

HOUSE BILL 1125

D4, E1

5lr2116
CF 5lr2943

By: **Delegate C. Wilson**

Introduced and read first time: February 19, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Rehoming of Adopted Children**

3 FOR the purpose of prohibiting a person from rehoming a child, committing certain acts
4 related to rehoming a child, conspiring in the commission of certain acts related to
5 rehoming a child, or acting as an accessory to the commission of certain acts related
6 to rehoming a child; providing that this Act does not apply to the placement of a child
7 by a licensed attorney, a child placement agency, or the State Department of Human
8 Resources; defining certain terms; imposing a certain penalty; and generally relating
9 to the rehoming of children.

10 BY repealing and reenacting, without amendments,
11 Article – Family Law
12 Section 5–101(a) through (c) and (e)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2014 Supplement)

15 BY adding to
16 Article – Family Law
17 Section 5–3C–01 through 5–3C–03 to be under the new subtitle “Subtitle 3C.
18 Rehoming of Adopted Children”
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2014 Supplement)

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

Article – Family Law

24 5–101.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Adoptive parent" means an individual who completes adoption of another
2 individual.

3 (c) "Child placement agency" means:

4 (1) a local department; or

5 (2) a private agency that is licensed by the Social Services Administration
6 of the Department under § 5-507 of this title, or by a comparable governmental unit of
7 another state, to place children.

8 (e) "Department" means the State Department of Human Resources.

9 **SUBTITLE 3C. REHOMING OF ADOPTED CHILDREN.**

10 **5-3C-01.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) "CHILD" MEANS A MINOR WHO IS THE SUBJECT OF A GUARDIANSHIP OR
14 AN ADOPTION ORDER.

15 (C) "PHYSICAL CUSTODY" MEANS THE PHYSICAL CARE AND SUPERVISION
16 OF A CHILD.

17 (D) (1) "REHOME" MEANS TRANSFERRING PHYSICAL CUSTODY OF A
18 CHILD TO AN INDIVIDUAL NOT RELATED BY BLOOD OR MARRIAGE TO AN ADOPTIVE
19 PARENT OR A LEGAL GUARDIAN OF THE CHILD:

20 (I) WITH THE INTENT OF PERMANENTLY DIVESTING THE
21 ADOPTIVE PARENT OR LEGAL GUARDIAN OF PARENTAL RESPONSIBILITIES WITH
22 RESPECT TO THE CHILD; AND

23 (II) WITHOUT THE PRIOR APPROVAL OF A COURT.

24 (2) "REHOME" DOES NOT INCLUDE:

25 (I) TRANSFERRING PHYSICAL CUSTODY OF A CHILD TO A
26 LICENSED ATTORNEY, A CHILD PLACEMENT AGENCY, OR THE DEPARTMENT;

27 (II) TRANSFERRING PHYSICAL CUSTODY OF A CHILD TO
28 ANOTHER PERSON ON A TEMPORARY BASIS DUE TO:

1 1. A VACATION OR SCHOOL-SPONSORED ACTIVITY; OR

2 2. THE INCARCERATION, MILITARY SERVICE, MEDICAL
3 TREATMENT, OR TEMPORARY INCAPACITY OF THE CHILD'S ADOPTIVE PARENT OR
4 LEGAL GUARDIAN;

5 (III) PLACING A CHILD IN ANOTHER STATE IN ACCORDANCE
6 WITH THE REQUIREMENTS OF THE INTERSTATE COMPACT ON PLACEMENT OF
7 CHILDREN; OR

8 (IV) RELINQUISHING A CHILD IN ACCORDANCE WITH § 5-641 OF
9 THE COURTS ARTICLE.

10 5-3C-02.

11 THIS SUBTITLE DOES NOT APPLY TO THE PLACEMENT OF A CHILD BY A
12 LICENSED ATTORNEY, A CHILD PLACEMENT AGENCY, OR THE DEPARTMENT.

13 5-3C-03.

14 (A) A PERSON MAY NOT:

15 (1) REHOME A CHILD;

16 (2) ADVERTISE, RECRUIT, OR SOLICIT A CHILD FOR REHOMING;

17 (3) HARBOR, TRANSPORT, TRANSFER, OR RECEIVE A CHILD FOR THE
18 PURPOSE OF REHOMING THE CHILD;

19 (4) ENTER INTO ANY AGREEMENT, WITH OR WITHOUT VALUABLE
20 CONSIDERATION, TO REHOME A CHILD;

21 (5) CONSPIRE IN THE COMMISSION OF AN ACT PROHIBITED BY THIS
22 SECTION; OR

23 (6) ACT AS AN ACCESSORY TO AN ACT PROHIBITED BY THIS SECTION.

24 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND
25 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE
26 NOT EXCEEDING \$10,000 OR BOTH.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2015.