessible under this section] **CONTACT**
22 **PREFERENCE FORM STATING A PREFERENCE REGARDING CONTACT WITH THE**
23 **BIOLOGICAL PARENTS OR THE BIOLOGICAL PARENTS' RELATIVES, AS DESCRIBED IN**
24 **SUBSECTION (E) OF THIS SECTION;**

25 (ii) cancel a [disclosure veto] **CONTACT PREFERENCE FORM** at any
26 time; and

27 (iii) refile a [disclosure veto] **CONTACT PREFERENCE FORM** at any
28 time.

29 (3) Immediately after the Director receives a [disclosure veto] **CONTACT**
30 **PREFERENCE FORM** or cancellation under this subsection, the Director shall forward a
31 copy to the Secretary.

(E) (1) THE DIRECTOR SHALL DEVELOP AND MAKE AVAILABLE A CONTACT PREFERENCE FORM THAT ALLOWS:

(I) A BIOLOGICAL PARENT TO STATE A PREFERENCE REGARDING CONTACT WITH THE ADOPTEE OR, IN THE EVENT THE ADOPTEE IS DECEASED, THE ADOPTEE'S RELATIVES; AND

(II) AN ADOPTEE TO STATE A PREFERENCE REGARDING CONTACT BY THE BIOLOGICAL PARENTS OR, IN THE EVENT THE BIOLOGICAL PARENTS ARE DECEASED, THE BIOLOGICAL PARENTS' RELATIVES.

(2) (I) THE CONTACT PREFERENCE FORM SHALL ALLOW THE ADOPTEE OR THE BIOLOGICAL PARENT TO SELECT ONE OF THE FOLLOWING STATEMENTS:

"I WOULD LIKE TO BE CONTACTED. I HAVE COMPLETED THIS CONTACT PREFERENCE FORM AND I AM FILING THIS FORM WITH THE DIRECTOR.

I WOULD LIKE TO BE CONTACTED ONLY THROUGH THE FOLLOWING DESIGNATED INTERMEDIARY: [_____]. (IF NO INTERMEDIARY IS NAMED OR NO NAMED INTERMEDIARY IS ABLE OR WILLING TO ACT, THE INVOLVED AGENCY, IF ANY, SHALL ACT ON MY BEHALF.). I HAVE COMPLETED THIS CONTACT PREFERENCE FORM AND I AM FILING THIS FORM WITH THE DIRECTOR.

I WOULD NOT LIKE TO BE CONTACTED. I HAVE COMPLETED THIS CONTACT PREFERENCE FORM AND I AM FILING THIS FORM WITH THE DIRECTOR."

(II) THE CONTACT PREFERENCE FORM SHALL CONTAIN THE FOLLOWING STATEMENT: "I MAY CHANGE THIS CONTACT PREFERENCE FORM BY FILLING OUT AND FILING ANOTHER CONTACT PREFERENCE FORM. I UNDERSTAND THAT THIS FORM IS ADVISORY ONLY."

(3) (I) IF THE SECRETARY RECEIVES A CONTACT PREFERENCE FORM FROM THE DIRECTOR UNDER SUBSECTION (D) OF THIS SECTION, THE SECRETARY SHALL ATTACH IT TO THE ADOPTEE'S ORIGINAL CERTIFICATE OF BIRTH AND PROVIDE IT TO A BIOLOGICAL PARENT OR AN ADOPTEE WHO APPLIES FOR A RECORD UNDER SUBSECTION (C) OF THIS SECTION.

(II) IF THE SECRETARY RECEIVES A CANCELLATION OF A CONTACT PREFERENCE FORM FROM THE DIRECTOR UNDER SUBSECTION (D) OF THIS SECTION, THE SECRETARY SHALL REMOVE THE CONTACT PREFERENCE FORM FROM THE ADOPTEE'S ORIGINAL CERTIFICATE OF BIRTH.

(f) (1) The Secretary shall adopt regulations to carry out this section.

(2) [Subject to paragraphs (3) and (4) of this subsection, the] **THE** Secretary shall give to each applicant who meets the requirements of this section a copy of each record that the applicant requested and that the Secretary has on file.

[(3) Whenever a biological parent applies for a record, the Secretary shall redact from the copy all information as to:

(i) the other biological parent, if that parent has filed a disclosure veto in accordance with this section; and

(ii) the adoptee and each adoptive parent, if the adoptee has filed a disclosure veto in accordance with this section.

(4) Whenever an adoptee applies for a record, the Secretary shall redact from the copy all information as to the biological parent, if that parent has filed a disclosure veto in accordance with this section.]

[(5)] **(3)** The Secretary shall give each applicant under this section notice of the adoption search, contact, and reunion services available under this title.

5-4B-01.

(a) In this subtitle the following words have the meanings indicated.

(h) "Sibling" means a brother or sister of the whole or half blood who:

(1) is at least [21] **18** years old; and

(2) has been adopted.

5-4B-02.

(a) (1) An adopted individual at least [21] **18** years old may apply to the Director to receive search, contact, and reunion services.

(2) If an adopted individual is at least [21] **18** years old, the following individuals may apply to the Director to receive search, contact, and reunion services:

(i) a biological parent of the adopted individual;

(ii) a sibling of the adopted individual; and

(iii) a director of a local department acting on behalf of a minor in out-of-home placement.

(3) A director of a local department or a local department director's designee may apply to the Director to receive search, contact, and reunion services to develop a placement resource or facilitate a family connection with relatives of a minor in out-of-home placement who was adopted through a local department if the local department has determined that reunification with the minor's adoptive parents is not in the minor's best interests.

5-4B-11.

(a) If an individual sought by a confidential intermediary is deceased, the confidential intermediary may not disclose the identity of the deceased to the individual who applied for search, contact, and reunion services.

(b) The confidential intermediary shall report the fact that the individual sought is deceased to the individual who applied for search, contact, and reunion services.

(c) (1) 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 [21] 18 years old to assess the willingness of the relative to communicate or exchange information with the applicant.

(2) If the deceased individual is an adopted individual, the confidential intermediary may, with the consent of the applicant, attempt to contact a member of the adoptive family who is at least [21] 18 years old to assess the willingness of the member of the adoptive family to communicate or exchange information with the applicant.

(3) If the applicant consents to contacting a relative or member of the adoptive family, the applicant shall execute another written agreement with the confidential intermediary concerning the provision of search, contact, and reunion services under this subsection.

(4) (i) 1. Except as provided in subparagraph (ii) of this paragraph, the confidential intermediary may charge the individual a reasonable fee for the additional search, contact, and reunion services described in this subsection.

2. The overall amount of fees collected may not exceed the costs of providing the services.

(ii) The confidential intermediary may not charge a director of a local department who applies for search, contact, and reunion services on behalf of a minor in out-of-home placement the fee described in subparagraph (i) of this paragraph.

(5) The confidential intermediary shall promptly:

(i) file the executed agreement with the Director; and

(ii) attempt to contact the relative or member of the adoptive family sought by the applicant.

(6) The provisions of this subtitle shall apply to search, contact, and reunion services provided by a confidential intermediary under this subsection.

Article – Health – General

4–211.

(g) (1) If a new certificate of birth is made, the Secretary shall:

(i) Substitute the new certificate of birth for any certificate then on file; and

(ii) Place the original certificate of birth and all records that relate to the new certificate of birth under seal.

(2) The seal may be broken only:

(i) On order of a court of competent jurisdiction;

(ii) If it does not violate the confidentiality of the record, on written order of a designee of the Secretary; or

(iii) In accordance with Title 5, **SUBTITLE 3**, Subtitle 3A, **SUBTITLE 3B**, or Subtitle 4B of the Family Law Article.

(3) A certified copy of the certificate of birth that later is issued shall be a copy of the new certificate of birth, unless:

(i) A court of competent jurisdiction orders the issuance of a copy of the original certificate of birth; or

(ii) Title 5, **SUBTITLE 3**, Subtitle 3A, **SUBTITLE 3B** or Subtitle 4B of the Family Law Article provides for the issuance of a copy of the original certificate of birth.

SECTION 2. AND BE IT FURTHER ENACTED, That if an adoptee or a biological parent filed, before October 1, 2020, a disclosure veto to bar disclosure of information about the adoptee or the biological parent, the Secretary of Health shall replace the disclosure veto with a contact preference form that indicates that the adoptee or the biological parent would not like to be contacted by the biological parent or the adoptee.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.