

DATE: February 25, 2020

BILL NUMBER: SB 743

COMMITTEE: Judicial Proceedings

BILL TITLE: Adoption - Access to Birth and Adoption Records and Search, Contact, and Reunion Services

DHS POSITION: Letter of Information

The Department of Human Services (the Department) respectfully submits this letter of information regarding Senate Bill 743. Senate Bill 743 would allow access to original birth certificates for all adoptees and amended birth certificates for all birth parents for any adoption regardless of when it took place.

This bill will directly affect all persons who have been or will have adoption finalizations through the Department. This bill proposes to replace the disclosure veto with a “Contact Preference Form,” which is advisory only. Since the contact preference form is merely advisory, whereas the disclosure veto places a mandate to redact the disclosure of information, birth parents and adoptees may both equally experience undesired contact from their child or birth parents respectively. For individuals whose adoptions were finalized before January 1, 2000 there are no provisions regarding how previously submitted disclosure vetoes will be handled. If an individual has filed a disclosure veto previously, this bill may remove a reasonable expectation of confidentiality and privacy, providing no notice or due process for these individuals involved in such adoptions because amended and original birth certificates would be subject to disclosure. Should this legislation ultimately annul these disclosure vetoes, the individuals involved would need to be immediately notified of the need to submit a new form in order to maintain a respected level of privacy and confidentiality.

Provided that both parties, i.e. the adoptee and the birth parent(s), are interested in pursuing greater openness between them, Maryland law allows for such openness as a default for adoptions occurring after January 1, 2000. Currently the Department offers Adoption Search, Contact and Reunion Services through a Confidential Intermediary to all persons no matter when the adoption occurred. The Department currently provides these services and the disclosure of birth records to all biological parents and adult adoptees who are open and interested in such contact. However, at this time both adoptees and birth parents have the ability to file a disclosure veto, which bars disclosure of information about that individual from the records attempted to be accessed. This provides both privacy and security to both parties who determine that they do not wish to disclose that information to the interested party. It is important to note that the individual may withdraw their disclosure veto at any time in writing to the Department.

The Department appreciates the opportunity to share the aforementioned information regarding SB 743 and respectfully requests this information be taken into account during the Committee’s deliberations.