



NEWSLETTER

July 2013

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Allowable Adoption Expenses in Maryland under New Law

By Jennifer Fairfax and Catelyn Slattery

Maryland adoption law has not changed much over the last 15 years. Even with the revisions to the rules and code in 2007 there were not as many substantive changes as there were organization and clarification changes and forms created. Maryland has one of the longest revocation periods (30 days), no putative father registry, adoption attorneys are not allowed to be compensated for “matching” and until October 1, 2013 a strict prohibition on living expenses.

On May 17, 2013, Governor O’Malley signed into law House Bill 563 which will help to ensure that pregnant women who are considering adoption can remain in Maryland and protect their legal rights while receiving proper nutrition, medical care and shelter during their pregnancies. The law goes into effect on October 1, 2013.

The new law has changed the possibilities for adoption in Maryland. It brings Maryland current with 37 other states that allow adoptive parents and licensed agencies to pay for reasonable expenses for birth mothers.

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Reminder:

There is no monthly luncheon in July

Annual Picnic – see page 4

Adoption Expenses Article

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It expands what was able to be paid, and now under Maryland law an adoptive parent can pay:

- A customary and reasonable charge or fee for adoption counseling;
- Reasonable expenses for transportation for medical care associated with the pregnancy or birth of the child;
- Reasonable expenses for food, clothing, and shelter for a birth mother if on the written advice of the physician, the birth mother is unable to work or otherwise support herself because of medical reasons associated with the pregnancy or the birth of the child or;
- Reasonable expenses associated with any required court appearance relating to the adoption, including transportation, food, and lodging.

Allowing for the payment of expenses for birth mothers will enable pregnant women to have the protections provided by current Maryland adoption laws. Some of these protections include: that every birth parent in a Maryland adoption has 30 days after their child is born to change their mind and have the child returned to them; the right to have legal representation throughout the adoption proceedings; the right to free adoption counseling and the right to enter into a legally binding post adoption contract with the adoptive parents. The new law will likely increase the number of intrastate adoptions since often birth parents looked outside Maryland to make an adoption plan as they were able to receive financial support from families in New Jersey, New York, Illinois, Ohio and many other states and they balanced that support against a shorter revocation period or few post adoption contact rights.

This law will help have a profound impact on Maryland families looking to adopt. Allowing Maryland families to provide reasonable expenses to Maryland birth mothers creates more possibilities for families looking to adopt and for women looking to place their children locally but it can also increase the cost of the adoption which needs to be considered by the adoptive family early in the process.

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Consumer Tip

By Janet Legg, Legg Law Firm, LLC.

Widows are not responsible for the separate credit card debt of their spouses. At least one major credit card company has a reputation for suing on these across the country. Under the Maryland Constitution, the property of a wife is not liable for the debts of the husband.



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And, of course, there will be additional work for adoption attorneys. In independent adoptions in Maryland an accounting is required before the adoption can be finalized and most interstate adoptions require an accounting as well. As we begin to work on adoption plans where these newly allowed expenses are being paid, good ethical adoption practice requires that the expenses be paid from the attorney's escrow account directly to the third party or, in some circumstances by the adoptive parents as long as the attorney verifies the expense and the payee. This will create additional accounting and paperwork for the adoption professional, but it is essential for the integrity of the adoption that money is not give directly to a birth parent for any expenses (absent verified reimbursement) and adoptive parents should never give money directly to the birth parent (even for a verified expense). Even though the adoption law has expanded to include these expenses it remains the law in Maryland (and across the country) that a birth parent cannot be paid for the child, and to avoid any appearance of impropriety, all monies related to the adoption should go through adoption professionals office and a detailed record and accounting should be made.

Salvation Army Day Camp Fishing Day July 11th from 9am to 11am at Culler Lake

The BAFC is sponsoring a morning fishing outing for children attending the Salvation Army Day Camp. We anticipate 45 children will attend this year, and we need your help. Please Contact Ricky Sandy at 301-600-6811 if you can volunteer.

What's needed:

- 20 Member Volunteers
- 45 Borrowed Fishing Poles
- Fishing tackle
- Bait
- Bottled Water

Young Lawyers/Experienced Lawyer Fishing Trip Saturday, July 20

Always a popular event, a young lawyer is paired up with a sponsoring, experienced attorney for an overnight fishing trip in Rock Hall, Maryland. Dinner will be Friday night, July 19th. Please contact Ricky Sandy at 301-600-6811 if you are interested in participating.