

CHAPTER 10

RETROSPECTIVE MARYLAND STATUTE SEARCHING

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Explanation

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EXPLANATION

The Maryland Code, the subject compilation of Maryland statutes currently in force, has existed in various editions since the 1800s. Until the 1950s, the time between new editions, as much as twenty years, was bridged by sporadically published bound cumulative supplements. Further updating was done by the researcher's own addition of session laws that had either amended an existing section or added a new section of the code. Editions of the Maryland Code were published in 1840, 1860, 1879, 1888, 1904, 1912, 1924, 1939, and 1951.

In 1957, the Michie Company published a new edition of the Maryland Code, with updating provided annually by pocket parts incorporating the enactments of that year's legislative session. Organized by the same numbered articles as its immediate predecessor, the 1951 edition, the 1957 edition of the Code streamlined the numbering of sections within the articles. Cross references from the internal section numbering of the articles in the 1951 edition to the 1957 edition were provided in a "Table of Comparative Sections" published in volume 9 of the 1957 edition. While this edition of the Code was a great improvement over its predecessor both in format of updating and editorial enhancements, the decision was made by the early 1970s to recompile the Code into an edition organized by named topical articles. This effort to recompile the Code first brought substantive results in 1974 with the publication of the articles covering Agriculture, Courts and Judicial Proceedings, Estates and Trusts, Natural Resources, and Real Property. Since then, the legislature gradually whittled away at the portions of the Code that still remained in the numbered article format of the 1957 edition. After these old articles were recompiled, the new articles were enacted into law and published. The old volumes of the 1957 edition were then republished with the now superseded articles removed.

In 2016, this process of converting the numbered articles into named articles was completed with the revision and enactment of the Alcoholic Beverages Article. The new Alcoholic Beverages Article consolidates relevant provisions from numbered and other named articles dealing with the regulation of alcoholic beverages. Now that the process is completed, the Maryland Code only consists of named articles. The numbered articles have been removed from the Maryland Code and future researchers need only use the numbered articles if historical statutory research is required.

To translate a citation from the 1957 edition of the code forward, many researchers use the "Table of Comparable Sections for Unnumbered Articles" within Michie's *Annotated Code of Maryland Tables*. This paperback is republished every year and allows the researcher to determine where a

particular section from the 1957 edition is now codified. This table is also available online via Lexis at Md. Code Ann., art. 101 § 1 (click the “Display Image” link to view a PDF of the table).

Often the researcher finds that an individual section from the 1957 edition is now in several sections of the new edition, while sometimes the old section now has no counterpart, having been repealed in its entirety. Moreover, many articles of the subject edition of the Code have now existed for so long that they themselves have been recompiled. A translation table for this too may be found in the paperback volume. Be cautious here, however. A number of articles were reorganized between 1957 and their further revision into the subject edition of the Code. These revisions within the 1957 edition can be difficult to trace. To do this, check the “Tables of Comparable Sections” included in the 1972 and 1977 republications of volume 9A of the 1957 edition. This “forward translation” is most often done when a researcher finds a citation to the Code in a case and wants to determine the current status or form of that portion of the Code.

On the other hand, to translate a new code section back to an old, reference must first be made to the historical citations at the end of every section of the Code. However, it is important to note that the subject edition of the Code uses the 1957 edition as a “platform.” By looking at the historical citations at the end of every section, you will determine where, if anywhere, the section was codified in the 1957 edition, as well as the cites of any subsequent session laws that have amended the section. To determine where the section appeared in earlier editions, however, you must then go to the article and section referenced in the 1957 edition. This will give you not only where the section appeared in all editions back to and including the 1888 edition of the code, but all session laws that contributed to the section back to colonial times. Once again, this process is used to determine the law at a particular date in the past or to determine the statutory context in which to read a case from the past. In addition, reference can be made to old pocket parts, back to 1957, to look at a “snapshot” of how the code stood at a particular year in the past. Generally, a superseded pocket part must be looked at in conjunction with the bound volume of the code, superseded or current, that the pocket part was published to update. The earliest copyright date in the pocket part will reveal which of possibly several republications of that article or group of articles of the code it was designed to update.

In the historical citations with each section of the Maryland Code, older editions of the Maryland Code can be distinguished from session laws. The abbreviation “ch.” for chapter appears immediately after the year in a session law citation, while a citation to an older edition of the Code consists only of the year of the Code followed by the section. For example, at the end of Md. Ann. Code art. 27, § 38 (1996) the information appears as:

Ann. Code, 1951, § 46; 1939, § 42; 1927, ch. 651; 1961, ch. 691.

This is a reference to the two earlier editions of the Maryland Code where the section was codified and to the two session laws that went into making up the section as it stood in 1996. Following *The Bluebook* form the older codes would be cited:

MD. ANN. CODE art. 27, § 46 (1951)

MD. ANN. CODE art. 27, § 42 (1939)

and the session laws would be cited:

1927 Md. Laws ch. 651

1961 Md. Laws ch. 691

Since the 1957 edition was first published, not only were its individual volumes and those of the subject edition kept up to date with pocket parts, but the volumes themselves were republished, as necessary. This occurred either when the pocket parts became too large to fit readily into the space provided in the back of the volume, or when the substantive changes in the code became so great or complicated that the republication of the entire volume was necessary for clarity. In both the 1957 edition and the subject edition of the Code, original volumes have a year alone printed on the lower portion of the spine, whereas replacement volumes have both a year and “Replacement Volume” immediately following. This distinction is particularly important when dealing with the subject edition because key features, the Revisor’s Notes, are published only in the initial volume of the new edition. When that volume is first replaced, these notes are no longer included. Thus, the researcher must use the original volume of each article of the subject edition to find the Revisor’s Notes.

EXAMPLES

First, look at Article 88A, § 30 in the 1951 edition of the Maryland Code. Note that the earliest session law in the historical citations with that section (this information is printed immediately before the section, not after, as is now the practice) is from 1947, with other enactment in 1950.

Maryland Code - Article 88A § 30, 1951 edition

STATE DEPARTMENT OF PUBLIC WELFARE

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before the Circuit Court, sitting in equity, in any county in which the alleged violator is located or has an established place of business, or before one of the Circuit Courts of the Supreme Bench of Baltimore City, if the alleged violator is located or has an established place of business in Baltimore City.

1947 Supp., sec. 16K. 1947, ch. 600, sec. 16K. 1950, ch. 63, sec. 16K.

28. (Reciprocity.) The State Department is authorized to recognize and deal with any institution, agency, or society, licensed or recognized by another state for the care or placement of minors, if that state extends the same recognition and reciprocal relations to licensees under this sub-title.

1947 Supp., sec. 16L. 1947, ch. 600, sec. 16L.

29. (Prosecutions.) It shall be the duty of the State's Attorney in each county and in Baltimore City to prosecute all violations of this sub-title.

★ ★ 1947 Supp., sec. 16M. 1947, ch. 600, sec. 16M. 1950, ch. 63, sec. 16M. ★ ★

30. (Penalty.) Any institution, agency, society, individuals, husband and wife acting jointly, or set of individuals who assume or exercise the care, custody, or control of minors, unrelated by blood or marriage, or who place such minors for adoption, or otherwise, in violation of the provisions of this sub-title, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed Five Hundred Dollars or to imprisonment for not to exceed one year, in the discretion of the court.

1947 Supp., sec. 16N. 1947, ch. 600, sec. 16N.

31. (Interpretation.) The provisions of Section 479 of Article 27 of the Annotated Code shall not be construed as limiting the powers granted by this sub-title to the State Department of Public Welfare.

The first session law cited following *The Bluebook* as 1947 Md. Laws Ch. 600, § 16M is the enactment of the legislature that first created this section.

Laws of Maryland, 1947 - Chapter 600

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LAWS OF MARYLAND.

[Ch. 600]

cuit Court, sitting in equity, in any county in which the alleged violator is located or has an established place of business, or before one of the Circuit Courts of the Supreme Bench of Baltimore City, if the alleged violator is located or has an established place of business in Baltimore City.

16K. (Reciprocity.) The State Department is authorized to recognize and deal with any institution, agency, society, individuals or set of individuals licensed or recognized by another state for the care or placement of minors, if that state extends the same recognition and reciprocal relations to licensees under this sub-title.

16L. (Prosecutions.) It shall be the duty of the State's Attorney in each county and in Baltimore City to prosecute all violations of this sub-title.

**** 16M. (Penalty.)** Any institution, agency, society, individuals, husband and wife acting jointly, or set of individuals who assume or exercise the care, custody, or control of minors or who place such minors for adoption, or otherwise, in violation of the provisions of this sub-title, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed one hundred dollars or to imprisonment for not to exceed three months, in the discretion of the court.

16N. (Interpretation.) The provisions of Section 458 of Article 27 of the Annotated Code (1939 Edition) shall not be construed as limiting the powers granted by this sub-title to the State Department of Public Welfare.

SEC. 2. *And be it further enacted,* That Sections 10 and 11 of Article 88A of the Annotated Code of Maryland (1939 Edition and 1943 Supplement), title "State Department of Public Welfare", sub-title "Board of Welfare", be and they are hereby repealed and re-enacted, with amendments, to read as follows:

10. The State Department of Public Welfare shall have the authority to license any person or institution maintaining a home in which two or more persons beyond the age of 65 years shall be cared for and for which a charge is made for such care or maintenance, upon due proof of compliance with rules and regulations designed to secure the proper care of such aged persons, which rules and regulations the said State Board of Public Welfare is hereby authorized to establish. The provisions of this section shall not apply to persons caring for relatives.

Any institutions, agencies and societies, whether incorporated or not, as well as all individuals who may be aggrieved by the decision of any agency or local board delegated to issue

CHAPTER 10: RETROSPECTIVE MARYLAND STATUTE SEARCHING

What happened to this section when the 1951 edition of the Code was recompiled in 1957? Turn to the cross-reference table in volume 9 of the 1957 edition of the Code, which translates from the 1951 to the 1957 edition. Note that the section appears in the 1957 edition at Md. Code art. 88A, § 31. Obviously, this is not much of a change, but in other parts of the Code, where there was more legislative activity during the 1950s, the renumbering was much more extensive.

Maryland Code, Table of Comparative Sections, 1957

TABLE OF COMPARATIVE SECTIONS				557			
Article 87							
1951 Code and Supplement Sec.	Code Supplement	1957 Code Sec.	1951 Code and Supplement Sec.	1957 Code Sec.	1951 Code and Supplement Sec.	Code Supplement	1957 Code Sec.
1		1	53	52	39		41
2		2	54	53	40		42
3		3	55	54	41		43
4		4			42		44
5	Repealed by 1957, c. 399, § 1		Article 87A		43		45
6		5	1-22	Expired	44		46
7		6	Article 88		45		47
8		7	1	1	46		48
9		8	2	2	47		49
10		9	3	3	48		50
11		10	4	4	49		51
12		11			50		52
13		12	Article 88A		51		53
14		13	1	1	52		54
15		14	2	2	53		55
16		15	3	3	54		56
17		16	4	4	55		57
18		17	5	5	56		58
19		18	6	6	57		59
20		19	7	7	58		60
21		20	8	8	59		61
22		21	9	9	Article 88B		
23		22	10	10	1		1
24		23	11	11	2		2
25		24	12	12	3		3
26		25	13	13	4		4
27		26	14	14	5		5
28		27	15	15	6		6
29		28	16	16	7		7
30		29	17	17	8		8
31		30	18	18	9		9
32		31	19	19	10		10
33		32	20	20	11		11
34		33	20A	21	12		12
35		34	21	22	13		13
36		35	22	23	14		14
37		36	23	24	15		15
38		37	24	25	16		16
39		38	25	26	17		17
40		39	26	27	18		18
41		40	27	28	19		19
42		41	28	29	20		20
43		42	29	30	21		21
44		43	30	31	22		22
45		44	31	32	23		23
46		45	32	33	24		24
47		46	33	34	25		25
48		47	34	35	26		26
49		48	35	36	27		27
50		49	36	37	28		28
51		50	37	38	29		29
52		51	37A	39	30		30
			38	40	31		31

Note how the section was published in the 1957 edition. Also note how the session law information no longer precedes the section, but now follows the section in parenthesis.

Maryland Code - Article 88A § 31, 1957 edition

Art. 88A, § 29 STATE DEPARTMENT OF PUBLIC WELFARE Art. 88A, § 33

seek to enjoin the activities and operations of any institution, agency, society, individual, or set of individuals seeking to carry on the functions licensed by this subtitle, without having secured the required license. Such petition for an injunction shall be brought before the circuit court, sitting in equity, in any county in which the alleged violator is located or has an established place of business, or before one of the circuit courts of the Supreme Bench of Baltimore City, if the alleged violator is located or has an established place of business in Baltimore City. (An. Code, 1951, § 27; 1947, ch. 600, § 16J.)

§ 29. Reciprocity.

The State Department is authorized to recognize and deal with any institution, agency, or society, licensed or recognized by another state for the care or placement of minors, if that state extends the same recognition and reciprocal relations to licensees under this subtitle. (An. Code, 1951, § 28; 1947, ch. 600, § 16K; 1950, ch. 63, § 16K.)

§ 30. Prosecutions.

It shall be the duty of the State's attorney in each county and in Baltimore City to prosecute all violations of this subtitle. (An. Code, 1951, § 29; 1947, ch. 600, § 16L.)

**** § 31. Penalty.**

Any institution, agency, society, individuals, husband and wife acting jointly, or set of individuals who assume or exercise the care, custody, or control of minors, unrelated by blood or marriage, or who place such minors for adoption, or otherwise, in violation of the provisions of this subtitle, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed five hundred dollars or to imprisonment for not to exceed one year, in the discretion of the court. (An. Code, 1951, § 30; 1947, ch. 600, § 16M; 1950, ch. 63, § 16M.)

§ 32. Interpretation.

The provisions of § 399 of Article 27 of the Annotated Code shall not be construed as limiting the powers granted by this subtitle to the State Department of Public Welfare. (An. Code, 1951, § 31; 1947, ch. 600, § 16N.)

TRAINING SCHOOLS FOR DELINQUENT CHILDREN

§ 33. Institutions under supervision of Department.

From and after June 1, 1943, the Maryland Training School for Boys, Montrose School for Girls, Cheltenham School for Boys [Boys' Village of Maryland], and the Barret School for Girls, shall exercise their corporate functions under the supervision, direction and control of the Department of Public Welfare. Said Department shall by rules and regulations establish standards of care, policies or admission, transfer and discharge, and from time to time order such changes in the policies, conduct or management of said institutions as may seem desirable. Said Department shall develop a program within each training school, including provision for after-care supervision. Each of said institutions shall nevertheless remain under the general management of its respective board of managers, subject to the limitations herein set forth. (An. Code, 1951, § 32; 1943, ch. 797, § 17; 1949, ch. 314, § 17.)

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What happened when Article 88A of the 1957 edition was recompiled into the current subject edition of the Code? Using the “Table of Comparable Sections for Unnumbered Articles” (within the *Annotated Code of Maryland Tables*, a separate volume that is republished every year and shelved with the current edition of the Code), note that this section ended up in the subject edition at Md. Code Ann., Fam. Law § 5-521.

Maryland Code, Table of Comparable Sections, 1998

ANNOTATED CODE OF MARYLAND			
Md. Code Art. Sec.	Section in FL	Md. Code Art. Sec.	Section in FL
88A 22	5-519 (a)	88A 92 (a) (1)	4-606
23	5-510, 5-513	92 (a) (2)	4-608
23A	5-511	92 (b)	4-613
24	5-514	93	4-610
25	5-515, 5-516	94 (a)	4-607
26 (a)	5-506 (c), 5-517	94 (b)	4-607, 4-609
26 (b) to (d)	5-518 (a)	95	4-609, 4-610
26 (e)	5-518 (b)	96	4-607
27	5-520 (a)	97	4-611
27A	5-328, 5-520 (b), (c)	98	4-607, 4-612
28	5-519 (b)	99	4-613
29	5-512	101	4-514
30	Deleted (see GRN, Title 5, Subtitle 5)	102	4-513
★★ 31	5-521	103 (a) to (c)	4-515
32	5-503	103 (d)	4-516 (a)
32B	5-529	104	4-516 (b)
32C	5-526	106	14-101
32D	5-502 (b) (3), 5-550 (c)	107	14-102
32E (a) (1)	5-501 (a)	108	14-201
32E (a) (2)	5-101	109	14-301
32E (a) (3)	5-501 (d)	110 (a)	14-401, 14-402
32E (a) (4)	5-501 (e)	110 (b), (c)	14-402
32E (a) (5)	5-501	110 (d), (e)	14-403
32E (b)	5-553	110 (f) to (h)	14-404
32E (c)	5-550 (a), (b)	111 (a), (b)	6-102
32E (d)	5-552	111 (c)	6-103
32E (e)	5-551	112	6-101 (c)
32F	5-555	113	6-103
32G (a)	5-554	114	5-501 (f), 5-535, 5-536, 5-540, 5-541, 5-544 to 5-546
32G (b)	5-556	115 (a)	5-535
32H	5-557	115 (b)	5-536, 5-537, 5-538
59 (a)	10-106	116 (a)	5-540 (a)
59 (b) (1) to (2) (viii)	10-108	116 (b)	5-540 (a), 5-541 (a) (1), (b) (1), (2), (e) (1) to (3), 5-542, 5-543
59 (b) (2) (ix)	10-110	116 (c) (1)	Deleted (see RN, § 5-540)
59 (b) (3)	10-112	116 (c) (2)	5-540 (b), 5-541 (a) (1), (b) (1)
59 (b) (4)	10-111	116 (c) (3)	5-541 (a) (2)
59 (b) (5)	10-108	116 (c) (4)	5-541 (a)
59 (b) (5) (i)	10-117	117	5-538
59 (b) (5) (ii)	Deleted (see GRN, Title 10, Subtitle 1)	118	5-538, 5-539
59 (b) (5) (iii)	10-116 (a), (b)	119 (a)	5-544
59 (b) (5) (iv)	10-114 (1), (2), 10-116	119 (b)	5-545
59 (c) (1)	5-1011, 10-115 (b)	119 (c)	5-546
59 (c) (2)	5-1011, 10-109, 10-115 (a), (c)	119 (d), (e)	5-539
59 (d)	10-107, 10-114 (3)	120	5-547
59 (e)	10-113	121 (a), (b)	4-401
60 (a) to (c)	5-527	121 (c)	4-402 (a)
60 (d)	5-530	122	4-402 (b)
60 (e)	5-528	123	4-403
61 (a)	5-524		Art. 27
61 (b), (c) (1)	5-525		Art. 73B
61 (c) (2)	5-532		6-403(a)(1), (b)(1)
90	4-602	130	793
91	4-601		
92 (a)	4-605, 4-606, 4-608, 4-613	88B 15(b)(16)	

This is the section as it appeared in the subject editions of the Code when the Family Law article was first published in 1984. Note the inclusion of the Revisor's Note.

Maryland Code, Family Law § 5-521, 1984 edition

§ 5-521

ANNOTATED CODE OF MARYLAND

(c) *Limitation on content of medical history.* — A medical history compiled under this section may not disclose or permit disclosure of the names or identity of a child's natural parents. (An. Code 1957, art. 88A, §§ 27, 27A; 1984, ch. 296, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from Art. 88A, §§ 27 and 27A.

In subsection (b) of this section, the word "person" is substituted for the former language "institution, agency, society, licensee or person", for brevity.

Defined terms:

"License": § 5-501
"Person": § 1-101

****§ 5-521. Penalties for violation of Part II.**

A person who, in violation of any provision of this Part II of this subtitle, exercises care, custody, or control of a minor child unrelated by blood or marriage or makes a placement of a minor child unrelated by blood or marriage is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year. (An. Code 1957, art. 88A, § 31; 1984, ch. 296, § 2.)

**** REVISOR'S NOTE**

This section is new language derived without substantive change from Art. 88A, § 31.

The word "person" is substituted for the former language "institution, agency, society, individuals, husband and wife acting jointly, or set of individuals", for brevity.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that this penalty section is narrower in scope than this Part II of this subtitle, in that

it provides for penalties only when a person commits a violation as to children who are not related to the person by blood or marriage. The Commission to Revise the Annotated Code also notes that this section does not provide for both a fine and imprisonment.

Defined term:

"Person": § 1-101

§§ 5-522, 5-523.

Reserved.

Part III. Child Welfare Services; Foster Care.

§ 5-524. Child welfare services.

The Administration shall provide child welfare services to a child and the child's parent or guardian:

- (1) to assist in preventing the necessity of placing the child outside of the child's home;
- (2) to reunite the child with the child's parent or guardian after the child has been placed in foster care; or

The next illustration shows the section as it appears in the current republication of the Family Law article. Note that the Revisor's Note is not here. Revisor's Notes are dropped from all republications of subject edition volumes. Even though the pocket part is not illustrated here, there have been no changes to this section through the 1998 legislative session. Thus, the most recent session law to have affected this section is 1984 Md. Laws ch. 296, § 2.

Maryland Code, Family Law § 5-521, 1991 edition

§ 5-521

ANNOTATED CODE OF MARYLAND

★★ § 5-521. Penalties for violation of Part II.

A person who, in violation of any provision of this Part II of this subtitle, exercises care, custody, or control of a minor child unrelated by blood or marriage or makes a placement of a minor child unrelated by blood or marriage is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year. (An. Code 1957, art. 88A, § 31; 1984, ch. 296, § 2.)

§§ 5-522, 5-523.

Reserved.

Part III. Child Welfare Services; Foster Care.

§ 5-524. Child welfare services.

The Administration shall provide child welfare services to a child and the child's parent or guardian:

- (1) to assist in preventing the necessity of placing the child outside of the child's home;
- (2) to reunite the child with the child's parent or guardian after the child has been placed in foster care; or
- (3) if the child has been placed in foster care and cannot return to the child's parent or guardian, to develop and implement an alternative permanent plan for the child. (An. Code 1957, art. 88A, § 61; 1984, ch. 296, § 2; 1987, ch. 696; 1988, ch. 182.)

Cited in *Williams v. Anderson*, 753 F. Supp. 1306 (D. Md. 1990).

§ 5-525. Foster care program — In general.

(a) *Established.* — The Administration shall establish a program of foster care for minor children:

- (1) who are placed in the custody of a local department, for a period of not more than 6 months, by a parent or legal guardian under a written agreement voluntarily entered into with the local department; or
- (2) who are abused, abandoned, neglected, or dependent, if a juvenile court:
 - (i) has determined that continued residence in the child's home is contrary to the child's welfare; and
 - (ii) has committed the child to the custody or guardianship of a local department.

(b) *Short-term foster care.* — (1) The local department shall provide 24-hour a day care and supportive services for a child who is committed to its custody or guardianship in a licensed or approved foster family home, group home, or child care institution on a short-term basis, while the local department develops and implements a permanency plan that is in the best interests of the child.

Looking at session laws can be significant for several reasons, including determining when specific language was added to a section of the Code. As it turns out, this session law was the massive enactment of the Family law article by the legislature after the editorial work creating it from various articles of the 1957 edition had been completed. Note that going back to the session law itself is one of the few ways to determine the original bill number that resulted in the enactment. This was House Bill No. 1 from 1984.

Laws of Maryland, 1984 - Chapter 296

HARRY HUGHES, Governor

1847

8-403.

(d) Except as otherwise provided in subsection (e) of this section, on or before July 1, 1993, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

{19} (8) THE OFFICE FOR HANDICAPPED INDIVIDUALS (§ 9-1001 9-1002 OF THE STATE GOVERNMENT ARTICLE)-7- ;

SECTION -4- -5- 6. AND BE IT FURTHER ENACTED, That Section(s) 1 and 2 of this Act shall take effect July 1, 1984.

SECTION -5- -6- 7. AND BE IT FURTHER ENACTED, That contingent on the taking effect of Chapter ____ (S.B. 50) of the Acts of the General Assembly of 1984, Section-3 Sections 3 and--4 through 5 of this Act shall take effect October 1, 1984 and if Chapter ____ does not become effective, Section-3 Sections 3 and -4- through 5 of this Act shall be null and void without further action by the General Assembly.

Approved May 15, 1984.

**CHAPTER 296

(House Bill 1)

AN ACT concerning

Family Law

FOR the purpose of adding a new Article to the Annotated Code of Maryland, to be designated and known as the "Family Law Article", to revise, restate, and recodify the laws of this State relating and pertaining to family law matters, including matters relating to jurisdiction of the equity courts over certain family law matters, to guardianship of children, to appointing counsel for a minor in certain family law proceedings, to marriage, to annulment of marriages, to breach of promise to marry, to alienation of affections, to rights and liabilities of spouses, to rights and liabilities of third persons as to spouses, to services to families with children, to domestic and household violence, to battered spouses, to displaced homemakers, to rights, duties, and relations between parents and children, to adoption, to guardianship with the right to consent to adoption, to subsidized adoption, to child care, to foster care, to neglected children, to unattended children, to child abuse, to single and young parents, to divorce, to

Laws of Maryland, 1984 - Chapter 296 (continued)

HARRY HUGHES, Governor

1973

(B) MEDICAL HISTORY.

A PERSON AUTHORIZED TO PLACE A MINOR CHILD FOR ADOPTION SHALL COMPIL AND MAKE AVAILABLE TO AN ADOPTIVE PARENT A PERTINENT MEDICAL HISTORY OF THE CHILD'S NATURAL PARENTS, IF POSSIBLE.

(C) LIMITATION ON CONTENT OF MEDICAL HISTORY.

A MEDICAL HISTORY COMPILED UNDER THIS SECTION MAY NOT DISCLOSE OR PERMIT DISCLOSURE OF THE NAMES OR IDENTITY OF A CHILD'S NATURAL PARENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from Article 88A, §§ 27 and 27A.

In subsection (b) of this section, the word "person" is substituted for the former language "institution, agency, society, licensee or person", for brevity.

Defined term: "License" § 5-501

****5-521. PENALTIES.**

A PERSON WHO, IN VIOLATION OF ANY PROVISION OF THIS PART II OF THIS SUBTITLE, EXERCISES CARE, CUSTODY, OR CONTROL OF A MINOR CHILD UNRELATED BY BLOOD OR MARRIAGE OR MAKES A PLACEMENT OF A MINOR CHILD UNRELATED BY BLOOD OR MARRIAGE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from Article 88A, § 31.

The word "person" is substituted for the former language "institution, agency, society, individuals, husband and wife acting jointly, or set of individuals", for brevity.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that this penalty section is narrower in scope than this Part II of this subtitle, in that it provides for penalties only when a person commits a violation as to children who are not related to the person by blood or marriage. The Commission to Revise the Annotated Code also notes that this section does not provide for both a fine and imprisonment.

5-522. RESERVED.

5-523. RESERVED.

PART III. CHILD WELFARE SERVICES; FOSTER CARE.

Note how the bill appeared as it was first introduced. While the illustrations here do not show it, one of the benefits of looking at the original bill as published for its required three readings before the legislature and at the resulting session law is to note the addition and deletion of language. This is represented by underlinings and strikethroughs respectively and can serve to reveal changes made by the legislature during consideration.

Maryland Bills - House Bill 1, 1984

HOUSE OF DELEGATES

41r0171

No. 1
(PRE-FILED)

29

By: The Speaker (Code Revision Commission)
Requested: July 5, 1983
Introduced and read first time: January 11, 1984
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 Family Law

3 FOR the purpose of adding a new Article to the Annotated Code of
4 Maryland, to be designated and known as the "Family Law
5 Article", to revise, restate, and recodify the laws of this
6 State relating and pertaining to family law matters,
7 including matters relating to jurisdiction of the equity
8 courts over certain family law matters, to guardianship of
9 children, to appointing counsel for a minor in certain
10 family law proceedings, to marriage, to annulment of
11 marriages, to breach of promise to marry, to alienation of
12 affections, to rights and liabilities of spouses, to rights
13 and liabilities of third persons as to spouses, to services
14 to families with children, to domestic and household
15 violence, to battered spouses, to displaced homemakers, to
16 rights, duties, and relations between parents and children,
17 to adoption, to guardianship with the right to consent to
18 adoption, to subsidized adoption, to child care, to foster
19 care, to neglected children, to unattended children, to
20 child abuse, to single and young parents, to divorce, to
21 paternity proceedings, to legitimation, to deeds,
22 agreements, and settlements between spouses, to property
23 disposition and rights in annulment and divorce, to child
24 custody and visitation, to child custody jurisdiction, to
25 removal of children from this State, to child abduction, to
26 civil and criminal enforcement of child, spousal, and
27 familial support obligations, to criminal nonsupport, to
28 desertion or nonsupport of spouse or child, to reciprocal
29 enforcement of support obligations, to alimony and spousal
30 support, to child support, and to support of parents and
31 adult children; relating to and recodifying the Interstate
32 Compact on the Placement of Children; revising the laws
33 relating to marriage, including valid and void marriages,
34 marriage of minors, marriage licensing, solemnizing
35 marriage, and marriage records; revising the laws relating
36 to licensing of child care facilities, including licensing
37 of child placement agencies, child care homes, and child
38 care institutions; revising the laws relating to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

Maryland Bills - House Bill 1, 1984 (continued)

124

HOUSE BILL No. 1

1 Also in subsection (a) of this section, the phrase
2 "licensee under this subtitle or an applicant for a
3 license under this subtitle" is substituted for the
4 former phrase "such institution, agency, or society",
5 for clarity.

6 In subsection (b) of this section, "person" is
7 substituted for the former phrase "institution,
8 agency, society, individual, or set of individuals",
9 for brevity.

10 Defined terms: "Administration" § 5-501
11 "County" § 1-101 "License" § 5-501

12 5-520. DUTIES OF LICENSEES.

13 (A) RELIGIOUS AFFILIATION.

14 IN PLACING A MINOR CHILD FOR ADOPTION OR IN GIVING THE CARE,
15 CUSTODY, OR CONTROL OF A MINOR CHILD TO ANY PERSON, A LICENSEE
16 SHALL GIVE PREFERENCE TO PERSONS OF THE SAME RELIGIOUS BELIEF AS
17 THAT OF THE CHILD OR THE CHILD'S PARENTS UNLESS THE PARENTS
18 SPECIFICALLY INDICATE A DIFFERENT CHOICE.

19 (B) MEDICAL HISTORY.

20 A PERSON AUTHORIZED TO PLACE A MINOR CHILD FOR ADOPTION
21 SHALL COMPILE AND MAKE AVAILABLE TO AN ADOPTIVE PARENT A
22 PERTINENT MEDICAL HISTORY OF THE CHILD'S NATURAL PARENTS, IF
23 POSSIBLE.

24 (C) LIMITATION ON CONTENT OF MEDICAL HISTORY.

25 A MEDICAL HISTORY COMPILED UNDER THIS SECTION MAY NOT
26 DISCLOSE OR PERMIT DISCLOSURE OF THE NAMES OR IDENTITY OF A
27 CHILD'S NATURAL PARENTS.

28 REVISOR'S NOTE: This section is new language derived
29 without substantive change from Article 88A, §§ 27 and
30 27A.

31 In subsection (b) of this section, the word "person"
32 is substituted for the former language "institution,
33 agency, society, licensee or person", for brevity.

34 Defined term: "License" § 5-501

35 5-521. PENALTIES.

36 A PERSON WHO, IN VIOLATION OF ANY PROVISION OF THIS PART II
37 OF THIS SUBTITLE, EXERCISES CARE, CUSTODY, OR CONTROL OF A MINOR
38 CHILD UNRELATED BY BLOOD OR MARRIAGE OR MAKES A PLACEMENT OF A
39 MINOR CHILD UNRELATED BY BLOOD OR MARRIAGE IS GUILTY OF A
40 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
41 \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR.