

# HOUSE BILL 22

D4, J1  
HB 719/12 – JUD

(PRE-FILED)

3lr0700  
CF 3lr0839

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By: **Delegate Nathan-Pulliam**

Requested: November 1, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of making certain provisions of law authorizing access to certain  
5 birth and adoption records by certain adoptees and biological parents applicable  
6 to adoptions in which a juvenile court entered an order for adoption before a  
7 certain date; repealing provisions of law limiting, under certain circumstances,  
8 access to certain information in certain birth and adoption records by certain  
9 adoptees and biological parents for certain adoptions in which a juvenile court  
10 entered an order for adoption on or after a certain date, except under certain  
11 circumstances; repealing the right of certain adoptees and biological parents to  
12 file a disclosure veto barring the disclosure of certain information in certain  
13 birth or adoption records; altering the age at which an adoptee or a biological  
14 parent may apply to the Secretary of Health and Mental Hygiene for a copy of  
15 certain birth or adoption records; authorizing certain adoptees and biological  
16 parents who filed a disclosure veto before a certain date to cancel the disclosure  
17 veto; requiring the Secretary to redact from a copy of certain birth and adoption  
18 records information concerning certain individuals who filed certain disclosure  
19 vetoes before a certain date; requiring the Secretary to collect certain data and  
20 make certain reports; altering the age at which certain individuals may apply to  
21 the Director of the Social Services Administration to receive adoption search,  
22 contact, and reunion services; altering the age of certain individuals who a  
23 confidential intermediary is authorized to attempt to contact under certain  
24 circumstances; making certain conforming changes; altering a certain  
25 definition; and generally relating to birth and adoption records and adoption  
26 search, contact, and reunion services.

27 BY repealing and reenacting, with amendments,  
28 Article – Family Law

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 5-321(a)(3), 5-339(a)(3), 5-351(a), 5-359, 5-3A-19(a), 5-3A-35(c),  
2 5-3A-42, 5-3B-21(a), 5-3B-29, 5-4B-01, 5-4B-02(a), and 5-4B-11  
3 Annotated Code of Maryland  
4 (2012 Replacement Volume)

5 BY adding to  
6 Article – Health – General  
7 Section 4-219(d)  
8 Annotated Code of Maryland  
9 (2009 Replacement Volume and 2012 Supplement)

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

12 **Article – Family Law**

13 5-321.

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

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

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

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

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

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

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

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

28 3. the right to file a disclosure veto under § 5-359 of this  
29 subtitle;]

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

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

1                                 2.     the parent consents knowingly and voluntarily; and

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

5 5-339.

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

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

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

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

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

14                               (iii)  the consent names the child;

15                               (iv)  the consent contains enough information to identify the  
16 prospective adoptive parent;

17                               (v)    the party has received written notice or on the record notice  
18 of:

19                                   1.     the revocation provisions in subsections (a)(2) and  
20 (b)(1) of this section; **AND**

21                                   2.     the search rights of adoptees and parents under §  
22 5-359 of this subtitle and the search rights of adoptees, parents, and siblings under  
23 Subtitle 4B of this title; and

24                                   [3.    the right to file a disclosure veto under § 5-359 of this  
25 subtitle; and]

26                               (vi)  the consent is accompanied by an affidavit of counsel  
27 appointed under § 5-307(a) of this subtitle, stating that a parent who is a minor or has  
28 a disability consents knowingly and voluntarily.

29 5-351.

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

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

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

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

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

8 (3) the consent names the child;

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

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

12 (i) the revocation provisions in this section; **AND**

13 (ii) the search rights of adoptees and parents under § 5-359 of  
14 this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B  
15 of this title[; and

16 (iii) the right to file a disclosure veto under § 5-359 of this  
17 subtitle].

18 5-359.

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

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

21 (3) “Secretary” means the Secretary of Health and Mental Hygiene.

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

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

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

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

1           **[(d)] (C)**     (1)    An adoptee who is at least **[21] 18** years old may apply to  
2 the Secretary for a copy of:

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

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

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

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

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

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

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

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

18                   (3)    Each applicant under this subsection shall:

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

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

23           **[(e)] (D)**     (1)    **[A] IF A BIOLOGICAL PARENT FILED A DISCLOSURE**  
24 **VETO BEFORE OCTOBER 1, 2013, TO BAR DISCLOSURE OF INFORMATION ABOUT**  
25 **THAT PARENT IN A RECORD ACCESSIBLE UNDER THIS SECTION, THE** biological  
26 parent may[:

27                           (i)    file with the Director a disclosure veto, to bar disclosure of  
28 information about that parent in a record accessible under this section;

29                           (ii)]   cancel **[a] THE** disclosure veto at any time[:; and

30                           (iii)  refile a disclosure veto at any time].

1           (2) [An] **IF AN ADOPTEE FILED A DISCLOSURE VETO BEFORE**  
2 **OCTOBER 1, 2013, TO BAR DISCLOSURE OF INFORMATION ABOUT THE ADOPTEE**  
3 **IN A RECORD ACCESSIBLE UNDER THIS SECTION, THE** adoptee [at least 21 years  
4 old may:

5                   (i) file with the Director a disclosure veto, to bar disclosure of  
6 information about the adoptee in a record accessible under this section;

7                   (ii) cancel a] **MAY CANCEL THE** disclosure veto at any time[;  
8 and

9                   (iii) refile a disclosure veto at any time].

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

12           [(f)] **(E)** (1) The Secretary shall adopt regulations to carry out this  
13 section.

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

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

19                   (i) the other biological parent, if that parent [has] filed a  
20 disclosure veto [in accordance with this section] **BEFORE OCTOBER 1, 2013**; and

21                   (ii) the adoptee and each adoptive parent, if the adoptee [has]  
22 filed a disclosure veto [in accordance with this section] **BEFORE OCTOBER 1, 2013**.

23           (4) Whenever an adoptee applies for a record, the Secretary shall  
24 redact from the copy all information as to a biological parent, if that parent [has] filed  
25 a disclosure veto [in accordance with this section] **BEFORE OCTOBER 1, 2013**.

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

29 5-3A-19.

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

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

- 1 (ii) further proceedings under this subtitle.
- 2 (2) Consent to guardianship is not valid unless the consent:
- 3 (i) is given after the child for whom guardianship is sought is  
4 born;
- 5 (ii) is given in a language that the party understands;
- 6 (iii) if given in a language other than English:
- 7 1. is given before a judge on the record; or
- 8 2. is accompanied by the affidavit of a translator stating  
9 that the translation of the document of consent is accurate;
- 10 (iv) contains an express notice of:
- 11 1. the right to revoke consent, at any time within 30  
12 days after the person signs the consent, unless the revocation is barred under  
13 subsection (b)(2) of this section; **AND**
- 14 2. the search rights of adoptees and parents under §  
15 5-3A-42 of this subtitle and the search rights of adoptees, parents, and siblings under  
16 Subtitle 4B of this title; and
- 17 [3. the right to file a disclosure veto under § 5-3A-42 of  
18 this subtitle; and]
- 19 (v) is accompanied by an affidavit of counsel appointed under §  
20 5-3A-07(a) of this subtitle stating that a parent who is a minor or has a disability  
21 consents knowingly and voluntarily.
- 22 5-3A-35.
- 23 (c) Consent of a party to an adoption under this Part III of this subtitle is not  
24 valid unless:
- 25 (1) the consent is given in a language that the party understands;
- 26 (2) if given in a language other than English, the consent:
- 27 (i) is given before a judge on the record; or
- 28 (ii) is accompanied by the affidavit of a translator stating that  
29 the translation of the document of consent is accurate;

1 (3) the consent names the child;

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

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

5 (i) the revocation provisions in this section; **AND**

6 (ii) the search rights of adoptees and parents under § 5-3A-42  
7 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle  
8 4B of this title[; and

9 (iii) the right to file a disclosure veto under § 5-3A-42 of this  
10 subtitle].

11 5-3A-42.

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

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

14 (3) “Secretary” means the Secretary of Health and Mental Hygiene.

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

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

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

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

22 [(d)] **(C)** (1) An adoptee who is at least [21] **18** years old may apply to  
23 the Secretary for a copy of:

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

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

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



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

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

4                   (ii) the new certificate of birth, if any, substituted, under §  
5 4-211 of the Health – General Article, for the adoptee's original certificate of birth;

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

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

10           (3) Each applicant under this subsection shall:

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

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

15           **[(e)] (D) (1) [A] IF A BIOLOGICAL PARENT FILED A DISCLOSURE**  
16 **VETO BEFORE OCTOBER 1, 2013, TO BAR DISCLOSURE OF INFORMATION ABOUT**  
17 **THAT PARENT IN A RECORD ACCESSIBLE UNDER THIS SECTION, THE** biological  
18 parent may[:

19                   (i) file with the Director a disclosure veto, to bar disclosure of  
20 information about that parent in a record accessible under this section;

21                   (ii)] cancel [a] THE disclosure veto at any time[; and

22                   (iii) refile a disclosure veto at any time].

23           (2) **[An] IF AN ADOPTEE FILED A DISCLOSURE VETO BEFORE**  
24 **OCTOBER 1, 2013, TO BAR DISCLOSURE OF INFORMATION ABOUT THE ADOPTEE**  
25 **IN A RECORD ACCESSIBLE UNDER THIS SECTION, THE** adoptee [at least 21 years  
26 old may:

27                   (i) file with the Director a disclosure veto, to bar disclosure of  
28 information about the adoptee in a record accessible under this section;

29                   (ii) cancel a] MAY CANCEL THE disclosure veto at any time[;  
30 and

1 (iii) refile a disclosure veto at any time].

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

4 [(f) (E) (1) The Secretary shall adopt regulations to carry out this  
5 section.

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

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

11 (i) the other biological parent, if that parent [has] filed a  
12 disclosure veto [in accordance with this section] **BEFORE OCTOBER 1, 2013**; and

13 (ii) the adoptee and each adoptive parent, if the adoptee [has]  
14 filed a disclosure veto [in accordance with this section] **BEFORE OCTOBER 1, 2013**.

15 (4) Whenever an adoptee applies for a record, the Secretary shall  
16 redact from the copy all information as to the biological parent, if that parent [has]  
17 filed a disclosure veto [in accordance with this section] **BEFORE OCTOBER 1, 2013**.

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

20 5-3B-21.

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

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

23 (ii) further proceedings under this subtitle.

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

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

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

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

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

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

3                                   (iv)   contains an express notice of:

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

6                                   2.     the search rights of adoptees and parents under §  
7 5–3B–29 of this subtitle and the search rights of adoptees, siblings, and parents under  
8 Subtitle 4B of this title; [and

9                                   3.     the right to file a disclosure veto under § 5–3B–29 of  
10 this subtitle;]

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

14                                   1.     have independent counsel; and

15                                   2.     receive adoption counseling and guidance;

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

18                                  (vii) is accompanied by an affidavit of counsel appointed under §  
19 5–3B–06 of this subtitle stating that a parent who is a minor or has a disability gives  
20 consent knowingly and voluntarily.

21 5–3B–29.

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

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

24                                   (3)   “Secretary” means the Secretary of Health and Mental Hygiene.

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

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

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

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

3           **[(d)] (C)**     (1)     An adoptee who is at least **[21] 18** years old may apply to  
4 the Secretary for a copy of:

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

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

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

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

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

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

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

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

20           (3)     Each applicant under this subsection shall:

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

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

25           **[(e)] (D)**     (1)     **[A] IF A BIOLOGICAL PARENT FILED A DISCLOSURE**  
26 **VETO BEFORE OCTOBER 1, 2013, TO BAR DISCLOSURE OF INFORMATION ABOUT**  
27 **THAT PARENT IN A RECORD ACCESSIBLE UNDER THIS SECTION, THE** biological  
28 parent may[:

29                         (i)     file with the Director a disclosure veto, to bar disclosure of  
30 information about that parent in a record accessible under this section;

1 (ii) cancel [a] **THE** disclosure veto at any time[; and

2 (iii) refile a disclosure veto at any time].

3 (2) [An] **IF AN ADOPTEE FILED A DISCLOSURE VETO BEFORE**  
4 **OCTOBER 1, 2013, TO BAR DISCLOSURE OF INFORMATION ABOUT THE ADOPTEE**  
5 **IN A RECORD ACCESSIBLE UNDER THIS SECTION, THE** adoptee [21 years old may:

6 (i) file with the Director a disclosure veto, to bar disclosure of  
7 information about the adoptee in a record accessible under this section;

8 (ii) cancel a] **MAY CANCEL THE** disclosure veto at any time[;  
9 and

10 (iii) refile a disclosure veto at any time].

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

13 [(f)] **(E)** (1) The Secretary shall adopt regulations to carry out this  
14 section.

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

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

20 (i) the other biological parent, if that parent [has] filed a  
21 disclosure veto [in accordance with this section] **BEFORE OCTOBER 1, 2013**; and

22 (ii) the adoptee and each adoptive parent, if the adoptee [has]  
23 filed a disclosure veto [in accordance with this section] **BEFORE OCTOBER 1, 2013**.

24 (4) Whenever an adoptee applies for a record, the Secretary shall  
25 redact from the copy all information as to the biological parent, if that parent [has]  
26 filed a disclosure veto [in accordance with this section] **BEFORE OCTOBER 1, 2013**.

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

29 5-4B-01.

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

1 (b) “Administration” means the Social Services Administration of the  
2 Department.

3 (c) “Confidential intermediary” means an individual or child placement  
4 agency qualified by the Director for the purpose of providing search, contact, and  
5 reunion services under this subtitle.

6 (d) “Director” means the Director of the Administration.

7 (e) “Member of the adoptive family” means an adoptive parent, grandparent,  
8 brother, or sister of an adopted individual.

9 (f) “Relative” means a parent, brother, sister, child, aunt, or uncle of a  
10 biological parent.

11 (g) “Search, contact, and reunion services” means services:

12 (1) to locate adopted individuals, biological parents of adopted  
13 individuals, siblings of adopted individuals, and, as provided in § 5–4B–11 of this  
14 subtitle, relatives and members of the adoptive family;

15 (2) to assess the mutual desire for communication or disclosure of  
16 information:

17 (i) between adopted individuals and biological parents of  
18 adopted individuals;

19 (ii) between adopted individuals and siblings of adopted  
20 individuals; and

21 (iii) as provided in § 5–4B–11 of this subtitle, between:

22 1. adopted individuals and relatives; and

23 2. biological parents and members of the adoptive  
24 family;

25 (3) to provide, or provide referral to, counseling for adopted  
26 individuals, biological parents of adopted individuals, siblings of adopted individuals,  
27 relatives, and members of the adoptive family; and

28 (4) if siblings of a minor in out-of-home placement were adopted  
29 through a local department, to contact the siblings to develop a placement resource or  
30 facilitate a family connection with the siblings of the minor.

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

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

2 (2) has been adopted.

3 5-4B-02.

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

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

8 (i) a biological parent of the adopted individual;

9 (ii) a sibling of the adopted individual; and

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

12 5-4B-11.

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

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

19 (c) (1) If the deceased individual is a biological parent, the confidential  
20 intermediary may, with the consent of the applicant, attempt to contact a relative who  
21 is at least [21] 18 years old to assess the willingness of the relative to communicate or  
22 exchange information with the applicant.

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

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

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

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

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

10           (5) The confidential intermediary shall promptly:

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

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

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

## 16                           Article – Health – General

17 4–219.

18           **(D) THE SECRETARY SHALL COLLECT DATA AND MAKE QUARTERLY**  
19 **REPORTS, AVAILABLE TO THE PUBLIC ON REQUEST, ON:**

20                           **(1) THE NUMBER OF ADOPTEES WHO HAVE APPLIED FOR A**  
21 **RECORD UNDER §§ 5–359, 5–3A–42, AND 5–3B–29 OF THE FAMILY LAW**  
22 **ARTICLE; AND**

23                           **(2) THE NUMBER OF BIOLOGICAL PARENTS OF ADOPTEES WHO**  
24 **HAVE APPLIED FOR A RECORD UNDER §§ 5–359, 5–3A–42, AND 5–3B–29 OF THE**  
25 **FAMILY LAW ARTICLE.**

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