

HOUSE BILL 1425

D4

8lr2827

By: **Delegates Ciliberti, Chang, Frush, Impallaria, Krebs, McKay, Rose, Shoemaker, and Wivell**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Guardianship and Adoption – Age of Consent and Revocation of**
3 **Consent**

4 FOR the purpose of reducing the time frame during which a person may revoke consent to
5 a certain guardianship of a child; reducing the time frame during which a person
6 may revoke consent to a certain guardianship of a child or adoption of a child;
7 increasing the age at which a minor's consent is required for an adoption; increasing
8 the age at which a minor may revoke consent to an adoption under certain
9 circumstances; making certain conforming changes in provisions of law relating to
10 the appointment of an attorney to represent a prospective adoptee and the service of
11 a show-cause order on a prospective adoptee; and generally relating to guardianship
12 and adoption of a child.

13 BY repealing and reenacting, with amendments,

14 Article – Family Law

15 Section 5-321(c), 5-338(a), 5-339(b)(1), 5-350(a), 5-3A-19(a)(2)(iv)1. and (b),
16 5-3A-35(a) and (d), 5-3B-06(b)(1), 5-3B-15(c)(2), 5-3B-20(1)(ii), and
17 5-3B-21(a)(2)(iv)1. and (b)

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2017 Supplement)

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

22 **Article – Family Law**

23 5-321.

24 (c) (1) Subject to paragraph (2) of this subsection, a person may revoke consent
25 to guardianship any time within the later of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) [30] 20 days after the person signs the consent; or

2 (ii) [30] 20 days after the consent is filed as required under this
3 section.

4 (2) Consent to guardianship under subsection (a)(2) of this section is
5 irrevocable.

6 5–338.

7 (a) A juvenile court may enter an order for a child’s adoption under this Part III
8 of this subtitle only if:

9 (1) (i) both the child’s parents are dead;

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

13 (iii) parental rights have been terminated in compliance with the
14 laws of a state or other jurisdiction, as described in § 5–305 of this subtitle; or

15 (iv) 1. at least one of the child’s parents:

16 A. is represented by an attorney;

17 B. has had an opportunity to receive adoption counseling and
18 guidance services; and

19 C. consents to the adoption:

20 I. in writing; or

21 II. knowingly and voluntarily, on the record before the
22 juvenile court; and

23 2. the parent who does not consent:

24 A. is dead; or

25 B. I. despite reasonable efforts as provided in § 5–316 of
26 this subtitle, cannot be located;

27 II. has not contacted the local department with custody of the
28 child or the child for at least 180 days immediately before the filing of the petition; and

1 III. fails to respond to a show-cause order served under §
2 5-334 of this subtitle;

3 (2) the director of the local department with custody of the child consents;
4 and

5 (3) the child:

6 (i) is represented by an attorney; and

7 (ii) 1. if at least [10] 14 years old, consents; or

8 2. if under the age of [10] 14 years, does not object.

9 5-339.

10 (b) (1) Subject to paragraph (2) of this subsection, a parent may revoke consent
11 to adoption under this Part III of this subtitle at any time within the later of:

12 (i) [30] 20 days after the parent signs the consent; or

13 (ii) [30] 20 days after the adoption petition is filed.

14 5-350.

15 (a) A juvenile court may enter an order for a child's adoption under this Part IV
16 of this subtitle only if:

17 (1) for an individual under the age of 18 years, the individual's guardian
18 consents; and

19 (2) for an individual who is at least [10] 14 years old, the individual
20 consents.

21 5-3A-19.

22 (a) (2) Consent to guardianship is not valid unless the consent:

23 (iv) contains an express notice of:

24 1. the right to revoke consent, at any time within [30] 20
25 days after the person signs the consent, unless the revocation is barred under subsection
26 (b)(2) of this section;

27 (b) (1) Subject to paragraph (2) of this subsection, a person may revoke consent
28 to guardianship at any time within [30] 20 days after the person signs the consent.

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

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

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

6 5-3A-35.

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

8 (1) the child placement agency consents; and

9 (2) for a child who is at least [10] 14 years old, the child consents.

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

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

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

14 (2) A child who is at least [10] 14 years old may revoke consent at any time
15 before a court enters an order of adoption under this subtitle.

16 5-3B-06.

17 (b) (1) In a case under this subtitle, a court shall appoint an attorney to
18 represent a prospective adoptee who:

19 (i) has a disability that makes the prospective adoptee incapable of
20 effectively participating in the case; and

21 (ii) when the prospective adoptee must decide whether to consent to
22 adoption, is at least [10] 14 years old.

23 5-3B-15.

24 (c) On issuance of a show-cause order as to a prospective adoptee, a petitioner
25 shall serve the order:

26 (2) if the prospective adoptee is at least [10] 14 years old and has not
27 consented to the adoption, on the prospective adoptee.

28 5-3B-20.

1 A court may enter an order for adoption only if:

2 (1) (ii) if the prospective adoptee is at least **[10] 14** years old, the
3 prospective adoptee consents; or

4 5-3B-21.

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

6 (iv) contains an express notice of:

7 1. the right to revoke consent, at any time within **[30] 20**
8 days after the consent is signed;

9 (b) (1) (i) Subject to subparagraph (ii) of this paragraph, a parent may
10 revoke consent at any time within **[30] 20** days after the parent signs the consent.

11 (ii) A parent may not revoke consent for adoption of a prospective
12 adoptee if:

13 1. in the preceding year, the parent has revoked consent for
14 or filed a notice of objection to adoption of the prospective adoptee; and

15 2. the child is at least 30 days old and consent is given before
16 a judge on the record.

17 (2) A prospective adoptee may revoke consent at any time before a court
18 enters an order of adoption under this subtitle.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2018.