

**FAMILY LAW
TITLE 5. CHILDREN
SUBTITLE 3A. PRIVATE AGENCY GUARDIANSHIP AND ADOPTION
PART I. GENERAL PROVISIONS**

Md. FAMILY LAW Code Ann. § 5-3A-01 (2014)

§ 5-3A-01. Definitions

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

(b) Child. -- "Child" means an individual who is the subject of a guardianship or adoption petition under this subtitle.

(c) Guardianship. -- "Guardianship" means an award, under this subtitle, of any power of a guardian.

(d) Identifying information. -- "Identifying information" means information that reveals the identity or location of an individual.

(e) Parent. --

(1) "Parent" means an individual who, at the time a petition for guardianship or adoption is filed under this subtitle or at any time before a court terminates the individual's parental rights:

(i) meets a criterion in § 5-3A-06(a) of this subtitle; or

(ii) is the mother.

(2) "Parent" does not include an individual whom a court has adjudicated not to be a father or mother.

§ 5-3A-02. Scope of subtitle

(a) Application. -- This subtitle applies only to:

(1) guardianship by a child placement agency of a child other than a child in need of assistance; and

(2) adoption of the child.

(b) Effect. -- Except as expressly provided in this subtitle, this subtitle does not apply to any case pending on or before December 31, 2005.

§ 5-3A-03. Statement of findings; purposes

(a) Statement of findings. -- The General Assembly finds that the policies and procedures of this subtitle are desirable and socially necessary.

(b) Purposes. -- The purposes of this subtitle are to:

(1) timely provide permanent and safe homes for children consistent with their best interests;

(2) protect children from unnecessary separation from their parents;

(3) ensure adoption only by individuals fit for the responsibility;

(4) protect parents from making hurried or ill-considered agreements to terminate parental rights;

(5) protect prospective adoptive parents by providing them information about prospective adoptees and their backgrounds; and

(6) protect adoptive parents from a future disturbance of their relationship with adoptees by former parents.

§ 5-3A-04. Relationship with Title 5, Subtitle 5

This subtitle is related to and should be read in relation to Subtitle 5 of this title.

§ 5-3A-06. Paternity

(a) In general. -- Unless a court excludes a man as the father of a child, a man is the father if:

(1) the man was married to the child's mother at the time of the child's conception;

(2) the man was married to the child's mother at the time of the child's birth;

(3) the man is named as the father on the child's birth certificate and has not signed a denial of paternity;

(4) the child's mother has named the man as the child's father and the man has not signed a denial of paternity;

(5) the man has been adjudicated to be the child's father;

(6) the man has acknowledged himself, orally or in writing, to be the child's father and the mother agrees; or

(7) on the basis of genetic testing, the man is indicated to be the child's biological father.

(b) Notice and hearing on paternity claim. --

(1) A petitioner under this subtitle shall give a court notice that a man who is not named in the petition and has not been excluded as a father claims paternity.

(2) After a request of a party or claimant and before ruling on a petition for guardianship or adoption under this subtitle, a court shall hold a hearing on the issue of paternity.

(a) "Order" defined. -- In this section, "order" includes any action that, under the laws of another jurisdiction, has the force and effect of a comparable judicial order under this subtitle.

(b) Order of another state. -- In accordance with the United States Constitution, this State shall accord full faith and credit to:

(1) an order of another state as to adoption or guardianship in compliance with the other state's laws; and

(2) termination of parental rights in compliance with the other state's laws.

(c) Other foreign orders. -- As to a jurisdiction other than a state:

(1) an order for adoption or guardianship entered in compliance with the jurisdiction's laws shall have the same legal effect as an order for adoption or guardianship entered in this State; and

(2) termination of parental rights in compliance with the jurisdiction's laws shall have the same legal effect as termination of parental rights in this State.

(d) Construction. -- This section may not be construed to require an individual to petition a court in this State for adoption of an adoptee if:

(1) the individual adopted the adoptee in compliance with the laws of a jurisdiction other than a state; and

(2) the United States Citizenship and Immigration Services verifies the validity of that adoption by granting, under the federal Immigration and Nationality Act, an IR-3 visa for the adoptee.

§ 5-3A-07. Appointed counsel

(a) Parent. --

(1) In a case under this subtitle, a court shall appoint an attorney to represent a parent who:

(i) has a disability that makes the parent incapable of effectively participating in the case; or

(ii) when the parent must decide whether to consent under this subtitle, is still a minor.

(2) To determine whether a disability makes a parent incapable of effectively participating in a case, a court, on its own motion or on motion of a party, may order examination of the parent.

(b) Child. --

(1) In an adoption proceeding under this subtitle, a court shall appoint an attorney to represent a prospective adoptee who:

(i) is at least 10 years old; and

(ii) 1. is a minor; or

2. has a disability that makes the prospective adoptee incapable of effectively participating in the proceeding.

(2) To determine whether a disability makes a child incapable of effectively participating in a case, a court, on its own motion or on motion of a party, may order examination of the child.

(c) Dual representation. -- An attorney or firm:

(1) may represent more than one party in a case under this subtitle only if the Maryland Rules of Professional Conduct allow; and

(2) may not represent a prospective adoptive parent and parent in the same case.

(d) Compensation. -- Counsel appointed under this section may be compensated for reasonable fees, as approved by the court.

§ 5-3A-08. Agreement for postadoption contact

(a) Authorized. --

(1) A prospective adoptive parent and parent of a prospective adoptee under this subtitle may enter into a written agreement to allow contact, after the adoption, between:

(i) the parent or other relative of the adoptee; and

(ii) the adoptee or adoptive parent.

(2) An adoptive parent and former parent of an adoptee under this subtitle may enter into a written agreement to allow contact between:

(i) a relative or former parent of the adoptee; and

(ii) the adoptee or adoptive parent.

(b) Construction of agreement. -- An agreement made under this section applies to contact with an adoptee only while the adoptee is a minor.

(c) Dissemination; redaction. -- An individual who prepares an agreement described in subsection (a)(1) of this section:

(1) shall provide a copy to each party in a case pending as to the prospective adoptee under this subtitle; and

(2) if the agreement so provides, shall redact identifying information from all copies.

(d) Effect of noncompliance. -- Failure to comply with a condition of an agreement made under this section is not a ground for revoking consent to, or setting aside an order for, adoption or guardianship.

(e) Mediation. -- If a dispute as to an agreement made under this section arises, a court may order the parties to engage in mediation to try to resolve the dispute.

(f) Enforcement. --

(1) A court shall enforce a written agreement made in accordance with this section unless enforcement is not in the adoptee's best interests.

(2) If a party moves to modify a written agreement made in accordance with this section and satisfies the court that modification is justified because an exceptional circumstance has arisen and the court finds modification to be in an adoptee's best interests, the court may modify the agreement.

§ 5-3A-09. Costs

A court may assign among the parties to a case under this subtitle, as the court considers appropriate, counsel fees and the cost of testing under § 5-3A-06 of this subtitle.

§§ 5-3A-11, 5-3A-12.

Reserved.

§ 5-3A-13. Petition

(a) Petitioner. -- Only a child placement agency may petition for guardianship under this subtitle.

(b) Child. -- A court may grant guardianship under this subtitle only for a minor.

(c) Contents. -- A petitioner shall attach to a petition:

(1) all written consents for the guardianship that the petitioner has; and

(2) if applicable:

(i) proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a state or other jurisdiction; and

(ii) certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws.

§ 5-3A-14. Notice of filing

(a) Requirement. -- Within 5 days after a petition for guardianship of a child is filed with a court, the clerk shall send a copy of the petition and notice of filing to:

(1) each of the child's living parents who has not waived the right to notice; and

(2) each living parent's attorney of record.

(b) Method. -- Notice under this section shall be by first-class mail.

(c) Parental address. -- Notice to a parent under this section shall be sent to a parent's last address known to the court.

§ 5-3A-15. Order to show cause

(a) Requirement. -- On issuance of a show cause order as to guardianship of a child, a petitioner shall serve the order on each of the child's living parents who has not consented to the guardianship.

(b) Method. -- Service under this section shall be by:

(1) personal service; or

(2) certified mail, restricted delivery, return receipt requested.

(c) Parental address. -- Service on a parent under this section shall be attempted at the parent's last address known to the petitioner.

(d) Publication. --

(1) If a court is satisfied, by affidavit or testimony, that, after reasonable efforts in good faith, a petitioner could not identify a parent or could not effect service on a parent, the court shall order service through notice by publication as to that parent.

(2) Notice under this subsection shall consist of substantially the following statement:

To: (Father's name) To: (Mother's name) To: Unknown parent

"You are hereby notified that a guardianship case has been filed in the circuit court for (county name), case no. (number). All persons who believe themselves to be parents of a (male or female) child born on (date of birth) in (city, state) to (mother's and father's names and dates of birth) shall file a written response. A copy of the show cause order may be obtained from the clerk's office at (address) and (telephone number). If you do not file a written objection by (deadline), you will have agreed to the permanent loss of your parental rights to this child."

(3) Service under this subsection shall be by:

(i) publication at least once in one or more newspapers in general circulation in the county where the parent last resided or, if unknown, where the petition is filed; and

(ii) posting for at least 30 days on a website of the Department.

(4) The Department may charge a petitioner a reasonable fee to cover the cost of posting.

§ 5-3A-16. Investigation

Before ruling on a guardianship petition, a court may order any investigation that the court considers necessary.

§ 5-3A-17. Time limits

(a) Maximum limit. -- Subject to subsection (b) of this section, a court shall rule on a guardianship petition under this subtitle within 180 days after the petition is filed.

(b) Minimum limit. -- A court may not enter a final order for guardianship under this subtitle until the later of expiration of the time for:

(1) revocation of consent; or

(2) the filing of a response to an order to show cause.

§ 5-3A-18. Authority to grant guardianship

(a) Consent or best interests. -- A court may grant a guardianship of a child only if:

(1) each of the child's living parents consents:

(i) in writing; or

(ii) by failure to timely file notice of objection after being served with a show cause order in accordance with this subtitle;

(2) an administrative, executive, or judicial body of a state or other jurisdiction has granted a governmental unit or person other than a parent the power to consent to adoption, and the governmental unit or person consents; or

(3) parental rights have been terminated in compliance with the laws of a state or other jurisdiction, as described in § 5-3A-05 of this subtitle.

(b) Conditional consent. -- A governmental unit or person:

(1) may condition consent or acquiescence on adoption into a specific family that a child placement agency has approved for the placement; but

(2) may not condition consent or acquiescence on any factor other than placement into a specific family.

§ 5-3A-19. Consent

(a) Contents. --

(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 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.

(b) Revocation period. --

(1) Subject to paragraph (2) of this subsection, a person may revoke consent to guardianship at any time within 30 days after the person signs the consent.

(2) A parent may not revoke consent for guardianship of a child if:

(i) in the preceding year, the parent has revoked consent for or filed a notice of objection to guardianship of the child; and

(ii) the child is at least 30 days old and consent is given before a judge on the record.

(c) Failed conditional placement. -- If a petitioner becomes aware, before a court rules on a petition, that a condition of consent under § 5-3A-18(b) of this subtitle cannot be fulfilled, the petitioner promptly shall:

(1) file notice with the court;

(2) give notice to all of the other parties;

(3) if consent was received from a governmental unit or person who is not a party, give notice to that unit or person; and

(4) (i) if the unit or person enters into a new consent, file the consent with the court; or

(ii) if the unit or person fails to enter into a new consent, dismiss the petition.

§ 5-3A-20. Grant of guardianship -- Consensual

(a) Authority. -- If all consents for guardianship of a child have been given in accordance with this subtitle, a court may enter an order for guardianship.

(b) Notice. --

(1) Within 5 days after entry of an order under this section, a court shall notify each party to the case who has not waived the right to notice.

(2) Notice under this subsection shall be by first-class mail.

(3) Notice under this subsection shall be sent to a party's last address known to the court.

§ 5-3A-21. Contents of order

In an order entered under this subtitle, a court shall document:

(1) the response by each party to the guardianship petition; and

(2) the waiver, if any, of a parent to notice of further proceedings.

§ 5-3A-22. Effects of order for guardianship

(a) Parent-child relationship. -- An order for guardianship of an individual:

(1) except as provided in § 5-3A-23 of this subtitle, § 4-414 of the Estates and Trusts Article, and § 2-123 of the Real Property Article, terminates a parent's duties, obligations, and rights toward the individual;

(2) eliminates the need for notice to a parent as to the filing of an adoption petition;

(3) eliminates the need for further consent of a parent to adoption of the individual; and

(4) grants guardianship of the individual to a child placement agency.

(b) Guardian. --

(1) Unless a court gives legal custody to another person, a child's guardian under this subtitle has legal custody.

(2) Unless a court orders otherwise and subject to review by the court, a child's guardian may make all decisions affecting the child's education, health, and welfare, including consenting to:

(i) adoption of the child;

(ii) application by the child for a driver's license;

(iii) enlistment by the child in the armed forces;

(iv) marriage of the child; and

(v) medical, psychiatric, or surgical treatment.

§ 5-3A-23. Guardianship review

(a) Report. --

(1) A child placement agency shall file a written report with a court with jurisdiction over a child whenever:

(i) the child placement agency fails to place the child for adoption with a preadoptive parent, as defined in § 3-823(i)(1) of the Courts Article:

1. within 270 days after being awarded guardianship; or

2. within 180 days after permanently removing the child from another placement; or

(ii) a court does not enter a final order of adoption within 2 years after the placement.

(2) A report under this subsection shall state each reason for the delay in placement or adoption.

(b) Notice. --

(1) Whenever a child placement agency files a report under this section, the child placement agency shall mail notice of the child's status:

(i) to each of the child's living parents who has not waived the right to notice and, if represented, counsel; and

(ii) if a court appointed counsel for the child under this subtitle, to the child's last attorney of record.

(2) A waiver of rights under this subsection is not valid unless the waiver appears expressly in:

(i) the parent's consent to guardianship; and

(ii) the guardianship order.

(c) Hearing. --

(1) Whenever a court receives a report under this section, the court shall hold a hearing to:

(i) review the progress that the child placement agency has made toward adoption of the child; and

(ii) take all actions that the court considers to be in the child's best interests.

(2) Each year after a hearing under paragraph (1) of this subsection until the court's jurisdiction terminates, the court shall hold another review hearing.

§ 5-3A-24. Failed conditional consent during guardianship

If a petitioner becomes aware, after a court rules on a petition, that a condition of consent under § 5-3A-18(b) of this subtitle cannot be fulfilled, the petitioner promptly shall:

(1) file notice with the court;

(2) give notice to all of the other parties;

(3) if consent was received from a governmental unit or person who is not a party, give notice to that unit or person; and

(4) (i) if the unit or person enters into a new consent, file the consent with the court;

(ii) if the unit or person fails to enter into a new consent, ask the court to set aside the guardianship order; or

(iii) if the unit or person cannot be located after exhaustion of the service requirements under § 5-3A-15 of this subtitle, ask the court to determine whether it is in the child's best interests to continue the guardianship despite the inability to fulfill the condition.

§ 5-3A-25. Termination of guardianship

(a) Age limit. -- Unless terminated sooner, a court retains jurisdiction over a child until the child attains 18 years of age.

(b) Adoption order. -- An order for adoption of a child terminates the child's guardianship case.

§§ 5-3A-26 to 5-3A-28.

Reserved.

**FAMILY LAW
TITLE 5. CHILDREN
SUBTITLE 3A. PRIVATE AGENCY GUARDIANSHIP AND ADOPTION
PART III. ADOPTION**

Md. FAMILY LAW Code Ann. § 5-3A-29 (2014)

§ 5-3A-29. Petitioner

(a) Age. -- Any adult may petition a court for an adoption under this subtitle.

(b) Minimum period of placement. -- A petitioner may petition for adoption of a child 180 days or more after a child placement agency places the child with the petitioner.

(c) Marital status. --

(1) If a petitioner under this section is married, the petitioner's spouse shall join in the petition unless the spouse:

(i) is separated from the petitioner under a circumstance that gives the petitioner a ground for annulment or divorce; or

(ii) is not competent to join in the petition.

(2) If the marital status of a petitioner changes before entry of a final order, the petitioner shall amend the petition accordingly.

§ 5-3A-30. Notice of filing

A petitioner for adoption under this subtitle shall give notice of the filing of an adoption petition to each person whose consent is required.

§ 5-3A-31. Report

Before a court enters an order for adoption of a child under this subtitle, a child placement agency shall file a written report on:

(1) the suitability of the petitioner to adopt the child; and

(2) the relationship between the petitioner and child.

5-3A-32. Hearing on adoption petition

A court shall hold a hearing before entering an order for adoption under this subtitle.

§ 5-3A-33. Time limits

A court may not enter an order for adoption under this subtitle until 30 days after entry of a guardianship order under this subtitle.

§ 5-3A-34. Considerations.

(a) In general. -- In ruling on a petition for a child's adoption under this Part III of this subtitle, a court shall consider:

- (1) all factors necessary to determine the child's best interests; and
- (2) the report required under § 5-3A-31 of this subtitle.

(b) Marriage. -- In ruling on an adoption petition under this Part III of this subtitle, a court may not deny the petition solely because the petitioner is single or unmarried.

§ 5-3A-35. Authority to grant adoption

(a) Consent. -- A court may enter an order for a child's adoption under this subtitle only if:

- (1) the child placement agency consents; and
- (2) for a child who is at least 10 years old, the child consents.

(b) "Disability" defined; withholding consent. --

(1) (i) In this subsection, "disability" means:

1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

2. a mental impairment or deficiency;

3. a record of having a physical or mental impairment as defined under this paragraph; or

4. being regarded as having a physical or mental impairment as defined under this paragraph.

(ii) "Disability" includes:

1. any degree of paralysis or amputation;

2. blindness or visual impairment;

3. deafness or hearing impairment;

4. muteness or speech impediment;

5. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

6. intellectual disability, as defined in § 7-101 of the Health - General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(2) A child placement agency may not withhold consent for the sole reason that:

(i) the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

(ii) a prospective adoptive parent has a disability.

(c) Requirements for valid consent. -- 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 under § 5-3A-42 of this subtitle.

(d) Revocation. --

(1) A child placement agency may revoke consent at any time within the later of:

(i) 14 days after the child placement agency signs the consent; or

(ii) 14 days after the adoption petition is filed.

(2) A child who is at least 10 years old may revoke consent at any time before a court enters an order of adoption under this subtitle.

§ 5-3A-36. Order for adoption

(a) Effect on parent-child relationship. --

(1) This subsection does not limit the right of an individual to provide for distribution of property by will.

(2) Except as provided in § 2-123 of the Real Property Article, after a court enters an order for adoption under this subtitle:

(i) the adoptee:

1. is the child of the adoptive parent for all intents and purposes; and

2. is entitled to all of the rights and privileges of and is subject to all of the obligations of offspring born to the adoptive parent;

(ii) each of the adoptee's living parents is:

1. relieved of all parental duties and obligations to the adoptee; and

2. divested of all parental rights as to the adoptee; and

(iii) the Estates and Trusts Article shall govern all of the rights of inheritance between the adoptee and parental relatives.

(b) Effect on pending cases. -- An order for adoption under this subtitle terminates all pending guardianship cases as to the adoptee.

(c) Adoption of adults. -- Adoption of an adult has the same legal effect as adoption of a minor.

(d) Notice of order. --

(1) When a court enters an order for a child's adoption under this subtitle, the court shall send notice to:

(i) each court that has a pending guardianship case as to the adoptee;

- (ii) each of the child's living, former parents who has not waived the right to notice; and
- (iii) the former guardian of the child.

(2) Service on a parent under this subsection shall be at the parent's last address known to the court.

§ 5-3A-37. Petition to invalidate

If a petition to invalidate an order for adoption under this subtitle on the basis of a jurisdictional or procedural defect is filed more than 1 year after entry of the order, a court shall dismiss the petition.

§ 5-3A-38.

Reserved.

§ 5-3A-39. Medical and mental health information

(a) Compilation of adoptee's records or history. -- A child placement agency shall make reasonable efforts to compile and make available to a prospective adoptive parent:

(1) all of the prospective adoptee's medical and mental health records that the agency has; or

(2) a comprehensive medical and mental health history of the prospective adoptee.

(b) Compilation of parental history. -- On request of a prospective adoptive parent, a child placement agency shall make reasonable efforts to compile a pertinent medical and mental health history of each of the prospective adoptee's parents, if available to the agency, and to make the history available to the prospective adoptive parent.

(c) Later received information. --

(1) If, after adoption, a child placement agency receives medical or mental health information about the adoptee or adoptee's former parent, the agency shall make reasonable efforts to make the information available to the adoptive parent.

(2) If, after adoption, the adoptive parent requests additional information, the child placement agency shall make reasonable efforts to notify the former parent, at the former parent's last known address available to the agency, of the request and the reason for the request.

(d) Exclusion of identifying information. -- A medical or mental health history compiled under this section may not contain identifying information as to a parent.

§ 5-3A-40. Court and agency records

(a) Access. --

(1) (i) On request of an adoptee or adoptive or former parent of an adoptee and without a showing of a need, a child placement agency shall provide information, other than identifying information, in its adoption record on the adoptee.

(ii) If a child placement agency denies a request under this paragraph, then on petition of an adoptee or adoptive or former parent and without a showing of need, a court shall order access for the petitioner to inspect, in accordance with subsection (b) of this section, the agency's record on the adoptee.

(2) On petition of an adoptee or adoptive or former parent of an adoptee and without a showing of need, a court shall order access for the petitioner to inspect, in accordance with subsection (b) of this section, the court's record on the adoptee.

(b) Protection of identifying information. -- A court may not order opened for inspection under this section any part of a record that contains identifying information.

§ 5-3A-41. Urgently needed medical information

(a) Hearing on need. -- If, after a hearing on petition of an adoptee or former parent, a court is satisfied that the adoptee or blood relative of the adoptee or former parent urgently needs medical information not in agency and court records, the court may appoint an intermediary to try to contact the adoptee or a former parent of the adoptee for the information.

(b) Role of intermediary. -- An intermediary appointed under this section:

(1) only may advise an adoptee or former parent of the need for medical information; and

(2) may not:

(i) reveal any identifying information about an adoptee or former parent; or

(ii) try, in any manner, to encourage or discourage contact between an adoptee and former parent.

(c) Report to court. -- An intermediary appointed under this section shall file with the appointing court a confidential written report on the intermediary's efforts to contact an adoptee or former parent.

(d) Disclosure by court. -- When a court receives a report from an intermediary, the court may disclose to the adoptee or former parent, without revealing identifying information about the adoptee or any former parent:

(1) whether the intermediary advised the adoptee or former parent about the need for medical information; and

(2) medical information that the adoptee or former parent provided.

(e) Compensation. -- Notwithstanding any other provision of law, a court may order an adoptee or former parent to pay a reasonable fee for the services of an intermediary under this section.

FAMILY LAW
TITLE 5. CHILDREN
SUBTITLE 3A. PRIVATE AGENCY GUARDIANSHIP AND ADOPTION
PART IV. ACCESS TO ADOPTION RECORDS

Md. FAMILY LAW Code Ann. § 5-3A-42 (2014)

§ 5-3A-42. Vital records

(a) Definitions. --

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

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

(3) "Secretary" means the Secretary of Health and Mental Hygiene.

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

(c) Construction of section. -- 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) Application for record. --

(1) An adoptee who is at least 21 years old 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 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, 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) Disclosure veto. --

(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;

(ii) cancel a disclosure veto at any time; and

(iii) refile a disclosure veto at any time.

(2) An adoptee at least 21 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;

(ii) cancel a disclosure veto at any time; and

(iii) refile a disclosure veto at any time.

(3) Immediately after the Director receives a disclosure veto or cancellation under this

subsection, the Director shall forward a copy to the Secretary.

(f) Duties of Secretary. --

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

(2) Subject to paragraphs (3) and (4) of this subsection, 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) The Secretary shall give each applicant under this section notice of the adoption search, contact, and reunion services available under this title.

§ 5-3A-43. Access for adoptive parent.

(a) Allowed. -- Subject to subsection (b) of this section, access to a dental or medical record of an adopted minor may not be denied to a parent of the minor because the parent is an adoptive parent.

(b) Limit on identifying information. -- Access to a dental or medical record under this section may not include access to any part of the record that has identifying information as to a former parent of the minor.

§ 5-3A-44.

Reserved.

§ 5-3A-45. Prohibited payments

(a) Prohibited act. -- Except as otherwise provided by law, a person may not charge or receive, from or for a parent or prospective adoptive parent, any compensation for a service in connection with:

(1) placement of an individual to live with a preadoptive family; or

(2) an agreement for custody in contemplation of adoption.

(b) Construction of section. --

(1) In this subsection, "Administration" means the Social Services Administration of the Department.

(2) This section does not:

(i) prohibit payment, by an interested person, of:

1. a customary and reasonable charge or fee for adoption counseling, hospital, legal, or medical services;

2. reasonable expenses for transportation for medical care associated with the pregnancy or birth of the child;

3. reasonable expenses for food, clothing, and shelter for a birth mother if, on written advice of a physician, the birth mother is unable to work or otherwise support herself because of medical reasons associated with the pregnancy or birth of the child; or

4. reasonable expenses associated with any required court appearance relating to the adoption, including transportation, food, and lodging expenses; or

(ii) prevent the Administration, or a person that the Administration licenses or supervises, from receiving and accepting reasonable reimbursement for costs of an adoptive service in connection with adoption, if:

1. the reimbursement is in accordance with standards set by regulation of the Administration; and

2. the ability to provide this reimbursement does not affect:

A. the acceptability of any individual for adoptive services; or

B. the choice of the most suitable prospective adoptive parent.

(c) Duty of State's Attorney. -- Each State's Attorney shall enforce this section.

(d) Penalties. -- A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 100 or imprisonment not exceeding 3 months or both, for each offense.