

By: **Delegate Montague**
Introduced and read first time: February 24, 1999
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Adoption Act**

3 FOR the purpose of repealing certain provisions of State law concerning adoption and
4 adopting the Maryland Uniform Adoption Act; specifying the general procedure
5 for the adoption of minors; specifying procedures for the adoption of minor
6 stepchildren by stepparents and for the adoption of adults and emancipated
7 minors; specifying prohibited and permissible activities in connection with
8 adoption; providing for a delayed effective date; and generally relating to the
9 Maryland Uniform Adoption Act.

10 BY repealing and reenacting, with amendments,
11 Article - Family Law
12 Section 5-301, 5-304, 5-307, 5-310, 5-313, 5-313.1, 5-317, 5-318, 5-319,
13 5-322, 5-323, and 5-324 to be under the amended subtitle "Subtitle 3.
14 Guardianship With the Right to Consent to Adoption"
15 Annotated Code of Maryland
16 (1999 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article - Family Law
19 Section 5-314, 5-3A-06, 5-3A-07, 5-4B-02(d), and 5-4B-12
20 Annotated Code of Maryland
21 (1999 Replacement Volume)
22 (As enacted by Chapter 679 of the Acts of the General Assembly of 1998)

23 BY repealing
24 Article - Family Law
25 Section 5-302, 5-303, 5-308, 5-309, 5-311, 5-312, 5-315, 5-316, 5-320, 5-321,
26 5-324.1, 5-325, 5-326, 5-327, 5-328, 5-329, 5-329.1, and 5-330
27 Annotated Code of Maryland
28 (1999 Replacement Volume)

29 BY adding to

1 Article - Family Law
2 Section 5-3A-06, 5-3A-07, and 5-4B-12
3 Annotated Code of Maryland
4 (1999 Replacement Volume)
5 (As enacted by Chapter 679 of the Acts of the General Assembly of 1998)

6 BY adding to
7 Article - Family Law
8 Section 15-101 through 15-704, inclusive, to be under the new title "Title 15.
9 Maryland Uniform Adoption Act"
10 Annotated Code of Maryland
11 (1999 Replacement Volume)

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

14 **Article - Family Law**

15 Subtitle 3. [Adoption and] Guardianship With the Right to Consent to Adoption.
16 5-301.

17 (a) In this subtitle, the following words have the meanings indicated.

18 (b) "Child placement agency" means:

19 (1) a local department of social services; or

20 (2) a private agency that:

21 (i) engages in the placement of children in homes or with
22 individuals; and

23 (ii) is licensed by the Social Services Administration under § 5-507
24 of this title.

25 (c) "Disability" means:

26 (1) a mental disorder, as defined in § 10-101 of the Health - General
27 Article;

28 (2) mental retardation, as defined in § 7-101 of the Health - General
29 Article;

30 (3) alcohol dependence, as defined in § 8-101 of the Health - General
31 Article; or

32 (4) drug dependence, as defined in § 8-101 of the Health - General
33 Article.

1 (d) "Father" means the man who is the birth father of a child under [§ 5-310]
2 § 5-304 of this subtitle.

3 (e) "Guardianship" means guardianship with the right to consent to adoption
4 or long-term care short of adoption.

5 [(f) "Independent adoption" means an adoption in which the arrangement for
6 adoption is not made by a child placement agency.]

7 [(g) (F) (1) "Joint guardianship" means limited guardianship granted to a
8 caregiver under [§ 5-317] § 5-308 of this subtitle.

9 (2) "Joint guardianship" may include the authority to consent to medical
10 care and make educational and other decisions for the child.

11 (3) "Joint guardianship" does not include the authority to consent to
12 adoption or long-term care short of adoption.

13 [(h) (G) "Minor parent" means a parent who, at the time of giving consent to
14 guardianship [or adoption] of the parent's child, is a minor.

15 [(i) "Nonidentifying information" means any information that does not reveal
16 the location or identity of an individual.]

17 [(j) "Placement for adoption" means the placement of a child to live with a
18 family or individual approved for adoption by a child placement agency, with the
19 intent that the child be adopted by the family or individual.]

20 [5-302.

21 Except as otherwise provided in this subtitle, this subtitle does not affect any
22 adoption for which a final decree was entered before June 1, 1947, nor any adoption
23 proceedings pending as of that date.]

24 [5-303.

25 (a) The General Assembly finds that the policies and procedures of this
26 subtitle that concern adoption are socially necessary and desirable.

27 (b) The purposes of this subtitle are to:

28 (1) provide children with stable homes that protect their safety and
29 health;

30 (2) protect children from unnecessary separation from their natural
31 parents;

32 (3) permit adoption only by individuals who are fit for the responsibility;

33 (4) protect natural parents from making a hurried or ill-considered
34 decision to give up a child; and

- 1 (5) protect adoptive parents:
- 2 (i) by providing them information about the child and the child's
3 background; and
- 4 (ii) from a future disturbance of their relationship with the child by
5 a natural parent.]

6 [5-304.] 5-302.

7 This subtitle is related to and should be read in relation to Subtitle 5 of this title.
8 [5-307.] 5-303.

9 [(a) Any individual, whether a minor or an adult, may be adopted.]

10 [(b)] Only a minor may be placed under a guardianship.

11 [5-308.

12 (a) This section does not limit the right of an individual to provide for
13 distribution of property by will.

14 (b) Except as otherwise provided in this section, after a decree of adoption is
15 entered:

16 (1) the individual adopted:

17 (i) is the child of the petitioner for all intents and purposes; and

18 (ii) is entitled to all the rights and privileges of and is subject to all
19 the obligations of a child born to the petitioner in wedlock;

20 (2) each living natural parent of the individual adopted is:

21 (i) relieved of all parental duties and obligations to the individual
22 adopted; and

23 (ii) divested of all parental rights as to the individual adopted; and

24 (3) all rights of inheritance between the individual adopted and the
25 natural relatives shall be governed by the Estates and Trusts Article.

26 (c) The legal effect of an adoption of an individual who is an adult is the same
27 as that of the adoption of a minor.

28 (d) (1) In this subsection, "instrument" means a deed, grant, will, or other
29 written instrument.

30 (2) In any instrument executed on or after June 1, 1947, unless the
31 instrument clearly indicates otherwise, "child", "descendant", "heir", "issue", or any

1 equivalent term includes an adopted individual whether the instrument was executed
2 before or after the decree of adoption was entered.

3 (3) In any instrument executed before June 1, 1947, unless the
4 instrument clearly indicates otherwise, "child", "descendant", "heir", "issue", or any
5 equivalent term includes an adopted individual if the interlocutory decree of adoption,
6 if any, or, if none, the final decree of adoption was entered on or after June 1, 1947.

7 (e) (1) Unless and until an interlocutory decree of adoption is revoked, it has
8 the same effect as a final decree of adoption.

9 (2) On entry of a final decree of adoption, the legal effects of an
10 interlocutory decree of adoption are confirmed and continued.]

11 [5-309.

12 (a) Any adult may petition a court to decree an adoption.

13 (b) A court may not deny a petition for adoption solely because the petitioner
14 is single or does not have a spouse.]

15 [5-310.] 5-304.

16 (a) "Natural father" of an individual means a man who:

17 (1) was married to the individual's natural mother at the time of
18 conception;

19 (2) was married to the individual's natural mother at the time of the
20 individual's birth;

21 (3) is named as the father on the individual's birth certificate, unless the
22 man signs a denial of paternity or his nonpaternity has been established to the
23 satisfaction of the court by affidavit or testimony;

24 (4) is identified by the natural mother as the father of the individual,
25 unless the man signs a denial of paternity or his nonpaternity has been established to
26 the satisfaction of the court by affidavit or testimony;

27 (5) has been adjudicated to be the father of the individual; or

28 (6) has acknowledged himself to be the father of the individual, orally or
29 in writing, and the natural mother of the individual agrees that he is the individual's
30 natural father.

31 (b) (1) A petitioner under this subtitle shall notify the court if an individual
32 who does not meet the criteria for being a natural father under this section claims to
33 be the natural father.

34 (2) After receipt of notice under this subsection, the court shall hold a
35 hearing on the issue of paternity.

1 [5-311.

2 (a) Unless the natural parents' rights have been terminated by a judicial
3 proceeding, an individual may not be adopted without the consent of:

4 (1) the natural mother;

5 (2) the natural father; and

6 (3) the individual, if the individual is at least 10 years old.

7 (b) (1) If the natural parents' rights have been terminated by a judicial
8 proceeding, an individual may not be adopted without the consent of:

9 (i) the executive head of the child placement agency that has been
10 awarded guardianship of the individual; and

11 (ii) the individual, if the individual is at least 10 years old.

12 (2) The executive head of the child placement agency may not withhold
13 consent for the sole reason that the race or religion of the prospective adoptive
14 parents is different from that of the individual to be adopted or of the birth parents,
15 where to do so would be contrary to the best interests of the child.

16 (c) (1) Except as provided in paragraph (2) of this subsection, within 30
17 calendar days after the required consent to an adoption is signed, the individual or
18 agency executing the consent may revoke the consent.

19 (2) An individual to be adopted may revoke the individual's consent at
20 any time before a final decree of adoption or an interlocutory decree of adoption is
21 entered.

22 (3) Except as provided in paragraphs (1) and (2) of this subsection, the
23 required consent to an adoption filed under this section may not be revoked at any
24 time by the individual or agency executing the consent.]

25 [5-312.

26 (a) (1) This section applies only to independent adoptions in which a natural
27 parent affirmatively withholds consent by filing a notice of objection.

28 (2) This section does not permit a licensed or approved foster parent to
29 petition a court for adoption of a child who was placed with the foster parent by a
30 child placement agency unless the child placement agency consents.

31 (b) Without the consent of the child's natural parent, a court may grant a
32 decree of adoption to a stepparent, relative, or other individual who has exercised
33 physical care, custody, or control of a child for at least 6 months, if by clear and
34 convincing evidence the court finds that:

1 (1) it is in the best interest of the child to terminate the natural parent's
2 rights as to the child;

3 (2) the child has been out of the custody of the natural parent for at least
4 1 year;

5 (3) the child has developed significant feelings toward and emotional ties
6 with the petitioner; and

7 (4) the natural parent:

8 (i) has not maintained meaningful contact with the child during
9 the time the petitioner has had custody despite the opportunity to do so;

10 (ii) has repeatedly failed to contribute to the physical care and
11 support of the child although financially able to do so;

12 (iii) has been convicted of child abuse of the child or another child of
13 the natural parent; or

14 (iv) has:

15 1. subjected the child to:

16 A. torture, chronic abuse, or sexual abuse; or

17 B. chronic and life-threatening neglect;

18 2. been convicted:

19 A. in this State of a crime of violence, as defined in Article 27,
20 § 643B of the Code, against the child, the other natural parent of the child, another
21 child of the natural parent, or any person who resides in the household of the natural
22 parent;

23 B. in any state or in any court of the United States of a crime
24 that would be a crime of violence, as defined in Article 27, § 643B of the Code, if
25 committed in this State against the child, the other natural parent of the child,
26 another child of the natural parent, or any person who resides in the household of the
27 natural parent; or

28 C. of aiding or abetting, conspiring, or soliciting to commit a
29 crime described in item A or B of this item; or

30 3. involuntarily lost parental rights of a sibling of the child.

31 (c) (1) If the court finds that any of the circumstances enumerated in
32 subsection (b)(4)(iii) or (iv) of this section exists, the court shall make a specific
33 finding, based on facts in the record, as to whether or not the return of the child to the
34 custody of the natural parent poses an unacceptable risk to the future safety of the
35 child.

1 (2) In determining whether it is in the best interest of the child to
2 terminate a natural parent's rights as to the child under this section, the court shall:

3 (i) give primary consideration to the safety and health of the child;
4 and

5 (ii) request an investigation by an appropriate agency and a report
6 of the investigation that includes summaries of:

7 1. the child's feelings toward and emotional ties with the
8 child's natural parents, the child's siblings, the petitioner, and any other individual
9 who may significantly affect the child's best interest;

10 2. the child's adjustment to home, school, and community;
11 and

12 3. if the natural parent is absent, an evaluation of the
13 petitioner's attempts to locate the absent natural parent.

14 (d) A court may not grant a decree of adoption under this section solely
15 because a natural parent:

16 (1) does not have legal custody of the child by reason of divorce or legal
17 separation; or

18 (2) has been deprived of custody of the child by the act of the other
19 natural parent.

20 (e) After the adoption, if it is in the child's best interest, the adoptive parent
21 and a nonconsenting natural parent may agree to visitation privileges between the
22 child and the natural parent or siblings.]

23 [5-313.] 5-305.

24 (a) A court may grant [a decree of adoption or] a decree of guardianship,
25 without the consent of a natural parent otherwise required by [§§ 5-311 and 5-317]
26 § 5-308 of this subtitle, if the court finds by clear and convincing evidence that it is in
27 the best interest of the child to terminate the natural parent's rights as to the child
28 and that:

29 (1) the child is abandoned as provided in subsection (b) of this section;

30 (2) in a prior juvenile proceeding, the child has been adjudicated to be a
31 child in need of assistance, a neglected child, an abused child, or a dependent child; or

32 (3) the following set of circumstances exists:

33 (i) the child has been continuously out of the custody of the natural
34 parent and in the custody of a child placement agency for at least [1 year] 6 MONTHS;

1 (ii) the conditions that led to the separation from the natural
2 parent still exist or similar conditions of a potentially harmful nature still exist;

3 (iii) there is little likelihood that those conditions will be remedied
4 at an early date so that the child can be returned to the natural parent in the
5 immediate future; and

6 (iv) a continuation of the relationship between the natural parent
7 and the child would diminish greatly the child's prospects for early integration into a
8 stable and permanent family.

9 (b) The court may find that a child is abandoned for purposes of this section if,
10 after a thorough investigation by the child placement agency, the court finds that:

11 (1) the identity of the child's natural parents is unknown; and

12 (2) no one has claimed to be the child's natural parent within 2 months of
13 the alleged abandonment of the child.

14 (c) In determining whether it is in the best interest of the child to terminate a
15 natural parent's rights as to the child in any case, except the case of an abandoned
16 child, the court shall give:

17 (1) primary consideration to the safety and health of the child; and

18 (2) consideration to:

19 (i) the timeliness, nature, and extent of the services offered by the
20 child placement agency to facilitate reunion of the child with the natural parent;

21 (ii) any social service agreement between the natural parent and
22 the child placement agency, and the extent to which all parties have fulfilled their
23 obligations under the agreement;

24 (iii) the child's feelings toward and emotional ties with the child's
25 natural parents, the child's siblings, and any other individuals who may significantly
26 affect the child's best interest;

27 (iv) the child's adjustment to home, school, and community;

28 (v) the result of the effort the natural parent has made to adjust
29 the natural parent's circumstances, conduct, or conditions to make it in the best
30 interest of the child to be returned to the natural parent's home, including:

31 1. the extent to which the natural parent has maintained
32 regular contact with the child under a plan to reunite the child with the natural
33 parent, but the court may not give significant weight to any incidental visit,
34 communication, or contribution;

35 2. if the natural parent is financially able, the payment of a
36 reasonable part of the child's substitute physical care and maintenance;

- 1 B. chronic and life-threatening neglect;
- 2 2. been convicted:
- 3 A. in this State of a crime of violence, as defined in Article 27,
4 § 643B of the Code, against the child, the other natural parent of the child, another
5 child of the natural parent, or any person who resides in the household of the natural
6 parent;
- 7 B. in any state or in any court of the United States of a crime
8 that would be a crime of violence, as defined in Article 27, § 643B of the Code, if
9 committed in this State against the child, the other natural parent of the child,
10 another child of the natural parent, or any person who resides in the household of the
11 natural parent; or
- 12 C. of aiding or abetting, conspiring, or soliciting to commit a
13 crime described in item A or item B of this item; or
- 14 3. involuntarily lost parental rights of a sibling of the child.

15 (2) If a natural parent does not provide specified medical treatment for a
16 child because the natural parent is legitimately practicing religious beliefs, that
17 reason alone does not make the natural parent a negligent parent.

18 (3) The court shall consider the evidence under paragraph (1)(i) through
19 (iv) of this subsection regarding continuing or serious conditions or acts and may
20 waive the child placement agency's obligations under subsection (c) of this section if
21 the court, after appropriate evaluation of efforts made and services rendered, finds by
22 clear and convincing evidence that the waiver of those obligations is in the best
23 interest of the child.

24 (4) The court shall waive the child placement agency's obligations under
25 subsection (c) of this section if the court finds that one of the circumstances or acts
26 enumerated in paragraph (1)(v) of this subsection exists.

27 (5) If the court finds that any of the circumstances or acts enumerated in
28 paragraph (1)(v) of this subsection exists, the court shall make a specific finding,
29 based on facts in the record, as to whether or not the return of the child to the custody
30 of the natural parent poses an unacceptable risk to the future safety of the child.

31 [5-313.1.] 5-306.

32 A court may grant [a decree of adoption or] a decree of guardianship without
33 requiring the consent of a natural parent otherwise required under [§§ 5-311 and
34 5-317] § 5-308 of this subtitle if the petitioner files with the petition for [adoption or]
35 guardianship a decree of [adoption,] guardianship[,] or termination of parental
36 rights granted by a judicial, administrative, or executive body of a jurisdiction or
37 country other than the United States that is in compliance with the laws of that
38 country.

1 [5-314.] 5-307.

2 (a) The consent of a natural parent to [either an adoption or] A guardianship
3 of a child is not valid unless the consent contains an express notice of:

4 (1) the right to revoke consent under [§ 5-311 or § 5-317] § 5-308 of this
5 subtitle;

6 (2) the search rights of adopted individuals and biological parents under
7 Subtitles 3A and 4B of this title; and

8 (3) the right to file a disclosure veto under § 5-3A-05 of this title.

9 (b) A minor parent may consent to [an adoption or] A guardianship of a child.
10 However, the consent of a minor parent is not valid unless the consent is accompanied
11 by an affidavit of counsel appointed under [§ 5-323] § 5-312 of this subtitle that the
12 consent of the minor parent is given knowingly and willingly.

13 [5-315.

14 (a) If a petitioner for adoption is married, the petitioner's spouse shall join in
15 the petition unless the petitioner's spouse:

16 (1) is a natural parent of the individual to be adopted and has consented
17 to the adoption in accordance with this subtitle;

18 (2) is separated from the petitioner under circumstances that give the
19 petitioner grounds for divorce or annulment; or

20 (3) is not competent to join in the petition.

21 (b) If the marital status of a petitioner changes before entry of a final decree
22 on a petition for adoption, the petitioner shall amend the petition accordingly.]

23 [5-316.

24 In passing on a petition for adoption, a court:

25 (1) shall consider any assurance by the Social Services Administration
26 that it will provide funds for necessary support and maintenance for the child; and

27 (2) may consider the religious background, training, and beliefs of the
28 natural parents, the prospective adoptive parents, and the child to be adopted, but
29 may make a decision without considering the religious background, training, or
30 beliefs of these individuals if the court finds that the child does not have sufficient
31 religious background, training, or beliefs to be factors in the adoption.]

32 [5-317.] 5-308.

33 (a) A petition for a decree of adoption UNDER TITLE 15 OF THIS ARTICLE may
34 be preceded by a petition for guardianship of the child.

1 (b) Only the executive head of a child placement agency or the attorney for the
2 child on behalf of the child may file a petition for the agency to be granted
3 guardianship.

4 (c) Except as provided in [§§ 5-313 and 5-313.1] §§ 5-305 AND 5-306 of this
5 subtitle, the court may grant a decree awarding guardianship only:

6 (1) after any investigation and hearing the court considers necessary;
7 and

8 (2) with the consent of each living natural parent of the child.

9 (d) Within 180 days after a petition for guardianship [or petition for
10 adoption] is filed under [§ 5-313] § 5-305 of this subtitle, the court shall rule on the
11 petition.

12 (e) In a proceeding for guardianship, consent may be revoked at any time
13 within 30 days after the consent is signed.

14 (f) A decree of guardianship:

15 (1) terminates the natural parents' rights, duties, and obligations toward
16 the child;

17 (2) subject to [§ 5-319] § 5-310 of this subtitle, eliminates the need to
18 give notice to the natural parents of the filing of a petition for adoption of the child;

19 (3) eliminates the need for a further consent by the natural parents to an
20 adoption of the child; and

21 (4) subject to [§ 5-319] § 5-310 of this subtitle, authorizes the child
22 placement agency to consent to joint guardianship, custody, or other long-term
23 placement that the agency determines to be in the child's best interest.

24 (g) (1) After any investigation and hearing the court considers necessary,
25 the court may grant a decree awarding joint guardianship, custody, or other
26 long-term placement that the court determines to be in the child's best interest.

27 (2) If joint guardianship is awarded to a caregiver, the child placement
28 agency shall retain guardianship with the right to consent to adoption or long-term
29 care short of adoption.

30 [5-318.] 5-309.

31 A child placement agency that was granted guardianship before June 1, 1967
32 may consent to long term care short of adoption of the child only if the consent is
33 approved by the court, on an appropriate petition, after any investigation and hearing
34 the court considers necessary.

1 [5-319.] 5-310.

2 (a) In this section, "disrupted placement" means the permanent removal of a
3 child to be adopted from the prospective adoptive family or adopting individual by a
4 child placement agency before the entry of a final decree of adoption.

5 (b) Except as provided in subsection (g) of this section, a guardian with the
6 right to consent to adoption, including a guardian with the right to consent to
7 adoption who was appointed without the consent of the natural parents, shall file a
8 written report with the court and give notice of the child's status to each natural
9 parent of the child under the guardianship and to the child's court-appointed counsel
10 if:

11 (1) a placement for adoption is not made within 9 months of the decree of
12 guardianship;

13 (2) a placement for adoption is made within 9 months of the decree of
14 guardianship, but there is a disrupted placement, and a new placement is not made
15 within 120 days of the disrupted placement; or

16 (3) a final decree of adoption is not entered within 2 years after
17 placement for adoption.

18 (c) The guardian shall mail the notice required by this section to each natural
19 parent at the last address known to the guardian.

20 (d) A natural parent may waive the right to notice under this section. The
21 waiver shall appear expressly in:

22 (1) the natural parent's consent to the guardianship; and

23 (2) the decree of guardianship.

24 (e) The written report required by this section shall:

25 (1) be filed with the court; and

26 (2) state the reasons for delay in placement for adoption.

27 (f) On receipt of the guardian's report under subsection (b) of this section, and
28 every 12 months thereafter, the court:

29 (1) shall hold a hearing to review the progress which has been made
30 toward the child's adoption and to review whether the child's current placement and
31 circumstances are in the child's best interest; and

32 (2) shall then take whatever action the court considers appropriate in
33 the child's best interest.

1 (g) (1) Further reports, notices to the natural parents, and hearings are not
2 required if the court determines after a hearing that it is in the best interest of the
3 child to remain with a specified family which agrees to the long-term placement.

4 (2) If the long-term placement is subsequently changed, the child is
5 entitled to annual hearings under subsection (f) of this section.

6 (h) The court may require the guardian to file periodic written progress
7 reports on the child's status, with recommendations for further supervision,
8 treatment, or rehabilitation.

9 (i) If guardianship with the right to consent to adoption or long-term care
10 short of adoption has been ordered by an equity court, the jurisdiction of the equity
11 court over the child may continue until that individual reaches 21 years of age, unless
12 terminated sooner.

13 [5-320.

14 (a) In an independent adoption, the natural parents shall be advised of the
15 option of:

16 (1) receiving independent legal counsel; and

17 (2) receiving adoption counseling and guidance.

18 (b) (1) The court may order the adoptive parents to pay all or part of the
19 reasonable costs of independent legal counsel and the reasonable costs for a
20 reasonable period of time of adoption counseling or guidance received by the natural
21 parents under this section.

22 (2) The text of the natural parents' consent required under § 5-311 of
23 this subtitle shall include:

24 (i) a statement that acknowledges that the natural parents have
25 been advised of the provisions of this section; and

26 (ii) a statement indicating whether or not the natural parents have
27 elected to pursue any option provided under this section.]

28 [5-321.

29 The provisions of §§ 5-320, 5-323(d), 5-327(c), and 5-328 of this subtitle do not
30 apply in the case of:

31 (1) an adoption by the spouse of the natural parent of the adoptee; or

32 (2) an adoption by a relative of the natural parent of the adoptee.]

1 [5-322.] 5-311.

2 (a) (1) (i) Subject to paragraph (2) of this subsection, a petitioner shall
3 give to each person whose consent is required notice of the filing of a petition [for
4 adoption or a petition] for guardianship.

5 (ii) In addition to the notice of filing required under subparagraph
6 (i) of this paragraph, if a petition for guardianship is filed after a juvenile proceeding
7 in which the child has been adjudicated to be a child in need of assistance, a neglected
8 child, or an abused child, a petitioner shall give notice of the filing of the petition for
9 guardianship to:

10 1. the attorney who represented a natural parent in the
11 juvenile proceeding; and

12 2. the attorney who represented the minor child in the
13 juvenile proceeding.

14 (2) A person whose consent is filed with the petition need not be given
15 notice if the consent includes a waiver of the right to notice of the filing of the petition.

16 (3) The petitioner shall give notice by entry and service of a show cause
17 order sent to the last known address that the petitioner has for each person whose
18 consent is required.

19 (b) If a petition for guardianship is filed after a juvenile proceeding in which
20 the child has been adjudicated to be a child in need of assistance, the petitioner shall
21 give notice to the child's natural parent by serving a show cause order by certified
22 mail or private process on the natural parent:

23 (1) if the natural parent was present at a CINA hearing and notified by
24 the court of the requirements of § 3-837 of the Courts Article:

25 (i) at the latest address listed in juvenile court records maintained
26 in accordance with § 3-837 of the Courts Article;

27 (ii) at the latest address listed in the records of the local
28 department of social services; or

29 (iii) at any other address listed in the records of the juvenile court or
30 local department of social services within 6 months before the filing of the
31 guardianship petition; or

32 (2) if the natural parent was not present at a CINA hearing and notified
33 by the court of the requirements of § 3-837 of the Courts Article:

34 (i) at the latest address, if any, listed in juvenile court records
35 maintained in accordance with § 3-837 of the Courts Article; or

1 (ii) at any other address for the natural parent identified after
2 reasonable good faith efforts to locate the parent.

3 (c) (1) [Except in an independent adoption, if] IF the court is satisfied by
4 affidavit or testimony that the petitioner, after reasonable efforts in good faith,
5 cannot learn the identity or location of a natural parent, the court may waive the
6 requirement of notice to the natural parent.

7 [(2) In an independent adoption, if the court is satisfied by affidavit or
8 testimony that the petitioner, after reasonable efforts in good faith, cannot learn the
9 identity or location of a natural parent, the court may not waive the requirement of
10 notice to the natural parent, but the court shall:

11 (i) order notice by publication; or

12 (ii) if the court finds the petitioner to be indigent, order notice by
13 posting.]

14 [(3) (2) If the child has been adjudicated to be a child in need of
15 assistance in a prior juvenile proceeding, and the court is satisfied by affidavit or
16 testimony that the petitioner has made reasonable good faith efforts to serve by both
17 certified mail and private process one show cause order on the parent at the
18 addresses specified in subsection (b) of this section, but was not successful, the court
19 shall waive the requirement of notice to the natural parent.

20 (d) If a person is notified under this section and fails to file notice of objection
21 within the time stated in the show cause order or if a person's notification has been
22 waived under subsection (c) of this section:

23 (1) the court shall consider the person who is notified or whose notice is
24 waived to have consented [to the adoption or] to the guardianship; and

25 (2) the petition shall be treated in the same manner as a petition to
26 which consent has been given.

27 (e) (1) For a petition filed by a local department of social services, the court
28 shall determine that a reasonable, good faith effort has been made to identify the last
29 known address of the parent if the petitioner shows, by affidavit or testimony, that
30 inquiries were made after the petition was filed, or within the 6 months preceding the
31 filing of the petition, with the following:

32 (i) the State Motor Vehicle Administration;

33 (ii) the local department of social services;

34 (iii) the State Department of Public Safety and Correctional
35 Services;

36 (iv) the State Division of Parole and Probation;

1 (v) the detention center for the local jurisdiction in which the
2 petition is filed;

3 (vi) the records of the juvenile court for the jurisdiction in which the
4 petition is filed;

5 (vii) a particular social services agency or detention facility, if the
6 local department is aware that the parent has received benefits from that social
7 services agency, or has been confined in that detention facility, within the 9 months
8 preceding the filing of the petition; and

9 (viii) each of the following individuals that the petitioner is able to
10 locate and contact:

11 1. the other parent of the child;

12 2. known members of the parent's immediate family; and

13 3. the parent's current or last known employer.

14 (2) (i) The inquiry shall be considered sufficient if made by searching
15 the computer files of an identified agency or by making an inquiry to the agency or
16 person by regular mail.

17 (ii) Failure to receive a response to an inquiry within 30 days of
18 mailing shall constitute a negative response to the inquiry.

19 [5-323.] 5-312.

20 (a) (1) Subject to paragraph (2) of this subsection, in a proceeding for [an
21 adoption or] A guardianship, unless the public defender is required to provide
22 representation, the court shall appoint separate counsel to represent:

23 [(i) the individual to be adopted, if the consent of the individual to
24 be adopted is required and the individual has a disability that renders the individual
25 incapable of consenting and otherwise effectively participating in the proceedings;]

26 [(ii)] (I) a natural parent who has a disability that renders the
27 natural parent incapable of consenting and effectively participating in the
28 proceedings;

29 [(iii)] (II) a minor parent; and

30 [(iv)] (III) in an involuntary termination of parental rights, an
31 individual who is the subject of the proceeding.

32 (2) In any action in which payment for the services of a court-appointed
33 attorney for a child is the responsibility of the local department of social services,
34 unless the court finds that it would not be in the best interests of the child, the court
35 shall:

1 (i) appoint an attorney who has contracted with the Department of
2 Human Resources to provide those services; and

3 (ii) in an action in which an attorney has previously been
4 appointed, strike the appearance of the attorney previously appointed and appoint
5 the attorney who is currently under contract with the Department of Human
6 Resources.

7 (b) The public defender shall represent:

8 (1) in an involuntary termination of parental rights, an indigent parent;
9 and

10 (2) in a hearing under [§ 5-319] § 5-310 of this subtitle, an indigent
11 natural parent who has not waived the right to receive notice of the child's status.

12 (c) To determine whether an individual whose consent is required has a
13 disability that renders the individual incapable of consenting and otherwise
14 effectively participating in the proceedings, the court, on its own motion or on motion
15 of a party, may order an examination of the individual.

16 (d) Counsel appointed under this section may be compensated for reasonable
17 fees, as approved by the court. The court may assign the costs among the parties as
18 the court considers appropriate.

19 (e) (1) An attorney or firm representing the [adoptive parent or] child
20 placement agency may not represent the natural parent in the same [adoption]
21 GUARDIANSHIP proceeding.

22 (2) An attorney or firm representing the natural parent may not
23 represent the [adoptive parent or] child placement agency in the same [adoption]
24 GUARDIANSHIP proceeding.

25 [5-324.] 5-313.

26 The court may not enter a final decree [for adoption or] for guardianship of an
27 individual before the later of:

28 (1) 30 days after the birth of the individual; or

29 (2) the time period for revocation of consent [to adopt under § 5-311(c)(1)
30 of this subtitle or revocation of consent] to a guardianship under [§ 5-317(e)] §
31 5-308(E) of this subtitle has run.

32 [5-324.1.

33 The court shall hold a hearing before entering a final decree of adoption.]

1 [5-325.

2 A court may not receive a petition to invalidate a final decree of adoption
3 because of a procedural or jurisdictional defect unless the petition is filed within 1
4 year after the entry of the final decree of adoption.]

5 [5-326.

6 A final decree of adoption granted in another jurisdiction:

7 (1) shall be given full faith and credit in this State; and

8 (2) has the same legal effect as a final decree of adoption granted in this
9 State.]

10 [5-327.

11 (a) (1) Except as otherwise provided, an agency, institution, or individual
12 who renders any service in connection with the placement of an individual for
13 adoption, or in connection with an agreement for the custody of an individual in
14 contemplation of adoption, may not charge or receive from or on behalf of either the
15 natural parent of the individual to be adopted, or from or on behalf of the individual
16 who is adopting the individual, any compensation for the placement or agreement.

17 (2) This subsection does not prohibit the payment, by any interested
18 person, of reasonable and customary charges or fees for hospital or medical or legal
19 services.

20 (b) This section does not prevent the Social Services Administration, or any
21 agency or institution that is supervised or licensed by it, from receiving and accepting
22 reasonable reimbursement for the costs of adoptive services in connection with
23 adoption, if the reimbursement is in accordance with standards established by the
24 rules and regulations of the Social Services Administration. However, the ability to
25 provide this reimbursement may not affect:

26 (1) the acceptability of any individual for adoptive services; or

27 (2) the choice of the most suitable prospective adoptive family or
28 individual for a child who is to be adopted.

29 (c) In an independent adoption, prior to the entry of a final decree of adoption,
30 the petitioner shall file with the court an accounting report of all payments and
31 disbursements of any item of value made by or on behalf of the petitioner in
32 connection with the adoption.

33 (d) The State's Attorney shall prosecute any violation of this section.

34 (e) A person who violates this section is guilty of a misdemeanor and on
35 conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 3
36 months, or both, for each offense.]

1 [5-328.

2 (a) The person authorized to place a minor child for adoption shall compile
3 and make available to a prospective adoptive parent and to the adoptive parent a
4 pertinent medical history of the natural parents of the minor child.

5 (b) A medical history compiled under this section may not contain any
6 information that may disclose or permit disclosure of the identity of the natural
7 parents.]

8 [5-329.

9 (a) (1) (i) On request by an adopted individual or birth parent of an
10 adopted adult, a child placement agency shall provide any medical or nonidentifying
11 information contained in its adoption records without the showing of any need for the
12 medical or nonidentifying information.

13 (ii) On petition by an adopted individual or birth parent of an
14 adopted adult, a court shall order that part of a court record or child placement
15 agency record containing medical or nonidentifying information be opened to
16 inspection by the individual.

17 (iii) Subject to the provisions of subsection (b) of this section, an
18 adopted individual or birth parent of an adopted adult filing a petition under
19 subparagraph (ii) of this paragraph may not be required to make any particular
20 showing of need for the medical or nonidentifying information.

21 (2) In the case of a child placement agency record, the court may not
22 grant the petition unless the child placement agency has refused to release the
23 medical or nonidentifying information.

24 (b) The court may not order opened for inspection any part of a record that
25 contains any information that reveals the location or identity of the individual's birth
26 parents.

27 (c) (1) If neither the court record nor the child placement agency record
28 contain needed medical information, on petition by an adopted individual, a court
29 may appoint an intermediary to attempt to establish contact with the adopted
30 individual's birth parents in order to obtain the needed medical information.

31 (2) A court may appoint an intermediary for purposes of paragraph (1) of
32 this subsection only after a hearing on the petition and a finding from the evidence
33 presented at the hearing that the adopted individual or a blood relative of the adopted
34 individual is in urgent need of the medical information.

35 (d) (1) The role of an intermediary appointed under subsection (c) of this
36 section is limited to advising the adopted individual's birth parents of the need for the
37 medical information without revealing any identifying information about the adopted
38 individual and may not in any manner include any effort to encourage or discourage
39 contact between the adopted individual and the individual's birth parents.

1 (2) The intermediary shall file a confidential written report with the
2 court in regard to the intermediary's efforts to contact the adopted individual's birth
3 parents.

4 (3) After receiving the report from the intermediary under paragraph (2)
5 of this subsection, the court, without revealing any identifying information about the
6 individual's birth parents, may disclose to the adopted individual:

7 (i) whether the intermediary has established contact with the
8 individual's birth parents and advised the individual's birth parents about the need
9 for the medical information; and

10 (ii) any medical information provided by a birth parent.

11 (e) Notwithstanding any provision of law, a court may order the adopted
12 individual to pay a reasonable fee for the services provided by an intermediary under
13 this subsection.]

14 [5-329.1.

15 (a) Subject to the provisions of subsection (b) of this section, access to medical
16 or dental records of an adopted minor may not be denied to the minor's parent
17 because the parent is an adoptive parent.

18 (b) The access to medical or dental records described in this section may not
19 include access to any part of a record that contains any information that reveals the
20 location or identity of the adopted minor's natural parents.]

21 [5-330.

22 Any party to an adoption proceeding may appeal to the Court of Special Appeals
23 from any interlocutory or final order or decree.]

24 5-3A-06.

25 (A) IN THIS SECTION, "NONIDENTIFYING INFORMATION" MEANS ANY
26 INFORMATION THAT DOES NOT REVEAL THE LOCATION OR IDENTITY OF AN
27 INDIVIDUAL.

28 (B) (1) (I) ON REQUEST BY AN ADOPTED INDIVIDUAL OR BIRTH PARENT
29 OF AN ADOPTED ADULT, A CHILD PLACEMENT AGENCY SHALL PROVIDE ANY
30 MEDICAL OR NONIDENTIFYING INFORMATION CONTAINED IN ITS ADOPTION
31 RECORDS WITHOUT THE SHOWING OF ANY NEED FOR THE MEDICAL OR
32 NONIDENTIFYING INFORMATION.

33 (II) ON PETITION BY AN ADOPTED INDIVIDUAL OR BIRTH PARENT
34 OF AN ADOPTED ADULT, A COURT SHALL ORDER THAT PART OF A COURT RECORD OR
35 CHILD PLACEMENT AGENCY RECORD CONTAINING MEDICAL OR NONIDENTIFYING
36 INFORMATION BE OPENED TO INSPECTION BY THE INDIVIDUAL.

1 (III) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS
2 SECTION, AN ADOPTED INDIVIDUAL OR BIRTH PARENT OF AN ADOPTED ADULT
3 FILING A PETITION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY NOT BE
4 REQUIRED TO MAKE ANY PARTICULAR SHOWING OF NEED FOR THE MEDICAL OR
5 NONIDENTIFYING INFORMATION.

6 (2) IN THE CASE OF A CHILD PLACEMENT AGENCY RECORD, THE COURT
7 MAY NOT GRANT THE PETITION UNLESS THE CHILD PLACEMENT AGENCY HAS
8 REFUSED TO RELEASE THE MEDICAL OR NONIDENTIFYING INFORMATION.

9 (C) THE COURT MAY NOT ORDER OPENED FOR INSPECTION ANY PART OF A
10 RECORD THAT CONTAINS ANY INFORMATION THAT REVEALS THE LOCATION OR
11 IDENTITY OF THE INDIVIDUAL'S BIRTH PARENTS.

12 (D) (1) IF NEITHER THE COURT RECORD NOR THE CHILD PLACEMENT
13 AGENCY RECORD CONTAINS NEEDED MEDICAL INFORMATION, ON PETITION BY AN
14 ADOPTED INDIVIDUAL, A COURT MAY APPOINT AN INTERMEDIARY TO ATTEMPT TO
15 ESTABLISH CONTACT WITH THE ADOPTED INDIVIDUAL'S BIRTH PARENTS IN ORDER
16 TO OBTAIN THE NEEDED MEDICAL INFORMATION.

17 (2) A COURT MAY APPOINT AN INTERMEDIARY FOR PURPOSES OF
18 PARAGRAPH (1) OF THIS SUBSECTION ONLY AFTER A HEARING ON THE PETITION
19 AND A FINDING FROM THE EVIDENCE PRESENTED AT THE HEARING THAT THE
20 ADOPTED INDIVIDUAL OR A BLOOD RELATIVE OF THE ADOPTED INDIVIDUAL IS IN
21 URGENT NEED OF THE MEDICAL INFORMATION.

22 (E) (1) THE ROLE OF AN INTERMEDIARY APPOINTED UNDER SUBSECTION
23 (C) OF THIS SECTION IS LIMITED TO ADVISING THE ADOPTED INDIVIDUAL'S BIRTH
24 PARENTS OF THE NEED FOR THE MEDICAL INFORMATION WITHOUT REVEALING ANY
25 IDENTIFYING INFORMATION ABOUT THE ADOPTED INDIVIDUAL AND MAY NOT IN
26 ANY MANNER INCLUDE ANY EFFORT TO ENCOURAGE OR DISCOURAGE CONTACT
27 BETWEEN THE ADOPTED INDIVIDUAL AND THE INDIVIDUAL'S BIRTH PARENTS.

28 (2) THE INTERMEDIARY SHALL FILE A CONFIDENTIAL WRITTEN REPORT
29 WITH THE COURT IN REGARD TO THE INTERMEDIARY'S EFFORTS TO CONTACT THE
30 ADOPTED INDIVIDUAL'S BIRTH PARENTS.

31 (3) AFTER RECEIVING THE REPORT FROM THE INTERMEDIARY UNDER
32 PARAGRAPH (2) OF THIS SUBSECTION, THE COURT, WITHOUT REVEALING ANY
33 IDENTIFYING INFORMATION ABOUT THE INDIVIDUAL'S BIRTH PARENTS, MAY
34 DISCLOSE TO THE ADOPTED INDIVIDUAL:

35 (I) WHETHER THE INTERMEDIARY HAS ESTABLISHED CONTACT
36 WITH THE INDIVIDUAL'S BIRTH PARENTS AND ADVISED THE INDIVIDUAL'S BIRTH
37 PARENTS ABOUT THE NEED FOR THE MEDICAL INFORMATION; AND

38 (II) ANY MEDICAL INFORMATION PROVIDED BY A BIRTH PARENT.

1 (F) NOTWITHSTANDING ANY PROVISION OF LAW, A COURT MAY ORDER THE
2 ADOPTED INDIVIDUAL TO PAY A REASONABLE FEE FOR THE SERVICES PROVIDED BY
3 AN INTERMEDIARY UNDER THIS SUBSECTION.

4 5-3A-07.

5 (A) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION,
6 ACCESS TO MEDICAL OR DENTAL RECORDS OF AN ADOPTED MINOR MAY NOT BE
7 DENIED TO THE MINOR'S PARENT BECAUSE THE PARENT IS AN ADOPTIVE PARENT.

8 (B) THE ACCESS TO MEDICAL OR DENTAL RECORDS DESCRIBED IN THIS
9 SECTION MAY NOT INCLUDE ACCESS TO ANY PART OF A RECORD THAT CONTAINS
10 ANY INFORMATION THAT REVEALS THE LOCATION OR IDENTITY OF THE ADOPTED
11 MINOR'S NATURAL PARENTS.

12 [5-3A-06.] 5-3A-08.

13 Nothing in this subtitle prohibits:

14 (1) an adopted individual or a biological parent from applying for search,
15 contact, and reunion services under Subtitle 4B of this title; or

16 (2) the Director of the Social Services Administration of the Department
17 of Human Resources or a confidential intermediary from obtaining a copy of a
18 certificate of birth or other record under § 5-4B-04(c) or § 5-4B-06(b) or (c) of this
19 title.

20 [5-3A-07.] 5-3A-09.

21 The Secretary of Health and Mental Hygiene shall adopt regulations to
22 implement the provisions of this subtitle.

23 5-4B-02.

24 (d) A biological parent who has had [his or her] parental rights terminated
25 under [§ 5-312 or § 5-313] § 5-305 of this title OR TITLE 15 OF THIS ARTICLE may not
26 apply to receive search, contact, and reunion services under this subtitle.

27 5-4B-12.

28 A CONFIDENTIAL INTERMEDIARY WHO DISCLOSES INFORMATION IN
29 VIOLATION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR, AND UPON
30 CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT
31 FOR NOT MORE THAN 1 YEAR, OR BOTH.

32 [5-4B-12.] 5-4B-13.

33 The Director shall adopt regulations to implement the provisions of this subtitle,
34 including regulations concerning:

35 (1) the application process for search, contact, and reunion services;

- 1 (2) qualifications for a confidential intermediary;
- 2 (3) the agreement for search, contact, and reunion services executed by a
3 confidential intermediary and an adopted individual or biological parent; and
- 4 (4) the delivery and scope of search, contact, and reunion services.

5 TITLE 15. MARYLAND UNIFORM ADOPTION ACT.

6 SUBTITLE 1. GENERAL PROVISIONS.

7 15-101.

8 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

9 (B) "ADOPTEE" MEANS AN INDIVIDUAL WHO IS ADOPTED OR IS TO BE
10 ADOPTED.

11 (C) "ADULT" MEANS AN INDIVIDUAL WHO HAS ATTAINED 18 YEARS OF AGE.

12 (D) "AGENCY" MEANS:

13 (1) A LOCAL DEPARTMENT OF SOCIAL SERVICES; OR

14 (2) A PRIVATE AGENCY THAT:

15 (I) ENGAGES IN THE PLACEMENT OF CHILDREN IN HOMES OR
16 WITH INDIVIDUALS; AND

17 (II) IS LICENSED BY THE SOCIAL SERVICES ADMINISTRATION
18 UNDER § 5-507 OF THIS ARTICLE.

19 (E) "CHILD" MEANS A MINOR OR ADULT SON OR DAUGHTER, BY BIRTH OR
20 ADOPTION.

21 (F) "COURT", WITH REFERENCE TO A COURT OF THIS STATE, MEANS A COURT
22 AUTHORIZED TO EXERCISE JURISDICTION UNDER § 1-201 OF THIS ARTICLE OR
23 UNDER § 3-804(A)(2) OF THE COURTS ARTICLE.

24 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.

25 (H) "GUARDIAN" MEANS AN INDIVIDUAL, OTHER THAN A PARENT, APPOINTED
26 BY AN APPROPRIATE COURT AS GENERAL GUARDIAN OR GUARDIAN OF THE PERSON
27 OF A MINOR.

28 (I) "LEGAL CUSTODY" MEANS THE RIGHT AND DUTY TO EXERCISE
29 CONTINUING GENERAL SUPERVISION OF A MINOR AS AUTHORIZED BY LAW. THE
30 TERM INCLUDES THE RIGHT AND DUTY TO PROTECT, EDUCATE, NURTURE, AND
31 DISCIPLINE THE MINOR AND TO PROVIDE THE MINOR WITH FOOD, CLOTHING,
32 SHELTER, MEDICAL CARE, AND A SUPPORTIVE ENVIRONMENT.

1 (J) "MINOR" MEANS AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS.

2 (K) "PARENT" MEANS AN INDIVIDUAL WHO IS LEGALLY RECOGNIZED AS A
3 MOTHER OR FATHER OR WHOSE CONSENT TO THE ADOPTION OF A MINOR IS
4 REQUIRED UNDER § 15-220(A)(1) OF THIS TITLE. THE TERM DOES NOT INCLUDE AN
5 INDIVIDUAL WHOSE PARENTAL RELATIONSHIP TO A CHILD HAS BEEN TERMINATED
6 JUDICIALLY OR BY OPERATION OF LAW.

7 (L) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
8 COMPANY, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP, ASSOCIATION, AGENCY,
9 JOINT VENTURE, GOVERNMENT, GOVERNMENTAL SUBDIVISION OR
10 INSTRUMENTALITY, PUBLIC CORPORATION, OR ANY OTHER LEGAL OR COMMERCIAL
11 ENTITY.

12 (M) "PHYSICAL CUSTODY" MEANS THE PHYSICAL CARE AND SUPERVISION OF
13 A MINOR.

14 (N) "PLACE FOR ADOPTION" MEANS TO SELECT A PROSPECTIVE ADOPTIVE
15 PARENT FOR A MINOR AND TRANSFER PHYSICAL CUSTODY OF THE MINOR TO THE
16 PROSPECTIVE ADOPTIVE PARENT.

17 (O) "RELATIVE" MEANS A GRANDPARENT, GREAT GRANDPARENT, SIBLING,
18 FIRST COUSIN, AUNT, UNCLE, GREAT-AUNT, GREAT-UNCLE, NIECE, OR NEPHEW OF
19 AN INDIVIDUAL, WHETHER RELATED TO THE INDIVIDUAL BY THE WHOLE OR THE
20 HALF BLOOD, AFFINITY, OR ADOPTION. THE TERM DOES NOT INCLUDE AN
21 INDIVIDUAL'S STEPPARENT.

22 (P) "RELINQUISHMENT" MEANS THE VOLUNTARY SURRENDER TO AN AGENCY
23 BY A MINOR'S PARENT OR GUARDIAN, FOR PURPOSES OF THE MINOR'S ADOPTION, OF
24 THE RIGHTS OF THE PARENT OR GUARDIAN WITH RESPECT TO THE MINOR,
25 INCLUDING LEGAL AND PHYSICAL CUSTODY OF THE MINOR.

26 (Q) "STEPPARENT" MEANS AN INDIVIDUAL WHO IS THE SPOUSE OR
27 SURVIVING SPOUSE OF A PARENT OF A CHILD BUT WHO IS NOT A PARENT OF THE
28 CHILD.

29 15-102.

30 SUBJECT TO THE PROVISIONS OF THIS TITLE, ANY INDIVIDUAL MAY ADOPT OR
31 BE ADOPTED BY ANOTHER INDIVIDUAL FOR THE PURPOSE OF CREATING THE
32 RELATIONSHIP OF PARENT AND CHILD BETWEEN THEM.

33 15-103.

34 THE NAME OF AN ADOPTEE DESIGNATED IN A DECREE OF ADOPTION TAKES
35 EFFECT AS SPECIFIED IN THE DECREE.

1 15-104.

2 AFTER A DECREE OF ADOPTION BECOMES FINAL, EACH ADOPTIVE PARENT AND
3 THE ADOPTEE HAVE THE LEGAL RELATIONSHIP OF PARENT AND CHILD AND HAVE
4 ALL THE RIGHTS AND DUTIES OF THAT RELATIONSHIP.

5 15-105.

6 (A) EXCEPT AS OTHERWISE PROVIDED IN § 15-403 OF THIS TITLE, WHEN A
7 DECREE OF ADOPTION BECOMES FINAL:

8 (1) THE LEGAL RELATIONSHIP OF PARENT AND CHILD BETWEEN EACH
9 OF THE ADOPTEE'S FORMER PARENTS AND THE ADOPTEE TERMINATES, EXCEPT FOR
10 A FORMER PARENT'S DUTY TO PAY ARREARAGES FOR CHILD SUPPORT;

11 (2) ANY PREVIOUS COURT ORDER FOR VISITATION OR COMMUNICATION
12 WITH AN ADOPTEE TERMINATES; AND

13 (3) ALL RIGHTS OF INHERITANCE BETWEEN THE INDIVIDUAL ADOPTED
14 AND THE FORMER RELATIVES SHALL BE GOVERNED BY THE ESTATES AND TRUSTS
15 ARTICLE.

16 (B) THIS TITLE DOES NOT AFFECT ANY ADOPTION FOR WHICH A FINAL
17 DECREE WAS ENTERED BEFORE JUNE 1, 1947, NOR FOR ANY ADOPTION
18 PROCEEDINGS PENDING AS OF THAT DATE.

19 (C) (1) IN THIS SUBSECTION, "INSTRUMENT" MEANS A DEED, GRANT, WILL,
20 OR OTHER WRITTEN INSTRUMENT.

21 (2) IN ANY INSTRUMENT EXECUTED ON OR AFTER JUNE 1, 1947, UNLESS
22 THE INSTRUMENT CLEARLY INDICATES OTHERWISE, "CHILD", "DESCENDANT",
23 "HEIR", "ISSUE", OR ANY EQUIVALENT TERM INCLUDES AN ADOPTED INDIVIDUAL
24 WHETHER THE INSTRUMENT WAS EXECUTED BEFORE OR AFTER THE DECREE OF
25 ADOPTION WAS ENTERED.

26 (3) IN ANY INSTRUMENT EXECUTED BEFORE JUNE 1, 1947, UNLESS THE
27 INSTRUMENT CLEARLY INDICATES OTHERWISE, "CHILD", "DESCENDANT", "HEIR",
28 "ISSUE", OR ANY EQUIVALENT TERM INCLUDES AN ADOPTED INDIVIDUAL IF THE
29 INTERLOCUTORY DECREE OF ADOPTION, IF ANY, OR, IF NONE, THE FINAL DECREE OF
30 ADOPTION WAS ENTERED ON OR AFTER JUNE 1, 1947.

31 15-106.

32 A DECREE OF ADOPTION DOES NOT AFFECT ANY RIGHT OR BENEFIT VESTED IN
33 THE ADOPTEE BEFORE THE DECREE BECOMES FINAL.

1 15-107.

2 A PROCEEDING UNDER THIS TITLE WHICH PERTAINS TO AN INDIAN CHILD, AS
3 DEFINED IN THE INDIAN CHILD WELFARE ACT, 25 U.S.C. SECTIONS 1901 ET SEQ., IS
4 SUBJECT TO THAT ACT.

5 15-108.

6 (A) A DECREE OR ORDER OF ADOPTION ISSUED BY A COURT OF ANY OTHER
7 STATE WHICH IS ENTITLED TO FULL FAITH AND CREDIT IN THIS STATE, OR A DECREE
8 OR ORDER OF ADOPTION ENTERED BY A COURT OR ADMINISTRATIVE ENTITY IN
9 ANOTHER COUNTRY ACTING PURSUANT TO THAT COUNTRY'S LAW OR TO ANY
10 CONVENTION OR TREATY ON INTERCOUNTRY ADOPTION WHICH THE UNITED
11 STATES HAS RATIFIED, HAS THE SAME EFFECT AS A DECREE OR ORDER OF
12 ADOPTION ISSUED BY A COURT OF THIS STATE.

13 (B) THE RIGHTS AND OBLIGATIONS OF THE PARTIES AS TO MATTERS WITHIN
14 THE JURISDICTION OF THIS STATE MUST BE DETERMINED AS THOUGH THE DECREE
15 OR ORDER WERE ISSUED BY A COURT OF THIS STATE.

16 SUBTITLE 2. ADOPTION OF MINORS.

17 PART I. PLACEMENT OF MINORS FOR ADOPTION.

18 15-201.

19 (A) THE ONLY PERSONS WHO MAY PLACE A MINOR FOR ADOPTION ARE:

20 (1) A PARENT HAVING LEGAL AND PHYSICAL CUSTODY OF THE MINOR,
21 AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION;

22 (2) A GUARDIAN EXPRESSLY AUTHORIZED BY THE COURT TO PLACE THE
23 MINOR FOR ADOPTION;

24 (3) AN AGENCY TO WHICH THE MINOR HAS BEEN RELINQUISHED FOR
25 PURPOSES OF ADOPTION; AND

26 (4) AN AGENCY EXPRESSLY AUTHORIZED TO PLACE THE MINOR FOR
27 ADOPTION BY A COURT ORDER TERMINATING THE RELATIONSHIP BETWEEN THE
28 MINOR AND THE MINOR'S PARENT OR GUARDIAN UNDER §§ 5-305 AND 5-308 OF THIS
29 ARTICLE.

30 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
31 PARENT HAVING LEGAL AND PHYSICAL CUSTODY OF A MINOR MAY PLACE THE
32 MINOR FOR ADOPTION, EVEN IF THE OTHER PARENT HAS NOT EXECUTED A
33 CONSENT OR A RELINQUISHMENT OR THE OTHER PARENT'S RELATIONSHIP TO THE
34 MINOR HAS NOT BEEN TERMINATED.

35 (C) A PARENT HAVING LEGAL AND PHYSICAL CUSTODY OF A MINOR MAY NOT
36 PLACE THE MINOR FOR ADOPTION IF THE OTHER PARENT HAS LEGAL CUSTODY OR A

1 RIGHT OF VISITATION WITH THE MINOR AND THAT PARENT'S WHEREABOUTS ARE
2 KNOWN, UNLESS THAT PARENT AGREES IN WRITING TO THE PLACEMENT OR,
3 BEFORE THE PLACEMENT, THE PARENT WHO INTENDS TO PLACE THE MINOR SENDS
4 NOTICE OF THE INTENDED PLACEMENT BY CERTIFIED MAIL TO THE OTHER
5 PARENT'S LAST KNOWN ADDRESS.

6 (D) AN AGENCY AUTHORIZED UNDER THIS TITLE TO PLACE A MINOR FOR
7 ADOPTION MAY PLACE THE MINOR FOR ADOPTION, EVEN IF ONLY ONE PARENT HAS
8 EXECUTED A RELINQUISHMENT OR HAS HAD THE PARENTAL RELATIONSHIP TO THE
9 MINOR TERMINATED.

10 15-202.

11 (A) A PARENT OR GUARDIAN AUTHORIZED TO PLACE A MINOR DIRECTLY FOR
12 ADOPTION MAY PLACE THE MINOR ONLY WITH A PROSPECTIVE ADOPTIVE PARENT
13 FOR WHOM A FAVORABLE PREPLACEMENT EVALUATION HAS BEEN PREPARED
14 PURSUANT TO §§ 15-209 THROUGH 15-214 OF THIS SUBTITLE OR FOR WHOM A
15 PREPLACEMENT EVALUATION IS NOT REQUIRED UNDER § 15-209(B) OR (C).

16 (B) (1) A PARENT OR GUARDIAN SHALL PERSONALLY SELECT A
17 PROSPECTIVE ADOPTIVE PARENT FOR THE DIRECT PLACEMENT OF A MINOR.

18 (2) SUBJECT TO SUBTITLE 6 OF THIS TITLE, THE PARENT OR GUARDIAN
19 MAY BE ASSISTED BY ANOTHER PERSON, INCLUDING A LAWYER, HEALTH CARE
20 PROVIDER, OR AGENCY, IN LOCATING OR TRANSFERRING LEGAL AND PHYSICAL
21 CUSTODY OF THE MINOR TO A PROSPECTIVE ADOPTIVE PARENT.

22 (C) (1) A PROSPECTIVE ADOPTIVE PARENT SHALL FURNISH A COPY OF THE
23 PREPLACEMENT EVALUATION TO THE PARENT OR GUARDIAN AND MAY PROVIDE
24 ADDITIONAL INFORMATION REQUESTED BY THE PARENT OR GUARDIAN.

25 (2) THE EVALUATION AND ANY ADDITIONAL INFORMATION MUST BE
26 EDITED TO EXCLUDE IDENTIFYING INFORMATION, BUT INFORMATION IDENTIFYING
27 A PROSPECTIVE ADOPTIVE PARENT NEED NOT BE EDITED IF THE INDIVIDUAL
28 AGREES TO ITS DISCLOSURE.

29 (3) SUBJECT TO SUBTITLE 6 OF THIS TITLE, A PROSPECTIVE ADOPTIVE
30 PARENT MAY BE ASSISTED BY ANOTHER PERSON IN LOCATING A MINOR WHO IS
31 AVAILABLE FOR ADOPTION.

32 (D) (1) IF A CONSENT TO A MINOR'S ADOPTION IS NOT EXECUTED AT THE
33 TIME THE MINOR IS PLACED FOR ADOPTION, THE PARENT OR GUARDIAN WHO
34 PLACES THE MINOR SHALL FURNISH TO THE PROSPECTIVE ADOPTIVE PARENT A
35 SIGNED WRITING STATING THAT THE TRANSFER OF PHYSICAL CUSTODY IS FOR
36 PURPOSES OF ADOPTION AND THAT THE PARENT OR GUARDIAN HAS BEEN
37 INFORMED OF THE PROVISIONS OF THIS TITLE RELEVANT TO PLACEMENT FOR
38 ADOPTION, CONSENT, RELINQUISHMENT, AND TERMINATION OF PARENTAL RIGHTS.

1 (2) THE WRITING MUST AUTHORIZE THE PROSPECTIVE ADOPTIVE
2 PARENT TO PROVIDE SUPPORT AND MEDICAL AND OTHER CARE FOR THE MINOR
3 PENDING EXECUTION OF THE CONSENT WITHIN A TIME SPECIFIED IN THE WRITING.

4 (3) THE PROSPECTIVE ADOPTIVE PARENT SHALL ACKNOWLEDGE IN A
5 SIGNED WRITING RESPONSIBILITY FOR THE MINOR'S SUPPORT AND MEDICAL AND
6 OTHER CARE AND FOR RETURNING THE MINOR TO THE CUSTODY OF THE PARENT OR
7 GUARDIAN IF THE CONSENT IS NOT EXECUTED WITHIN THE TIME SPECIFIED.

8 (E) A PERSON WHO PROVIDES SERVICES WITH RESPECT TO DIRECT
9 PLACEMENTS FOR ADOPTION SHALL FURNISH TO AN INDIVIDUAL WHO INQUIRES
10 ABOUT THE PERSON'S SERVICES A WRITTEN STATEMENT OF THE PERSON'S
11 SERVICES AND A SCHEDULE OF FEES.

12 15-203.

13 (A) AN AGENCY AUTHORIZED TO PLACE A MINOR FOR ADOPTION SHALL
14 FURNISH TO AN INDIVIDUAL WHO INQUIRES ABOUT ITS SERVICES A WRITTEN
15 STATEMENT OF ITS SERVICES, INCLUDING THE AGENCY'S PROCEDURE FOR
16 SELECTING A PROSPECTIVE ADOPTIVE PARENT FOR A MINOR AND A SCHEDULE OF
17 ITS FEES.

18 (B) (1) AN AGENCY THAT PLACES A MINOR FOR ADOPTION SHALL
19 AUTHORIZE IN WRITING THE PROSPECTIVE ADOPTIVE PARENT TO PROVIDE SUPPORT
20 AND MEDICAL AND OTHER CARE FOR THE MINOR PENDING ENTRY OF A DECREE OF
21 ADOPTION.

22 (2) THE PROSPECTIVE ADOPTIVE PARENT SHALL ACKNOWLEDGE IN
23 WRITING RESPONSIBILITY FOR THE MINOR'S SUPPORT AND MEDICAL AND OTHER
24 CARE.

25 (C) (1) UPON REQUEST BY A PARENT WHO HAS RELINQUISHED A MINOR
26 CHILD PURSUANT TO PART IV OF THIS SUBTITLE, THE AGENCY SHALL PROMPTLY
27 INFORM THE PARENT AS TO WHETHER THE MINOR HAS BEEN PLACED FOR
28 ADOPTION, WHETHER A PETITION FOR ADOPTION HAS BEEN GRANTED, DENIED, OR
29 WITHDRAWN, AND, IF THE PETITION WAS NOT GRANTED, WHETHER ANOTHER
30 PLACEMENT HAS BEEN MADE.

31 (2) AN AGENCY THAT HAS BEEN GRANTED GUARDIANSHIP OF A MINOR
32 CHILD UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE SHALL PROVIDE NOTICE OF THE
33 MINOR CHILD'S STATUS TO A PARENT AS SPECIFIED IN § 5-310 OF THIS ARTICLE.

34 15-204.

35 (A) AN AGENCY MAY PLACE A MINOR FOR ADOPTION ONLY WITH AN
36 INDIVIDUAL FOR WHOM A FAVORABLE PREPLACEMENT EVALUATION HAS BEEN
37 PREPARED PURSUANT TO §§ 15-209 THROUGH 15-214 OF THIS SUBTITLE. PLACEMENT
38 MUST BE MADE:

1 (1) IF THE AGENCY HAS AGREED TO PLACE THE MINOR WITH A
2 PROSPECTIVE ADOPTIVE PARENT SELECTED BY THE PARENT OR GUARDIAN, WITH
3 THE INDIVIDUAL SELECTED BY THE PARENT OR GUARDIAN; OR

4 (2) IF THE AGENCY HAS NOT SO AGREED, WITH AN INDIVIDUAL
5 SELECTED BY THE AGENCY IN ACCORDANCE WITH THE BEST INTEREST OF THE
6 MINOR.

7 (B) IN DETERMINING THE BEST INTEREST OF THE MINOR UNDER
8 SUBSECTION (A)(2) OF THIS SECTION, THE AGENCY SHALL CONSIDER THE
9 FOLLOWING INDIVIDUALS IN ORDER OF PREFERENCE:

10 (1) A FOSTER PARENT DEFINED UNDER TITLE 5, SUBTITLE 5 OF THIS
11 ARTICLE WITH WHOM THE CHILD HAS RESIDED CONTINUALLY FOR AT LEAST THE 12
12 MONTHS PRIOR TO DEVELOPING THE PERMANENCY PLAN OR FOR A SUFFICIENT
13 LENGTH OF TIME TO HAVE ESTABLISHED POSITIVE RELATIONSHIPS AND FAMILY
14 TIES.

15 (2) AN INDIVIDUAL WHO HAS PREVIOUSLY ADOPTED A SIBLING OF THE
16 MINOR AND WHO MAKES A WRITTEN REQUEST TO ADOPT THE MINOR.

17 (3) AN INDIVIDUAL WITH CHARACTERISTICS REQUESTED BY A PARENT
18 OR GUARDIAN, IF THE AGENCY AGREES TO COMPLY WITH THE REQUEST AND
19 LOCATES THE INDIVIDUAL WITHIN A TIME AGREED TO BY THE PARENT OR
20 GUARDIAN AND THE AGENCY.

21 (4) AN INDIVIDUAL WHO HAS HAD PHYSICAL CUSTODY OF THE MINOR
22 FOR 6 MONTHS OR MORE WITHIN THE PRECEDING 24 MONTHS OR FOR HALF OF THE
23 MINOR'S LIFE, WHICHEVER IS LESS, AND MAKES A WRITTEN REQUEST TO ADOPT THE
24 MINOR.

25 (5) A RELATIVE WITH WHOM THE MINOR HAS ESTABLISHED A POSITIVE
26 EMOTIONAL RELATIONSHIP AND WHO MAKES A WRITTEN REQUEST TO ADOPT THE
27 MINOR.

28 (6) ANY OTHER INDIVIDUAL SELECTED BY THE AGENCY.

29 (C) (1) UNLESS NECESSARY TO COMPLY WITH A REQUEST UNDER
30 SUBSECTION (B)(5) OF THIS SECTION, AN AGENCY MAY NOT DELAY OR DENY A
31 MINOR'S PLACEMENT FOR ADOPTION SOLELY ON THE BASIS OF THE MINOR'S RACE,
32 NATIONAL ORIGIN, OR ETHNIC BACKGROUND.

33 (2) A GUARDIAN AD LITEM OF A MINOR OR AN INDIVIDUAL WITH A
34 FAVORABLE PREPLACEMENT EVALUATION WHO MAKES A WRITTEN REQUEST TO AN
35 AGENCY TO ADOPT THE MINOR MAY MAINTAIN AN ACTION OR PROCEEDING FOR
36 EQUITABLE RELIEF AGAINST AN AGENCY THAT VIOLATES THIS SUBSECTION.

37 (D) IF PRACTICABLE AND IN THE BEST INTEREST OF MINORS WHO ARE
38 SIBLINGS, AN AGENCY SHALL PLACE SIBLINGS WITH THE SAME PROSPECTIVE

1 ADOPTIVE PARENT SELECTED IN ACCORDANCE WITH SUBSECTIONS (A) THROUGH (C)
2 OF THIS SECTION.

3 (E) (1) IF AN AGENCY PLACES A MINOR PURSUANT TO SUBSECTION (A)(2) OF
4 THIS SECTION, AN INDIVIDUAL DESCRIBED IN SUBSECTION (B)(4) OF THIS SECTION
5 MAY COMMENCE AN ACTION OR PROCEEDING WITHIN 30 DAYS AFTER THE
6 PLACEMENT TO CHALLENGE THE AGENCY'S PLACEMENT.

7 (2) IF THE INDIVIDUAL PROVES BY A PREPONDERANCE OF THE
8 EVIDENCE THAT THE MINOR HAS SUBSTANTIAL EMOTIONAL TIES TO THE
9 INDIVIDUAL AND THAT AN ADOPTIVE PLACEMENT OF THE MINOR WITH THE
10 INDIVIDUAL WOULD BE IN THE BEST INTEREST OF THE MINOR, THE COURT SHALL
11 PLACE THE MINOR WITH THE INDIVIDUAL.

12 15-205.

13 (A) AN AGENCY RECEIVING PUBLIC FUNDS PURSUANT TO TITLE IV-E OF THE
14 FEDERAL ADOPTION ASSISTANCE AND CHILD WELFARE ACT, 42 U.S.C. SECTIONS 670
15 ET SEQ., OR PURSUANT TO THE ADOPTION SUBSIDY PROGRAM UNDER TITLE 5,
16 SUBTITLE 4 OF THIS ARTICLE, SHALL MAKE A DILIGENT SEARCH FOR AND ACTIVELY
17 RECRUIT PROSPECTIVE ADOPTIVE PARENTS FOR MINORS IN THE AGENCY'S CUSTODY
18 WHO ARE ENTITLED TO FUNDING FROM THOSE SOURCES AND WHO ARE DIFFICULT
19 TO PLACE FOR ADOPTION BECAUSE OF A SPECIAL NEED AS DESCRIBED IN THE
20 FEDERAL ADOPTION ASSISTANCE AND CHILD WELFARE ACT OR TITLE 5, SUBTITLE 4
21 OF THIS ARTICLE.

22 (B) THE DEPARTMENT SHALL PRESCRIBE THE PROCEDURE FOR RECRUITING
23 PROSPECTIVE ADOPTIVE PARENTS PURSUANT TO THIS SECTION.

24 15-206.

25 (A) AS EARLY AS PRACTICABLE BEFORE A PROSPECTIVE ADOPTIVE PARENT
26 ACCEPTS PHYSICAL CUSTODY OF A MINOR, A PERSON PLACING THE MINOR FOR
27 ADOPTION SHALL FURNISH TO THE PROSPECTIVE ADOPTIVE PARENT A WRITTEN
28 REPORT CONTAINING ALL OF THE FOLLOWING INFORMATION REASONABLY
29 AVAILABLE FROM ANY PERSON WHO HAS HAD LEGAL OR PHYSICAL CUSTODY OF THE
30 MINOR OR WHO HAS PROVIDED MEDICAL, PSYCHOLOGICAL, EDUCATIONAL, OR
31 SIMILAR SERVICES TO THE MINOR:

32 (1) A CURRENT MEDICAL AND PSYCHOLOGICAL HISTORY OF THE MINOR,
33 INCLUDING:

34 (I) AN ACCOUNT OF THE MINOR'S PRENATAL CARE;

35 (II) THE MINOR'S MEDICAL CONDITION AT BIRTH;

36 (III) ANY DRUG OR MEDICATION TAKEN BY THE MINOR'S MOTHER
37 DURING PREGNANCY;

- 1 (IV) ANY SUBSEQUENT MEDICAL, PSYCHOLOGICAL, OR
2 PSYCHIATRIC EXAMINATION AND DIAGNOSIS;
- 3 (V) ANY PHYSICAL, SEXUAL, OR EMOTIONAL ABUSE SUFFERED BY
4 THE MINOR; AND
- 5 (VI) A RECORD OF ANY IMMUNIZATIONS AND HEALTH CARE
6 RECEIVED WHILE IN FOSTER OR OTHER CARE;
- 7 (2) RELEVANT INFORMATION CONCERNING THE MEDICAL AND
8 PSYCHOLOGICAL HISTORY OF THE MINOR'S GENETIC PARENTS AND RELATIVES,
9 INCLUDING:
- 10 (I) ANY KNOWN DISEASE OR HEREDITARY PREDISPOSITION TO
11 DISEASE;
- 12 (II) ANY ADDICTION TO DRUGS OR ALCOHOL;
- 13 (III) THE HEALTH OF THE MINOR'S MOTHER DURING THE MOTHER'S
14 PREGNANCY; AND
- 15 (IV) THE HEALTH OF EACH PARENT AT THE MINOR'S BIRTH;
- 16 (3) RELEVANT INFORMATION CONCERNING THE SOCIAL HISTORY OF
17 THE MINOR AND THE MINOR'S PARENTS AND RELATIVES, INCLUDING:
- 18 (I) THE MINOR'S ENROLLMENT AND PERFORMANCE IN SCHOOL,
19 RESULTS OF EDUCATIONAL TESTING, AND ANY SPECIAL EDUCATIONAL NEEDS;
- 20 (II) THE MINOR'S RACIAL, ETHNIC, AND RELIGIOUS BACKGROUND,
21 TRIBAL AFFILIATION, AND A GENERAL DESCRIPTION OF THE MINOR'S PARENTS;
- 22 (III) AN ACCOUNT OF THE MINOR'S PAST AND EXISTING
23 RELATIONSHIP WITH ANY INDIVIDUAL WITH WHOM THE MINOR HAS REGULARLY
24 LIVED OR VISITED; AND
- 25 (IV) THE LEVEL OF EDUCATIONAL AND VOCATIONAL
26 ACHIEVEMENT OF THE MINOR'S PARENTS AND RELATIVES AND ANY NOTEWORTHY
27 ACCOMPLISHMENTS;
- 28 (4) INFORMATION CONCERNING A CRIMINAL CONVICTION OF A PARENT
29 FOR A FELONY, A JUDICIAL ORDER TERMINATING THE PARENTAL RIGHTS OF A
30 PARENT, OR A PROCEEDING IN WHICH THE PARENT WAS ALLEGED TO HAVE ABUSED,
31 NEGLECTED, ABANDONED, OR OTHERWISE MISTREATED THE MINOR, A SIBLING OF
32 THE MINOR, OR THE OTHER PARENT;
- 33 (5) INFORMATION CONCERNING A CRIMINAL CONVICTION OR
34 DELINQUENCY ADJUDICATION OF THE MINOR; AND

1 (6) INFORMATION NECESSARY TO DETERMINE THE MINOR'S
2 ELIGIBILITY FOR STATE OR FEDERAL BENEFITS, INCLUDING SUBSIDIES FOR
3 ADOPTION AND OTHER FINANCIAL, MEDICAL, OR SIMILAR ASSISTANCE.

4 (B) BEFORE A HEARING ON A PETITION FOR ADOPTION, THE PERSON WHO
5 PLACED A MINOR FOR ADOPTION SHALL FURNISH TO THE PROSPECTIVE ADOPTIVE
6 PARENT A SUPPLEMENTAL WRITTEN REPORT CONTAINING INFORMATION REQUIRED
7 BY SUBSECTION (A) OF THIS SECTION WHICH WAS UNAVAILABLE BEFORE THE
8 MINOR WAS PLACED FOR ADOPTION BUT BECOMES REASONABLY AVAILABLE TO THE
9 PERSON AFTER THE PLACEMENT.

10 (C) THE COURT MAY REQUEST THAT A RESPONDENT IN A PROCEEDING
11 UNDER SUBTITLE 3, PART V OF THIS TITLE SUPPLY THE INFORMATION REQUIRED BY
12 THIS SECTION.

13 (D) A REPORT FURNISHED UNDER THIS SECTION MUST INDICATE WHO
14 PREPARED THE REPORT AND, UNLESS CONFIDENTIALITY HAS BEEN WAIVED, BE
15 EDITED TO EXCLUDE THE IDENTITY OF ANY INDIVIDUAL WHO FURNISHED
16 INFORMATION OR ABOUT WHOM INFORMATION IS REPORTED.

17 (E) INFORMATION FURNISHED UNDER THIS SECTION MAY NOT BE USED AS
18 EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING AGAINST AN INDIVIDUAL WHO
19 IS THE SUBJECT OF THE INFORMATION.

20 (F) THE DEPARTMENT SHALL PRESCRIBE FORMS DESIGNED TO OBTAIN THE
21 SPECIFIC INFORMATION SOUGHT UNDER THIS SECTION AND SHALL FURNISH THE
22 FORMS TO A PERSON WHO IS AUTHORIZED TO PLACE A MINOR FOR ADOPTION OR
23 WHO PROVIDES SERVICES WITH RESPECT TO PLACEMENTS FOR ADOPTION.

24 15-207.

25 AN ADOPTION IN THIS STATE OF A MINOR BROUGHT INTO THIS STATE FROM
26 ANOTHER STATE BY A PROSPECTIVE ADOPTIVE PARENT, OR BY A PERSON WHO
27 PLACES THE MINOR FOR ADOPTION IN THIS STATE, IS GOVERNED BY THE LAWS OF
28 THIS STATE, INCLUDING THIS TITLE AND THE INTERSTATE COMPACT ON THE
29 PLACEMENT OF CHILDREN UNDER TITLE 5, SUBTITLE 6 OF THIS ARTICLE.

30 15-208.

31 AN ADOPTION IN THIS STATE OF A MINOR BROUGHT INTO THIS STATE FROM
32 ANOTHER COUNTRY BY A PROSPECTIVE ADOPTIVE PARENT, OR BY A PERSON WHO
33 PLACES THE MINOR FOR ADOPTION IN THIS STATE, IS GOVERNED BY THIS TITLE,
34 SUBJECT TO ANY CONVENTION OR TREATY ON INTERCOUNTRY ADOPTION WHICH
35 THE UNITED STATES HAS RATIFIED AND ANY RELEVANT FEDERAL LAW.

PART II. PREPLACEMENT EVALUATION.

1

2 15-209.

3 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (B) AND (C) OF
4 THIS SECTION, ONLY AN INDIVIDUAL FOR WHOM A CURRENT, FAVORABLE WRITTEN
5 PREPLACEMENT EVALUATION HAS BEEN PREPARED MAY ACCEPT CUSTODY OF A
6 MINOR FOR PURPOSES OF ADOPTION.

7 (2) AN EVALUATION IS CURRENT IF IT IS PREPARED OR UPDATED
8 WITHIN THE 18 MONTHS NEXT PRECEDING THE PLACEMENT OF THE MINOR WITH
9 THE INDIVIDUAL FOR ADOPTION.

10 (3) AN EVALUATION IS FAVORABLE IF IT CONTAINS A FINDING THAT
11 THE INDIVIDUAL IS SUITED TO BE AN ADOPTIVE PARENT, EITHER IN GENERAL OR
12 FOR A PARTICULAR MINOR.

13 (B) A COURT MAY EXCUSE THE ABSENCE OF A PREPLACEMENT EVALUATION
14 FOR GOOD CAUSE SHOWN, BUT THE PROSPECTIVE ADOPTIVE PARENT SO EXCUSED
15 MUST BE EVALUATED DURING THE PENDENCY OF THE PROCEEDING FOR ADOPTION.

16 (C) A PREPLACEMENT EVALUATION IS NOT REQUIRED IF A PARENT OR
17 GUARDIAN PLACES A MINOR DIRECTLY WITH A RELATIVE OF THE MINOR FOR
18 PURPOSES OF ADOPTION, BUT AN EVALUATION OF THE RELATIVE IS REQUIRED
19 DURING THE PENDENCY OF A PROCEEDING FOR ADOPTION.

20 15-210.

21 (A) ONLY AN INDIVIDUAL QUALIFIED BY THE DEPARTMENT TO MAKE A
22 PREPLACEMENT EVALUATION MAY DO SO.

23 (B) AN AGENCY FROM WHICH AN INDIVIDUAL IS SEEKING TO ADOPT A MINOR
24 MAY REQUIRE THE INDIVIDUAL TO BE EVALUATED BY ITS OWN QUALIFIED
25 EMPLOYEE OR INDEPENDENT CONTRACTOR, EVEN IF THE INDIVIDUAL HAS
26 RECEIVED A FAVORABLE PREPLACEMENT EVALUATION FROM ANOTHER QUALIFIED
27 EVALUATOR.

28 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT SPECIFY THE
29 CRITERIA AND PROCEDURES FOR CERTIFYING INDIVIDUALS AS QUALIFIED
30 EVALUATORS.

31 15-211.

32 (A) AN INDIVIDUAL REQUESTING A PREPLACEMENT EVALUATION NEED NOT
33 HAVE LOCATED A PROSPECTIVE MINOR ADOPTEE WHEN THE REQUEST IS MADE, AND
34 THE INDIVIDUAL MAY REQUEST MORE THAN ONE EVALUATION.

35 (B) (1) A PREPLACEMENT EVALUATION MUST BE COMPLETED WITHIN 45
36 DAYS AFTER IT IS REQUESTED.

1 (2) AN EVALUATOR SHALL EXPEDITE AN EVALUATION FOR AN
2 INDIVIDUAL WHO HAS LOCATED A PROSPECTIVE ADOPTEE.

3 (C) A PREPLACEMENT EVALUATION MUST BE BASED UPON:

4 (1) A PERSONAL INTERVIEW AND VISIT AT THE RESIDENCE OF THE
5 INDIVIDUAL BEING EVALUATED;

6 (2) PERSONAL INTERVIEWS WITH OTHERS WHO KNOW THE INDIVIDUAL
7 AND MAY HAVE INFORMATION RELEVANT TO THE EVALUATION; AND

8 (3) THE INFORMATION REQUIRED BY SUBSECTION (D) OF THIS SECTION.

9 (D) A PREPLACEMENT EVALUATION MUST CONTAIN THE FOLLOWING
10 INFORMATION ABOUT THE INDIVIDUAL BEING EVALUATED:

11 (1) AGE AND DATE OF BIRTH, NATIONALITY, RACIAL OR ETHNIC
12 BACKGROUND, AND ANY RELIGIOUS AFFILIATION;

13 (2) MARITAL STATUS AND FAMILY HISTORY, INCLUDING THE AGE AND
14 LOCATION OF ANY CHILD OF THE INDIVIDUAL AND THE IDENTITY OF AND
15 RELATIONSHIP TO ANYONE ELSE LIVING IN THE INDIVIDUAL'S HOUSEHOLD;

16 (3) PHYSICAL AND MENTAL HEALTH, AND ANY HISTORY OF ABUSE OF
17 ALCOHOL OR DRUGS;

18 (4) EDUCATIONAL AND EMPLOYMENT HISTORY AND ANY SPECIAL
19 SKILLS;

20 (5) PROPERTY AND INCOME, INCLUDING OUTSTANDING FINANCIAL
21 OBLIGATIONS AS INDICATED IN A CURRENT CREDIT REPORT OR FINANCIAL
22 STATEMENT FURNISHED BY THE INDIVIDUAL;

23 (6) ANY PREVIOUS REQUEST FOR AN EVALUATION OR INVOLVEMENT IN
24 AN ADOPTIVE PLACEMENT AND THE OUTCOME OF THE EVALUATION OR
25 PLACEMENT;

26 (7) WHETHER THE INDIVIDUAL HAS BEEN CHARGED WITH HAVING
27 COMMITTED DOMESTIC VIOLENCE OR CHILD ABUSE OR NEGLECT AND THE
28 DISPOSITION OF THE CHARGES, OR WHETHER THE INDIVIDUAL IS SUBJECT TO A
29 COURT ORDER RESTRICTING THE INDIVIDUAL'S RIGHT TO CUSTODY OR VISITATION
30 WITH A CHILD;

31 (8) WHETHER THE INDIVIDUAL HAS BEEN CONVICTED OF A CRIME
32 OTHER THAN A MINOR TRAFFIC VIOLATION;

33 (9) WHETHER THE INDIVIDUAL HAS LOCATED A PARENT INTERESTED IN
34 PLACING A MINOR WITH THE INDIVIDUAL FOR ADOPTION AND, IF SO, A BRIEF
35 DESCRIPTION OF THE PARENT AND THE MINOR; AND

1 (10) ANY OTHER FACT OR CIRCUMSTANCE THAT MAY BE RELEVANT IN
2 DETERMINING WHETHER THE INDIVIDUAL IS SUITED TO BE AN ADOPTIVE PARENT,
3 INCLUDING THE QUALITY OF THE ENVIRONMENT IN THE INDIVIDUAL'S HOME AND
4 THE FUNCTIONING OF OTHER CHILDREN IN THE INDIVIDUAL'S HOUSEHOLD.

5 (E) AN INDIVIDUAL BEING EVALUATED MUST SUBMIT TO FINGERPRINTING
6 AND SIGN A RELEASE PERMITTING THE EVALUATOR TO OBTAIN FROM AN
7 APPROPRIATE LAW ENFORCEMENT AGENCY ANY RECORD INDICATING THAT THE
8 INDIVIDUAL HAS BEEN CONVICTED OF A CRIME OTHER THAN A MINOR TRAFFIC
9 VIOLATION.

10 (F) AN INDIVIDUAL BEING EVALUATED SHALL, AT THE REQUEST OF THE
11 EVALUATOR, SIGN ANY RELEASE NECESSARY FOR THE EVALUATOR TO OBTAIN
12 INFORMATION REQUIRED BY SUBSECTION (D) OF THIS SECTION.

13 15-212.

14 (A) AN EVALUATOR SHALL ASSESS THE INFORMATION REQUIRED BY § 15-211
15 OF THIS SUBTITLE TO DETERMINE WHETHER IT RAISES A SPECIFIC CONCERN THAT
16 PLACEMENT OF ANY MINOR, OR A PARTICULAR MINOR, IN THE HOME OF THE
17 INDIVIDUAL WOULD POSE A SIGNIFICANT RISK OF HARM TO THE PHYSICAL OR
18 PSYCHOLOGICAL WELL-BEING OF THE MINOR.

19 (B) (1) IF AN EVALUATOR DETERMINES THAT THE INFORMATION ASSESSED
20 DOES NOT RAISE A SPECIFIC CONCERN, THE EVALUATOR SHALL FIND THAT THE
21 INDIVIDUAL IS SUITED TO BE AN ADOPTIVE PARENT.

22 (2) THE EVALUATOR MAY COMMENT ABOUT ANY FACTOR THAT IN THE
23 EVALUATOR'S OPINION MAKES THE INDIVIDUAL SUITED IN GENERAL OR FOR A
24 PARTICULAR MINOR.

25 (C) (1) IF AN EVALUATOR DETERMINES THAT THE INFORMATION ASSESSED
26 RAISES A SPECIFIC CONCERN, THE EVALUATOR, ON THE BASIS OF THE ORIGINAL OR
27 ANY FURTHER INVESTIGATION, SHALL FIND THAT THE INDIVIDUAL IS OR IS NOT
28 SUITED TO BE AN ADOPTIVE PARENT.

29 (2) THE EVALUATOR SHALL SUPPORT THE FINDING WITH A WRITTEN
30 EXPLANATION.

31 15-213.

32 (A) (1) IF A PREPLACEMENT EVALUATION CONTAINS A FINDING THAT AN
33 INDIVIDUAL IS SUITED TO BE AN ADOPTIVE PARENT, THE EVALUATOR SHALL GIVE
34 THE INDIVIDUAL A SIGNED COPY OF THE EVALUATION.

35 (2) AT THE INDIVIDUAL'S REQUEST, THE EVALUATOR SHALL FURNISH A
36 COPY OF THE EVALUATION TO A PERSON AUTHORIZED UNDER THIS TITLE TO PLACE
37 A MINOR FOR ADOPTION AND, UNLESS THE INDIVIDUAL REQUESTS OTHERWISE,
38 EDIT THE COPY TO EXCLUDE IDENTIFYING INFORMATION.

1 (B) (1) IF A PREPLACEMENT EVALUATION CONTAINS A FINDING THAT AN
2 INDIVIDUAL IS NOT SUITED TO BE AN ADOPTIVE PARENT OF ANY MINOR, OR A
3 PARTICULAR MINOR, THE EVALUATOR SHALL IMMEDIATELY GIVE A SIGNED COPY OF
4 THE EVALUATION TO THE INDIVIDUAL AND TO THE DEPARTMENT.

5 (2) THE DEPARTMENT SHALL RETAIN FOR 10 YEARS THE COPY OF THE
6 EVALUATION AND A COPY OF ANY COURT ORDER CONCERNING THE EVALUATION
7 ISSUED PURSUANT TO § 15-214 OR § 15-215 OF THIS SUBTITLE.

8 (C) AN EVALUATOR SHALL RETAIN FOR 2 YEARS THE ORIGINAL OF A
9 COMPLETED OR INCOMPLETE PREPLACEMENT EVALUATION AND A LIST OF EVERY
10 SOURCE FOR EACH ITEM OF INFORMATION IN THE EVALUATION.

11 (D) AN EVALUATOR WHO CONDUCTED AN EVALUATION IN GOOD FAITH IS
12 NOT SUBJECT TO CIVIL LIABILITY FOR ANYTHING CONTAINED IN THE EVALUATION.
13 15-214.

14 (A) WITHIN 90 DAYS AFTER AN INDIVIDUAL RECEIVES A PREPLACEMENT
15 EVALUATION WITH A FINDING THAT THE INDIVIDUAL IS NOT SUITED TO BE AN
16 ADOPTIVE PARENT, THE INDIVIDUAL MAY PETITION A COURT FOR REVIEW OF THE
17 EVALUATION.

18 (B) (1) IF THE COURT DETERMINES THAT THE PETITIONER HAS FAILED TO
19 PROVE SUITABILITY BY A PREPONDERANCE OF THE EVIDENCE, IT SHALL ORDER
20 THAT THE PETITIONER NOT BE PERMITTED TO ADOPT A MINOR AND SHALL SEND A
21 COPY OF THE ORDER TO THE DEPARTMENT TO BE RETAINED WITH THE COPY OF THE
22 ORIGINAL EVALUATION.

23 (2) IF, AT THE TIME OF THE COURT'S DETERMINATION, THE PETITIONER
24 HAS CUSTODY OF A MINOR FOR PURPOSES OF ADOPTION, THE COURT SHALL MAKE
25 AN APPROPRIATE ORDER FOR THE CARE AND CUSTODY OF THE MINOR.

26 (C) (1) IF THE COURT DETERMINES THAT THE PETITIONER HAS PROVED
27 SUITABILITY, THE COURT SHALL FIND THE PETITIONER SUITABLE TO BE AN
28 ADOPTIVE PARENT AND THE PETITIONER MAY COMMENCE OR CONTINUE A
29 PROCEEDING FOR ADOPTION OF A MINOR.

30 (2) THE COURT SHALL SEND A COPY OF ITS ORDER TO THE
31 DEPARTMENT TO BE RETAINED WITH THE COPY OF THE ORIGINAL EVALUATION.

32 15-215.

33 (A) IF, BEFORE A DECREE OF ADOPTION IS ISSUED, THE DEPARTMENT
34 LEARNS FROM AN EVALUATOR OR ANOTHER PERSON THAT A MINOR HAS BEEN
35 PLACED FOR ADOPTION WITH AN INDIVIDUAL WHO IS THE SUBJECT OF A
36 PREPLACEMENT EVALUATION ON FILE WITH THE DEPARTMENT CONTAINING A
37 FINDING OF UNSUITABILITY, THE DEPARTMENT SHALL IMMEDIATELY REVIEW THE
38 EVALUATION AND INVESTIGATE THE CIRCUMSTANCES OF THE PLACEMENT AND

1 MAY REQUEST THAT THE INDIVIDUAL RETURN THE MINOR TO THE CUSTODY OF THE
2 PERSON WHO PLACED THE MINOR OR TO THE DEPARTMENT.

3 (B) IF THE INDIVIDUAL REFUSES TO RETURN THE MINOR, THE DEPARTMENT
4 SHALL IMMEDIATELY COMMENCE AN ACTION OR PROCEEDING TO REMOVE THE
5 MINOR FROM THE HOME OF THE INDIVIDUAL AND, PENDING A HEARING, THE COURT
6 SHALL MAKE AN APPROPRIATE ORDER FOR THE CARE AND CUSTODY OF THE MINOR.

7 PART III. TRANSFER OF PHYSICAL CUSTODY OF MINOR BY HEALTH CARE FACILITY
8 FOR PURPOSES OF ADOPTION.

9 15-216.

10 IN THIS PART III OF THIS SUBTITLE, "HEALTH CARE FACILITY" MEANS A
11 HOSPITAL, CLINIC, OR OTHER FACILITY AUTHORIZED BY THIS STATE TO PROVIDE
12 SERVICES RELATED TO BIRTH AND NEONATAL CARE.

13 15-217.

14 (A) A HEALTH CARE FACILITY SHALL RELEASE A MINOR FOR THE PURPOSE OF
15 ADOPTION TO AN INDIVIDUAL OR AGENCY NOT OTHERWISE LEGALLY ENTITLED TO
16 THE PHYSICAL CUSTODY OF THE MINOR IF, IN THE PRESENCE OF AN EMPLOYEE
17 AUTHORIZED BY THE HEALTH CARE FACILITY, THE WOMAN WHO GAVE BIRTH TO
18 THE MINOR SIGNS AN AUTHORIZATION OF THE TRANSFER OF PHYSICAL CUSTODY.

19 (B) AN AUTHORIZED EMPLOYEE IN WHOSE PRESENCE THE AUTHORIZATION
20 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IS SIGNED SHALL ATTEST THE
21 SIGNING IN WRITING.

22 15-218.

23 (A) NO LATER THAN 72 HOURS AFTER A RELEASE PURSUANT TO § 15-217 OF
24 THIS SUBTITLE, A HEALTH CARE FACILITY THAT RELEASES A MINOR FOR PURPOSES
25 OF ADOPTION SHALL TRANSMIT TO THE DEPARTMENT A COPY OF THE
26 AUTHORIZATION REQUIRED BY § 15-217 OF THIS SUBTITLE AND SHALL REPORT:

27 (1) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON
28 WHO AUTHORIZED THE RELEASE;

29 (2) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON TO
30 WHOM PHYSICAL CUSTODY WAS TRANSFERRED; AND

31 (3) THE DATE OF THE TRANSFER.

32 (B) NO LATER THAN 30 DAYS AFTER A RELEASE PURSUANT TO § 15-217 OF
33 THIS SUBTITLE, THE PERSON TO WHOM PHYSICAL CUSTODY OF A MINOR WAS
34 TRANSFERRED SHALL REPORT TO THE DEPARTMENT WHICH, IF ANY, OF THE
35 FOLLOWING HAS OCCURRED:

1 (1) THE FILING OF A PETITION FOR ADOPTION WITH THE NAME AND
2 ADDRESS OF THE PETITIONER;

3 (2) THE ACQUISITION OF CUSTODY OF THE MINOR BY AN AGENCY AND
4 THE NAME AND ADDRESS OF THE AGENCY;

5 (3) THE RETURN OF THE MINOR TO A PARENT OR OTHER PERSON
6 HAVING LEGAL CUSTODY AND THE NAME AND ADDRESS OF THE PARENT OR OTHER
7 PERSON; OR

8 (4) THE TRANSFER OF PHYSICAL CUSTODY OF THE MINOR TO ANOTHER
9 INDIVIDUAL AND THE NAME AND ADDRESS OF THE INDIVIDUAL.

10 15-219.

11 (A) IF THE DEPARTMENT RECEIVES A REPORT REQUIRED UNDER § 15-218(A)
12 OF THIS SUBTITLE FROM A HEALTH CARE FACILITY, BUT DOES NOT RECEIVE THE
13 REPORT REQUIRED UNDER § 15-218(B) OF THIS SUBTITLE, WITHIN 45 DAYS AFTER
14 THE TRANSFER OF A MINOR, THE DEPARTMENT SHALL IMMEDIATELY INVESTIGATE
15 TO DETERMINE THE WHEREABOUTS OF THE MINOR.

16 (B) IF NONE OF THE DISPOSITIONS LISTED IN § 15-218(B)(1) THROUGH (3) OF
17 THIS SUBTITLE HAS OCCURRED, OR THE MINOR HAS BEEN TRANSFERRED TO AN
18 INDIVIDUAL DESCRIBED IN § 15-218(B)(4) OF THIS SUBTITLE WHO HAS NOT FILED A
19 PETITION TO ADOPT, THE DEPARTMENT SHALL IMMEDIATELY TAKE APPROPRIATE
20 ACTION TO REMOVE THE MINOR FROM THE INDIVIDUAL TO WHOM THE MINOR HAS
21 BEEN TRANSFERRED.

22 (C) THE DEPARTMENT MAY ALSO REVIEW AND INVESTIGATE COMPLIANCE
23 WITH §§ 15-201 THROUGH 15-206 OF THIS SUBTITLE, AND MAY MAINTAIN AN ACTION
24 IN THE APPROPRIATE COURT TO COMPEL COMPLIANCE.

25 PART IV. CONSENT TO AND RELINQUISHMENT FOR ADOPTION.

26 15-220.

27 (A) UNLESS CONSENT IS NOT REQUIRED OR IS DISPENSED WITH BY § 15-221
28 OF THIS SUBTITLE, IN A DIRECT PLACEMENT OF A MINOR FOR ADOPTION BY A
29 PARENT OR GUARDIAN AUTHORIZED UNDER THIS TITLE TO PLACE THE MINOR, A
30 PETITION TO ADOPT THE MINOR MAY BE GRANTED ONLY IF CONSENT TO THE
31 ADOPTION HAS BEEN EXECUTED BY:

32 (1) THE WOMAN WHO GAVE BIRTH TO THE MINOR AND THE MAN, IF ANY,
33 WHO:

34 (I) IS OR HAS BEEN MARRIED TO THE WOMAN IF THE MINOR WAS
35 BORN DURING THE MARRIAGE OR WITHIN 300 DAYS AFTER THE MARRIAGE WAS
36 TERMINATED OR A COURT ISSUED A DECREE OF SEPARATION;

1 (II) ATTEMPTED TO MARRY THE WOMAN BEFORE THE MINOR'S
2 BIRTH BY A MARRIAGE SOLEMNIZED IN APPARENT COMPLIANCE WITH LAW,
3 ALTHOUGH THE ATTEMPTED MARRIAGE IS OR COULD BE DECLARED INVALID, IF THE
4 MINOR WAS BORN DURING THE ATTEMPTED MARRIAGE OR WITHIN 300 DAYS AFTER
5 THE ATTEMPTED MARRIAGE WAS TERMINATED;

6 (III) HAS BEEN JUDICIALLY DETERMINED TO BE THE FATHER OF
7 THE MINOR, OR HAS SIGNED A DOCUMENT THAT HAS THE EFFECT OF ESTABLISHING
8 HIS PARENTAGE OF THE MINOR, AND:

9 1. HAS PROVIDED, IN ACCORDANCE WITH THE FATHER'S
10 FINANCIAL MEANS, REASONABLE AND CONSISTENT PAYMENTS FOR THE SUPPORT
11 OF THE MINOR AND HAS VISITED OR COMMUNICATED WITH THE MINOR; OR

12 2. AFTER THE MINOR'S BIRTH, BUT BEFORE THE MINOR'S
13 PLACEMENT FOR ADOPTION, HAS MARRIED THE WOMAN WHO GAVE BIRTH TO THE
14 MINOR OR ATTEMPTED TO MARRY THE WOMAN BY A MARRIAGE SOLEMNIZED IN
15 APPARENT COMPLIANCE WITH LAW, ALTHOUGH THE ATTEMPTED MARRIAGE IS OR
16 COULD BE DECLARED INVALID; OR

17 (IV) HAS RECEIVED THE MINOR INTO THE FATHER'S HOME AND
18 OPENLY HELD OUT THE MINOR AS THE FATHER'S CHILD;

19 (2) THE MINOR'S GUARDIAN IF EXPRESSLY AUTHORIZED BY A COURT TO
20 CONSENT TO THE MINOR'S ADOPTION; OR

21 (3) THE CURRENT ADOPTIVE OR OTHER LEGALLY RECOGNIZED MOTHER
22 AND FATHER OF THE MINOR.

23 (B) UNLESS CONSENT IS NOT REQUIRED UNDER § 15-221 OF THIS SUBTITLE,
24 IN A PLACEMENT OF A MINOR FOR ADOPTION BY AN AGENCY AUTHORIZED UNDER
25 THIS TITLE TO PLACE THE MINOR, A PETITION TO ADOPT THE MINOR MAY BE
26 GRANTED ONLY IF CONSENT TO THE ADOPTION HAS BEEN EXECUTED BY:

27 (1) THE AGENCY THAT PLACED THE MINOR FOR ADOPTION; AND

28 (2) ANY INDIVIDUALS DESCRIBED IN SUBSECTION (A) OF THIS SECTION
29 WHO HAVE NOT RELINQUISHED THE MINOR.

30 (C) UNLESS THE COURT DISPENSES WITH THE MINOR'S CONSENT, A PETITION
31 TO ADOPT A MINOR WHO HAS ATTAINED 10 YEARS OF AGE MAY BE GRANTED ONLY IF,
32 IN ADDITION TO ANY CONSENT REQUIRED BY SUBSECTIONS (A) AND (B) OF THIS
33 SECTION, THE MINOR HAS EXECUTED AN INFORMED CONSENT TO THE ADOPTION.

34 15-221.

35 (A) CONSENT TO AN ADOPTION OF A MINOR IS NOT REQUIRED OF:

36 (1) AN INDIVIDUAL WHO HAS RELINQUISHED THE MINOR TO AN
37 AGENCY FOR PURPOSES OF ADOPTION;

1 (2) AN INDIVIDUAL WHOSE PARENTAL RELATIONSHIP TO THE MINOR
2 HAS BEEN JUDICIALLY TERMINATED OR DETERMINED NOT TO EXIST;

3 (3) A PARENT WHO HAS BEEN JUDICIALLY DECLARED INCOMPETENT;

4 (4) A MAN WHO HAS NOT BEEN MARRIED TO THE WOMAN WHO GAVE
5 BIRTH TO THE MINOR AND WHO, AFTER THE CONCEPTION OF THE MINOR, EXECUTES
6 A VERIFIED STATEMENT DENYING PATERNITY OR DISCLAIMING ANY INTEREST IN
7 THE MINOR AND ACKNOWLEDGING THAT THE MAN'S STATEMENT IS IRREVOCABLE
8 WHEN EXECUTED;

9 (5) THE PERSONAL REPRESENTATIVE OF A DECEASED PARENT'S
10 ESTATE; OR

11 (6) A PARENT OR OTHER PERSON WHO HAS NOT EXECUTED A CONSENT
12 OR A RELINQUISHMENT AND WHO FAILS TO FILE AN ANSWER OR MAKE AN
13 APPEARANCE IN A PROCEEDING FOR ADOPTION OR FOR TERMINATION OF A
14 PARENTAL RELATIONSHIP WITHIN THE REQUISITE TIME AFTER SERVICE OF NOTICE
15 OF THE PROCEEDING.

16 (B) THE COURT MAY DISPENSE WITH THE CONSENT OF:

17 (1) A GUARDIAN OR AN AGENCY WHOSE CONSENT IS OTHERWISE
18 REQUIRED UPON A FINDING THAT THE CONSENT IS BEING WITHHELD CONTRARY TO
19 THE BEST INTEREST OF A MINOR ADOPTEE; OR

20 (2) A MINOR ADOPTEE WHO HAS ATTAINED 10 YEARS OF AGE UPON A
21 FINDING THAT IT IS NOT IN THE BEST INTEREST OF THE MINOR TO REQUIRE THE
22 CONSENT.

23 15-222.

24 A PARENT OR GUARDIAN WHOSE CONSENT TO THE ADOPTION OF A MINOR IS
25 REQUIRED BY § 15-220 OF THIS SUBTITLE MAY RELINQUISH TO AN AGENCY ALL
26 RIGHTS WITH RESPECT TO THE MINOR, INCLUDING LEGAL AND PHYSICAL CUSTODY
27 AND THE RIGHT TO CONSENT TO THE MINOR'S ADOPTION.

28 15-223.

29 (A) (1) A PARENT WHOSE CONSENT TO THE ADOPTION OF A MINOR IS
30 REQUIRED BY § 15-220 OF THIS SUBTITLE MAY EXECUTE A CONSENT OR A
31 RELINQUISHMENT ONLY AFTER THE MINOR IS BORN.

32 (2) A PARENT WHO EXECUTES A CONSENT OR RELINQUISHMENT MAY
33 REVOKE THE CONSENT OR RELINQUISHMENT WITHIN 30 DAYS AFTER THE BIRTH OF
34 THE MINOR.

35 (B) A GUARDIAN MAY EXECUTE A CONSENT TO THE ADOPTION OF A MINOR OR
36 A RELINQUISHMENT AT ANY TIME AFTER BEING AUTHORIZED BY A COURT TO DO SO.

1 (C) AN AGENCY THAT PLACES A MINOR FOR ADOPTION MAY EXECUTE ITS
2 CONSENT AT ANY TIME BEFORE OR DURING THE HEARING ON THE PETITION FOR
3 ADOPTION.

4 (D) A MINOR ADOPTEE WHOSE CONSENT IS REQUIRED MAY EXECUTE A
5 CONSENT AT ANY TIME BEFORE OR DURING THE HEARING ON THE PETITION FOR
6 ADOPTION.

7 (E) BEFORE EXECUTING A CONSENT OR RELINQUISHMENT, A PARENT MUST
8 HAVE BEEN INFORMED OF:

9 (1) THE MEANING AND CONSEQUENCES OF ADOPTION;

10 (2) THE AVAILABILITY OF PERSONAL AND LEGAL COUNSELING;

11 (3) THE CONSEQUENCES OF MISIDENTIFYING THE OTHER PARENT;

12 (4) THE PROCEDURE FOR RELEASING INFORMATION ABOUT THE
13 HEALTH AND OTHER CHARACTERISTICS OF THE PARENT WHICH MAY AFFECT THE
14 PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF THE ADOPTEE;

15 (5) THE SEARCH RIGHTS OF ADOPTED INDIVIDUALS AND BIOLOGICAL
16 PARENTS UNDER TITLE 5, SUBTITLES 3A AND 4B OF THIS ARTICLE; AND

17 (6) THE RIGHT TO FILE A DISCLOSURE VETO UNDER § 5-3A-05 OF THIS
18 ARTICLE.

19 15-224.

20 (A) A CONSENT OR RELINQUISHMENT EXECUTED BY A PARENT OR GUARDIAN
21 MUST BE SIGNED OR CONFIRMED IN THE PRESENCE OF:

22 (1) A JUDGE OF A COURT OF RECORD;

23 (2) AN INDIVIDUAL WHOM A JUDGE OF A COURT OF RECORD
24 DESIGNATES TO TAKE CONSENTS OR RELINQUISHMENTS;

25 (3) AN EMPLOYEE OTHER THAN AN EMPLOYEE OF AN AGENCY TO
26 WHICH A MINOR IS RELINQUISHED WHOM AN AGENCY DESIGNATES TO TAKE
27 CONSENTS OR RELINQUISHMENTS;

28 (4) A LAWYER OTHER THAN A LAWYER WHO IS REPRESENTING AN
29 ADOPTIVE PARENT OR THE AGENCY TO WHICH A MINOR IS RELINQUISHED;

30 (5) A COMMISSIONED OFFICER ON ACTIVE DUTY IN THE MILITARY
31 SERVICE OF THE UNITED STATES, IF THE INDIVIDUAL EXECUTING THE CONSENT OR
32 RELINQUISHMENT IS IN MILITARY SERVICE; OR

33 (6) AN OFFICER OF THE FOREIGN SERVICE OR A CONSULAR OFFICER OF
34 THE UNITED STATES IN ANOTHER COUNTRY, IF THE INDIVIDUAL EXECUTING THE
35 CONSENT OR RELINQUISHMENT IS IN THAT COUNTRY.

1 (B) A CONSENT EXECUTED BY A MINOR ADOPTEE MUST BE SIGNED OR
2 CONFIRMED IN THE PRESENCE OF THE COURT IN THE PROCEEDING FOR ADOPTION
3 OR IN A MANNER THE COURT DIRECTS.

4 (C) A PARENT WHO IS A MINOR IS COMPETENT TO EXECUTE A CONSENT OR
5 RELINQUISHMENT IF THE PARENT HAS HAD ACCESS TO COUNSELING AND HAS HAD
6 THE ADVICE OF A LAWYER WHO IS NOT REPRESENTING AN ADOPTIVE PARENT OR
7 THE AGENCY TO WHICH THE PARENT'S CHILD IS RELINQUISHED.

8 (D) AN INDIVIDUAL BEFORE WHOM A CONSENT OR RELINQUISHMENT IS
9 SIGNED OR CONFIRMED UNDER SUBSECTION (A) OF THIS SECTION SHALL CERTIFY
10 IN WRITING THAT THE INDIVIDUAL ORALLY EXPLAINED THE CONTENTS AND
11 CONSEQUENCES OF THE CONSENT OR RELINQUISHMENT, AND TO THE BEST OF THE
12 INDIVIDUAL'S KNOWLEDGE OR BELIEF, THE INDIVIDUAL EXECUTING THE CONSENT
13 OR RELINQUISHMENT:

14 (1) READ OR WAS READ THE CONSENT OR RELINQUISHMENT AND
15 UNDERSTOOD IT;

16 (2) SIGNED THE CONSENT OR RELINQUISHMENT VOLUNTARILY AND
17 RECEIVED OR WAS OFFERED A COPY OF IT;

18 (3) WAS FURNISHED THE INFORMATION DESCRIBED BY § 15-223(E) OF
19 THIS SUBTITLE AND WAS AFFORDED AN OPPORTUNITY TO SIGN A DISCLOSURE VETO
20 UNDER § 5-3A-05 OF THIS ARTICLE;

21 (4) RECEIVED OR WAS OFFERED COUNSELING SERVICES AND
22 INFORMATION ABOUT ADOPTION; AND

23 (5) IF A PARENT WHO IS A MINOR, WAS ADVISED BY A LAWYER WHO IS
24 NOT REPRESENTING AN ADOPTIVE PARENT OR THE AGENCY TO WHICH THE
25 PARENT'S CHILD IS BEING RELINQUISHED, OR, IF AN ADULT, WAS INFORMED OF THE
26 RIGHT TO HAVE A LAWYER WHO IS NOT REPRESENTING AN ADOPTIVE PARENT OR
27 THE AGENCY TO WHICH THE PARENT'S CHILD IS BEING RELINQUISHED.

28 (E) A PROSPECTIVE ADOPTIVE PARENT NAMED OR DESCRIBED IN A CONSENT
29 TO THE ADOPTION OF A MINOR SHALL SIGN A STATEMENT:

30 (1) INDICATING AN INTENTION TO ADOPT THE MINOR;

31 (2) ACKNOWLEDGING AN OBLIGATION TO RETURN LEGAL AND
32 PHYSICAL CUSTODY OF THE MINOR TO THE MINOR'S PARENT IF THE PARENT
33 REVOKES THE CONSENT WITHIN THE TIME SPECIFIED IN § 15-223(A) OF THIS
34 SUBTITLE; AND

35 (3) ACKNOWLEDGING RESPONSIBILITY FOR THE MINOR'S SUPPORT AND
36 MEDICAL AND OTHER CARE IF THE CONSENT IS NOT REVOKED.

37 (F) IF AN AGENCY ACCEPTS A RELINQUISHMENT, AN EMPLOYEE OF THE
38 AGENCY SHALL SIGN A STATEMENT ACCEPTING THE RELINQUISHMENT,

1 ACKNOWLEDGING ITS OBLIGATION TO RETURN LEGAL AND PHYSICAL CUSTODY OF
2 THE CHILD TO THE MINOR'S PARENT IF THE PARENT REVOKES THE
3 RELINQUISHMENT WITHIN THE TIME INDICATED IN § 15-223(A) OF THIS SUBTITLE,
4 AND ACKNOWLEDGING RESPONSIBILITY FOR THE MINOR'S SUPPORT AND MEDICAL
5 AND OTHER CARE IF THE RELINQUISHMENT IS NOT REVOKED.

6 (G) AN INDIVIDUAL BEFORE WHOM A CONSENT OR A RELINQUISHMENT IS
7 SIGNED OR CONFIRMED SHALL CERTIFY HAVING RECEIVED THE STATEMENTS
8 REQUIRED BY SUBSECTIONS (E) AND (F) OF THIS SECTION.

9 (H) A CONSENT BY AN AGENCY TO THE ADOPTION OF A MINOR IN THE
10 AGENCY'S LEGAL CUSTODY MUST BE EXECUTED BY THE EXECUTIVE HEAD OR AN
11 INDIVIDUAL AUTHORIZED BY THE AGENCY AND MUST BE SIGNED OR CONFIRMED
12 UNDER OATH IN THE PRESENCE OF AN INDIVIDUAL AUTHORIZED TO TAKE
13 ACKNOWLEDGMENTS.

14 (I) A CONSENT OR RELINQUISHMENT EXECUTED AND SIGNED OR
15 CONFIRMED IN ANOTHER STATE OR COUNTRY IS VALID IF IN ACCORDANCE WITH
16 THIS TITLE OR WITH THE LAW AND PROCEDURE PREVAILING WHERE EXECUTED.

17 15-225.

18 (A) A CONSENT OR RELINQUISHMENT REQUIRED FROM A PARENT OR
19 GUARDIAN MUST BE IN WRITING AND CONTAIN, IN PLAIN ENGLISH OR, IF THE
20 NATIVE LANGUAGE OF THE PARENT OR GUARDIAN IS A LANGUAGE OTHER THAN
21 ENGLISH, IN THAT LANGUAGE:

22 (1) THE DATE, PLACE, AND TIME OF THE EXECUTION OF THE CONSENT
23 OR RELINQUISHMENT;

24 (2) THE NAME, DATE OF BIRTH, AND CURRENT MAILING ADDRESS OF
25 THE INDIVIDUAL EXECUTING THE CONSENT OR RELINQUISHMENT;

26 (3) THE DATE OF BIRTH AND THE NAME OR PSEUDONYM OF THE MINOR
27 ADOPTEE;

28 (4) IF A CONSENT, THE NAME, ADDRESS, AND TELEPHONE AND
29 TELECOPIER NUMBERS OF THE LAWYER REPRESENTING THE PROSPECTIVE
30 ADOPTIVE PARENT WITH WHOM THE INDIVIDUAL EXECUTING THE CONSENT HAS
31 PLACED OR INTENDS TO PLACE THE MINOR FOR ADOPTION;

32 (5) IF A RELINQUISHMENT, THE NAME, ADDRESS, AND TELEPHONE AND
33 TELECOPIER NUMBERS OF THE AGENCY TO WHICH THE MINOR IS BEING
34 RELINQUISHED; AND

35 (6) SPECIFIC INSTRUCTIONS AS TO HOW TO REVOKE THE CONSENT OR
36 RELINQUISHMENT AND HOW TO COMMENCE AN ACTION TO SET IT ASIDE.

37 (B) A CONSENT MUST STATE THAT THE PARENT OR GUARDIAN EXECUTING
38 THE DOCUMENT IS VOLUNTARILY AND UNEQUIVOCALLY CONSENTING TO THE

1 TRANSFER OF LEGAL AND PHYSICAL CUSTODY TO, AND THE ADOPTION OF THE
2 MINOR BY, A SPECIFIC ADOPTIVE PARENT WHOM THE PARENT OR GUARDIAN HAS
3 SELECTED.

4 (C) A RELINQUISHMENT MUST STATE THAT THE INDIVIDUAL EXECUTING THE
5 RELINQUISHMENT VOLUNTARILY CONSENTS TO THE PERMANENT TRANSFER OF
6 LEGAL AND PHYSICAL CUSTODY OF THE MINOR TO THE AGENCY FOR THE PURPOSES
7 OF ADOPTION.

8 (D) A CONSENT OR RELINQUISHMENT MUST STATE:

9 (1) AN UNDERSTANDING THAT AFTER THE CONSENT OR
10 RELINQUISHMENT IS SIGNED OR CONFIRMED IN SUBSTANTIAL COMPLIANCE WITH §
11 15-224 OF THIS SUBTITLE, IT IS FINAL AND, EXCEPT UNDER A CIRCUMSTANCE
12 STATED IN § 15-227 OR § 15-228 OF THIS SUBTITLE, MAY NOT BE REVOKED OR SET
13 ASIDE FOR ANY REASON, INCLUDING THE FAILURE OF AN ADOPTIVE PARENT TO
14 PERMIT THE INDIVIDUAL EXECUTING THE CONSENT OR RELINQUISHMENT TO VISIT
15 OR COMMUNICATE WITH THE MINOR ADOPTEE;

16 (2) AN UNDERSTANDING THAT THE ADOPTION WILL EXTINGUISH ALL
17 PARENTAL RIGHTS AND OBLIGATIONS THE INDIVIDUAL EXECUTING THE CONSENT
18 OR RELINQUISHMENT HAS WITH RESPECT TO THE MINOR ADOPTEE, EXCEPT FOR
19 ARREARAGES OF CHILD SUPPORT, AND WILL REMAIN VALID WHETHER OR NOT ANY
20 AGREEMENT FOR VISITATION OR COMMUNICATION WITH THE MINOR ADOPTEE IS
21 LATER PERFORMED;

22 (3) THAT THE INDIVIDUAL EXECUTING THE CONSENT OR
23 RELINQUISHMENT HAS:

24 (I) RECEIVED A COPY OF THE CONSENT OR RELINQUISHMENT;

25 (II) RECEIVED OR BEEN OFFERED COUNSELING SERVICES AND
26 INFORMATION ABOUT ADOPTION WHICH EXPLAINS THE MEANING AND
27 CONSEQUENCES OF AN ADOPTION;

28 (III) BEEN ADVISED, IF A PARENT WHO IS A MINOR, BY A LAWYER
29 WHO IS NOT REPRESENTING AN ADOPTIVE PARENT OR THE AGENCY TO WHICH THE
30 MINOR ADOPTEE IS BEING RELINQUISHED, OR, IF AN ADULT, HAS BEEN ADVISED OF
31 THE RIGHT TO HAVE A LAWYER WHO IS NOT REPRESENTING AN ADOPTIVE PARENT
32 OR THE AGENCY;

33 (IV) BEEN PROVIDED THE INFORMATION DESCRIBED IN § 15-223(E)
34 OF THIS SUBTITLE AND WAS AFFORDED AN OPPORTUNITY TO SIGN A DISCLOSURE
35 VETO UNDER § 5-3A-05 OF THIS ARTICLE; AND

36 (V) BEEN ADVISED OF THE OBLIGATION TO PROVIDE THE
37 INFORMATION REQUIRED UNDER § 15-206 OF THIS SUBTITLE;

38 (4) THAT THE INDIVIDUAL EXECUTING THE CONSENT OR
39 RELINQUISHMENT HAS NOT RECEIVED OR BEEN PROMISED ANY MONEY OR

1 ANYTHING OF VALUE FOR THE CONSENT OR THE RELINQUISHMENT, EXCEPT FOR
2 PAYMENTS AUTHORIZED BY SUBTITLE 6 OF THIS TITLE;

3 (5) THAT THE MINOR IS NOT AN INDIAN CHILD AS DEFINED IN THE
4 INDIAN CHILD WELFARE ACT, 25 U.S.C. SECTIONS 1901 ET SEQ.;

5 (6) THAT THE INDIVIDUAL BELIEVES THE ADOPTION OF THE MINOR IS
6 IN THE MINOR'S BEST INTEREST; AND

7 (7) IF A CONSENT, THAT THE INDIVIDUAL WHO IS CONSENTING WAIVES
8 FURTHER NOTICE UNLESS THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

9 (E) A RELINQUISHMENT MAY PROVIDE THAT THE INDIVIDUAL WHO IS
10 RELINQUISHING WAIVES NOTICE OF ANY PROCEEDING FOR ADOPTION, OR WAIVES
11 NOTICE UNLESS THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

12 (F) A CONSENT OR RELINQUISHMENT MAY PROVIDE FOR ITS REVOCATION IF:

13 (1) ANOTHER CONSENT OR RELINQUISHMENT IS NOT EXECUTED
14 WITHIN A SPECIFIED PERIOD;

15 (2) A COURT DECIDES NOT TO TERMINATE ANOTHER INDIVIDUAL'S
16 PARENTAL RELATIONSHIP TO THE MINOR; OR

17 (3) IN A DIRECT PLACEMENT FOR ADOPTION, A PETITION FOR ADOPTION
18 BY A PROSPECTIVE ADOPTIVE PARENT, NAMED OR DESCRIBED IN THE CONSENT, IS
19 DENIED OR WITHDRAWN.

20 15-226.

21 (A) EXCEPT UNDER A CIRCUMSTANCE STATED IN § 15-227 OF THIS SUBTITLE,
22 A CONSENT TO THE ADOPTION OF A MINOR WHICH IS EXECUTED BY A PARENT OR
23 GUARDIAN IN SUBSTANTIAL COMPLIANCE WITH §§ 15-224 AND 15-225 IS FINAL AND
24 IRREVOCABLE, AND:

25 (1) UNLESS A COURT ORDERS OTHERWISE TO PROTECT THE WELFARE
26 OF THE MINOR, ENTITLES THE PROSPECTIVE ADOPTIVE PARENT NAMED OR
27 DESCRIBED IN THE CONSENT TO THE LEGAL AND PHYSICAL CUSTODY OF THE MINOR
28 AND IMPOSES ON THAT INDIVIDUAL RESPONSIBILITY FOR THE SUPPORT AND
29 MEDICAL AND OTHER CARE OF THE MINOR;

30 (2) TERMINATES ANY DUTY OF A PARENT WHO EXECUTED THE
31 CONSENT WITH RESPECT TO THE MINOR, EXCEPT FOR ARREARAGES OF CHILD
32 SUPPORT; AND

33 (3) TERMINATES ANY RIGHT OF A PARENT OR GUARDIAN WHO
34 EXECUTED THE CONSENT TO OBJECT TO THE MINOR'S ADOPTION BY THE
35 PROSPECTIVE ADOPTIVE PARENT AND ANY RIGHT TO NOTICE OF THE PROCEEDING
36 FOR ADOPTION UNLESS THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

1 (B) EXCEPT UNDER A CIRCUMSTANCE STATED IN § 15-228 OF THIS SUBTITLE,
2 A RELINQUISHMENT OF A MINOR TO AN AGENCY WHICH IS EXECUTED BY A PARENT
3 OR GUARDIAN IN SUBSTANTIAL COMPLIANCE WITH §§ 15-224 AND 15-225 OF THIS
4 SUBTITLE IS FINAL AND IRREVOCABLE, AND:

5 (1) UNLESS A COURT ORDERS OTHERWISE TO PROTECT THE WELFARE
6 OF THE MINOR, ENTITLES THE AGENCY TO THE LEGAL CUSTODY OF THE MINOR
7 UNTIL A DECREE OF ADOPTION BECOMES FINAL;

8 (2) EMPOWERS THE AGENCY TO PLACE THE MINOR FOR ADOPTION,
9 CONSENT TO THE MINOR'S ADOPTION, AND DELEGATE TO A PROSPECTIVE ADOPTIVE
10 PARENT RESPONSIBILITY FOR THE SUPPORT AND MEDICAL AND OTHER CARE OF
11 THE MINOR;

12 (3) TERMINATES ANY DUTY OF THE INDIVIDUAL WHO EXECUTED THE
13 RELINQUISHMENT WITH RESPECT TO THE MINOR, EXCEPT FOR ARREARAGES OF
14 CHILD SUPPORT; AND

15 (4) TERMINATES ANY RIGHT OF THE INDIVIDUAL WHO EXECUTED THE
16 RELINQUISHMENT TO OBJECT TO THE MINOR'S ADOPTION AND, UNLESS OTHERWISE
17 PROVIDED IN THE RELINQUISHMENT, ANY RIGHT TO NOTICE OF THE PROCEEDING
18 FOR ADOPTION.

19 15-227.

20 (A) IN A DIRECT PLACEMENT OF A MINOR FOR ADOPTION BY A PARENT OR
21 GUARDIAN, A CONSENT IS REVOKED IF:

22 (1) WITHIN 30 DAYS AFTER THE BIRTH OF THE MINOR, A PARENT WHO
23 EXECUTED THE CONSENT NOTIFIES IN WRITING THE PROSPECTIVE ADOPTIVE
24 PARENT, OR THE ADOPTIVE PARENT'S LAWYER, THAT THE PARENT REVOKES THE
25 CONSENT, OR THE PARENT COMPLIES WITH ANY OTHER INSTRUCTIONS FOR
26 REVOCATION SPECIFIED IN THE CONSENT; OR

27 (2) THE INDIVIDUAL WHO EXECUTED THE CONSENT AND THE
28 PROSPECTIVE ADOPTIVE PARENT NAMED OR DESCRIBED IN THE CONSENT AGREE TO
29 ITS REVOCATION.

30 (B) IN A DIRECT PLACEMENT OF A MINOR FOR ADOPTION BY A PARENT OR
31 GUARDIAN, THE COURT SHALL SET ASIDE THE CONSENT IF THE INDIVIDUAL WHO
32 EXECUTED THE CONSENT ESTABLISHES:

33 (1) BY CLEAR AND CONVINCING EVIDENCE, BEFORE A DECREE OF
34 ADOPTION IS ISSUED, THAT THE CONSENT WAS OBTAINED BY FRAUD OR DURESS;

35 (2) BY A PREPONDERANCE OF THE EVIDENCE BEFORE A DECREE OF
36 ADOPTION IS ISSUED THAT, WITHOUT GOOD CAUSE SHOWN, A PETITION TO ADOPT
37 WAS NOT FILED WITHIN 60 DAYS AFTER THE MINOR WAS PLACED FOR ADOPTION; OR

1 (3) BY A PREPONDERANCE OF THE EVIDENCE, THAT A CONDITION
2 PERMITTING REVOCATION HAS OCCURRED, AS EXPRESSLY PROVIDED FOR IN THE
3 CONSENT PURSUANT TO § 15-225 OF THIS SUBTITLE.

4 (C) (1) IF THE CONSENT OF AN INDIVIDUAL WHO HAD LEGAL AND
5 PHYSICAL CUSTODY OF A MINOR WHEN THE MINOR WAS PLACED FOR ADOPTION OR
6 WHEN THE CONSENT WAS EXECUTED IS REVOKED, THE PROSPECTIVE ADOPTIVE
7 PARENT SHALL IMMEDIATELY RETURN THE MINOR TO THE INDIVIDUAL'S CUSTODY
8 AND MOVE TO DISMISS A PROCEEDING FOR ADOPTION OR TERMINATION OF THE
9 INDIVIDUAL'S PARENTAL RELATIONSHIP TO THE MINOR.

10 (2) IF THE MINOR IS NOT RETURNED IMMEDIATELY, THE INDIVIDUAL
11 MAY PETITION THE COURT NAMED IN THE CONSENT FOR APPROPRIATE RELIEF.

12 (3) THE COURT SHALL HEAR THE PETITION EXPEDITIOUSLY.

13 (D) IF THE CONSENT OF AN INDIVIDUAL WHO HAD LEGAL AND PHYSICAL
14 CUSTODY OF A MINOR WHEN THE MINOR WAS PLACED FOR ADOPTION OR THE
15 CONSENT WAS EXECUTED IS SET ASIDE UNDER SUBSECTION (B)(1) OF THIS SECTION,
16 THE COURT SHALL ORDER THE RETURN OF THE MINOR TO THE CUSTODY OF THE
17 INDIVIDUAL AND DISMISS A PROCEEDING FOR ADOPTION.

18 (E) IF THE CONSENT OF AN INDIVIDUAL WHO HAD LEGAL AND PHYSICAL
19 CUSTODY OF A MINOR WHEN THE MINOR WAS PLACED FOR ADOPTION OR THE
20 CONSENT WAS EXECUTED IS SET ASIDE UNDER SUBSECTION (B)(2) OR (3) OF THIS
21 SECTION AND NO GROUND EXISTS UNDER SUBTITLE 3, PART V OF THIS TITLE FOR
22 TERMINATING THE RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
23 INDIVIDUAL AND THE MINOR, THE COURT SHALL DISMISS A PROCEEDING FOR
24 ADOPTION AND ORDER THE RETURN OF THE MINOR TO THE CUSTODY OF THE
25 INDIVIDUAL UNLESS THE COURT FINDS THAT RETURN WILL BE DETRIMENTAL TO
26 THE MINOR.

27 (F) IF THE CONSENT OF AN INDIVIDUAL WHO DID NOT HAVE PHYSICAL
28 CUSTODY OF A MINOR WHEN THE MINOR WAS PLACED FOR ADOPTION OR WHEN THE
29 CONSENT WAS EXECUTED IS REVOKED OR SET ASIDE AND NO GROUND EXISTS
30 UNDER SUBTITLE 3, PART V OF THIS TITLE FOR TERMINATING THE RELATIONSHIP OF
31 PARENT AND CHILD BETWEEN THE INDIVIDUAL AND THE MINOR, THE COURT SHALL
32 DISMISS A PROCEEDING FOR ADOPTION AND ISSUE AN ORDER PROVIDING FOR THE
33 CARE AND CUSTODY OF THE MINOR ACCORDING TO THE BEST INTEREST OF THE
34 MINOR.

35 15-228.

36 (A) A RELINQUISHMENT IS REVOKED IF:

37 (1) WITHIN 30 DAYS AFTER THE BIRTH OF THE MINOR, A PARENT WHO
38 EXECUTED THE RELINQUISHMENT GIVES WRITTEN NOTICE TO THE AGENCY THAT
39 ACCEPTED IT, THAT THE PARENT REVOKES THE RELINQUISHMENT, OR THE PARENT
40 COMPLIES WITH ANY OTHER INSTRUCTIONS FOR REVOCATION SPECIFIED IN THE
41 RELINQUISHMENT; OR

1 (2) THE INDIVIDUAL WHO EXECUTED THE RELINQUISHMENT AND THE
2 AGENCY THAT ACCEPTED IT AGREE TO ITS REVOCATION.

3 (B) THE COURT SHALL SET ASIDE A RELINQUISHMENT IF THE INDIVIDUAL
4 WHO EXECUTED THE RELINQUISHMENT ESTABLISHES:

5 (1) BY CLEAR AND CONVINCING EVIDENCE, BEFORE A DECREE OF
6 ADOPTION IS ISSUED, THAT THE RELINQUISHMENT WAS OBTAINED BY FRAUD OR
7 DURESS; OR

8 (2) BY A PREPONDERANCE OF THE EVIDENCE, THAT A CONDITION
9 PERMITTING REVOCATION HAS OCCURRED, AS EXPRESSLY PROVIDED FOR IN THE
10 RELINQUISHMENT PURSUANT TO § 15-225 OF THIS SUBTITLE.

11 (C) (1) IF A RELINQUISHMENT BY AN INDIVIDUAL WHO HAD LEGAL AND
12 PHYSICAL CUSTODY OF A MINOR WHEN THE RELINQUISHMENT WAS EXECUTED IS
13 REVOKED, THE AGENCY SHALL IMMEDIATELY RETURN THE MINOR TO THE
14 INDIVIDUAL'S CUSTODY AND MOVE TO DISMISS A PROCEEDING FOR ADOPTION.

15 (2) IF THE MINOR IS NOT RETURNED IMMEDIATELY, THE INDIVIDUAL
16 MAY PETITION THE COURT NAMED IN THE RELINQUISHMENT FOR APPROPRIATE
17 RELIEF.

18 (3) THE COURT SHALL HEAR THE PETITION EXPEDITIOUSLY.

19 (D) IF A RELINQUISHMENT BY AN INDIVIDUAL WHO HAD LEGAL AND
20 PHYSICAL CUSTODY OF A MINOR WHEN THE RELINQUISHMENT WAS EXECUTED IS
21 SET ASIDE UNDER SUBSECTION (B)(1) OF THIS SECTION, THE COURT SHALL DISMISS
22 A PROCEEDING FOR ADOPTION AND ORDER THE RETURN OF THE MINOR TO THE
23 CUSTODY OF THE INDIVIDUAL.

24 (E) IF A RELINQUISHMENT BY AN INDIVIDUAL WHO HAD LEGAL AND
25 PHYSICAL CUSTODY OF A MINOR WHEN THE RELINQUISHMENT WAS EXECUTED IS
26 SET ASIDE UNDER SUBSECTION (B)(2) OF THIS SECTION AND NO GROUND EXISTS
27 UNDER SUBTITLE 3, PART V OF THIS TITLE FOR TERMINATING THE RELATIONSHIP OF
28 PARENT AND CHILD BETWEEN THE INDIVIDUAL AND THE MINOR, THE COURT SHALL
29 DISMISS A PROCEEDING FOR ADOPTION AND ORDER THE RETURN OF THE MINOR TO
30 THE CUSTODY OF THE INDIVIDUAL UNLESS THE COURT FINDS THAT RETURN WILL
31 BE DETRIMENTAL TO THE MINOR.

32 (F) IF A RELINQUISHMENT BY AN INDIVIDUAL WHO DID NOT HAVE PHYSICAL
33 CUSTODY OF A MINOR WHEN THE RELINQUISHMENT WAS EXECUTED IS REVOKED OR
34 SET ASIDE AND NO GROUND EXISTS UNDER SUBTITLE 3, PART V OF THIS TITLE FOR
35 TERMINATING THE RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
36 INDIVIDUAL AND THE MINOR, THE COURT SHALL DISMISS A PROCEEDING FOR
37 ADOPTION AND SHALL ISSUE AN ORDER PROVIDING FOR THE CARE AND CUSTODY OF
38 THE MINOR ACCORDING TO THE BEST INTEREST OF THE MINOR.

1 SUBTITLE 3. GENERAL PROCEDURE FOR ADOPTION OF MINORS.

2 PART I. JURISDICTION AND VENUE.

3 15-301.

4 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS
5 SECTION, A COURT OF THIS STATE HAS JURISDICTION OVER A PROCEEDING FOR THE
6 ADOPTION OF A MINOR COMMENCED UNDER THIS TITLE IF:

7 (1) IMMEDIATELY BEFORE COMMENCEMENT OF THE PROCEEDING, THE
8 MINOR LIVED IN THIS STATE WITH A PARENT, A GUARDIAN, A PROSPECTIVE
9 ADOPTIVE PARENT, OR ANOTHER PERSON ACTING AS PARENT, FOR AT LEAST 6
10 CONSECUTIVE MONTHS, EXCLUDING PERIODS OF TEMPORARY ABSENCE, OR, IN THE
11 CASE OF A MINOR UNDER 6 MONTHS OF AGE, LIVED IN THIS STATE FROM SOON
12 AFTER BIRTH WITH ANY OF THOSE INDIVIDUALS AND THERE IS AVAILABLE IN THIS
13 STATE SUBSTANTIAL EVIDENCE CONCERNING THE MINOR'S PRESENT OR FUTURE
14 CARE;

15 (2) IMMEDIATELY BEFORE COMMENCEMENT OF THE PROCEEDING, THE
16 PROSPECTIVE ADOPTIVE PARENT LIVED IN THIS STATE FOR AT LEAST 6
17 CONSECUTIVE MONTHS, EXCLUDING PERIODS OF TEMPORARY ABSENCE, AND
18 THERE IS AVAILABLE IN THIS STATE SUBSTANTIAL EVIDENCE CONCERNING THE
19 MINOR'S PRESENT OR FUTURE CARE;

20 (3) THE AGENCY THAT PLACED THE MINOR FOR ADOPTION IS LOCATED
21 IN THIS STATE AND IT IS IN THE BEST INTEREST OF THE MINOR THAT A COURT OF
22 THIS STATE ASSUME JURISDICTION BECAUSE:

23 (I) THE MINOR AND THE MINOR'S PARENTS, OR THE MINOR AND
24 THE PROSPECTIVE ADOPTIVE PARENT, HAVE A SIGNIFICANT CONNECTION WITH
25 THIS STATE; AND

26 (II) THERE IS AVAILABLE IN THIS STATE SUBSTANTIAL EVIDENCE
27 CONCERNING THE MINOR'S PRESENT OR FUTURE CARE;

28 (4) THE MINOR AND THE PROSPECTIVE ADOPTIVE PARENT ARE
29 PHYSICALLY PRESENT IN THIS STATE AND THE MINOR HAS BEEN ABANDONED OR IT
30 IS NECESSARY IN AN EMERGENCY TO PROTECT THE MINOR BECAUSE THE MINOR
31 HAS BEEN SUBJECTED TO OR THREATENED WITH MISTREATMENT OR ABUSE OR IS
32 OTHERWISE NEGLECTED; OR

33 (5) IT APPEARS THAT NO OTHER STATE WOULD HAVE JURISDICTION
34 UNDER PREREQUISITES SUBSTANTIALLY IN ACCORDANCE WITH PARAGRAPHS (1)
35 THROUGH (4) OF THIS SUBSECTION, OR ANOTHER STATE HAS DECLINED TO
36 EXERCISE JURISDICTION ON THE GROUND THAT THIS STATE IS THE MORE
37 APPROPRIATE FORUM TO HEAR A PETITION FOR ADOPTION OF THE MINOR, AND IT IS
38 IN THE BEST INTEREST OF THE MINOR THAT A COURT OF THIS STATE ASSUME
39 JURISDICTION.

1 (B) A COURT OF THIS STATE MAY NOT EXERCISE JURISDICTION OVER A
2 PROCEEDING FOR ADOPTION OF A MINOR IF AT THE TIME THE PETITION FOR
3 ADOPTION IS FILED A PROCEEDING CONCERNING THE CUSTODY OR ADOPTION OF
4 THE MINOR IS PENDING IN A COURT OF ANOTHER STATE EXERCISING JURISDICTION
5 SUBSTANTIALLY IN CONFORMITY WITH THE UNIFORM CHILD CUSTODY
6 JURISDICTION ACT UNDER TITLE 9, SUBTITLE 2 OF THIS ARTICLE OR THIS TITLE
7 UNLESS THE PROCEEDING IS STAYED BY THE COURT OF THE OTHER STATE.

8 (C) IF A COURT OF ANOTHER STATE HAS ISSUED A DECREE OR ORDER
9 CONCERNING THE CUSTODY OF A MINOR WHO MAY BE THE SUBJECT OF A
10 PROCEEDING FOR ADOPTION IN THIS STATE, A COURT OF THIS STATE MAY NOT
11 EXERCISE JURISDICTION OVER A PROCEEDING FOR ADOPTION OF THE MINOR
12 UNLESS:

13 (1) THE COURT OF THIS STATE FINDS THAT THE COURT OF THE STATE
14 WHICH ISSUED THE DECREE OR ORDER:

15 (I) DOES NOT HAVE CONTINUING JURISDICTION TO MODIFY THE
16 DECREE OR ORDER UNDER JURISDICTIONAL PREREQUISITES SUBSTANTIALLY IN
17 ACCORDANCE WITH THE UNIFORM CHILD CUSTODY JURISDICTION ACT UNDER TITLE
18 9, SUBTITLE 2 OF THIS ARTICLE OR HAS DECLINED TO ASSUME JURISDICTION TO
19 MODIFY THE DECREE OR ORDER; OR

20 (II) DOES NOT HAVE JURISDICTION OVER A PROCEEDING FOR
21 ADOPTION SUBSTANTIALLY IN CONFORMITY WITH SUBSECTION (A)(1) THROUGH (4)
22 OF THIS SECTION OR HAS DECLINED TO ASSUME JURISDICTION OVER A
23 PROCEEDING FOR ADOPTION; AND

24 (2) THE COURT OF THIS STATE HAS JURISDICTION OVER THE
25 PROCEEDING.

26 15-302.

27 A PETITION FOR ADOPTION OF A MINOR MAY BE FILED IN THE COURT IN THE
28 COUNTY IN WHICH A PETITIONER LIVES, THE MINOR LIVES, OR AN OFFICE OF THE
29 AGENCY THAT PLACED THE MINOR IS LOCATED.

30 PART II. GENERAL PROCEDURAL PROVISIONS.

31 15-303.

32 (A) (1) IN A PROCEEDING UNDER THIS TITLE WHICH MAY RESULT IN THE
33 TERMINATION OF A RELATIONSHIP OF PARENT AND CHILD, THE COURT SHALL
34 APPOINT A LAWYER FOR ANY INDIGENT, MINOR, OR INCOMPETENT INDIVIDUAL WHO
35 APPEARS IN THE PROCEEDING AND WHOSE PARENTAL RELATIONSHIP TO A CHILD
36 MAY BE TERMINATED, UNLESS THE COURT FINDS THAT THE MINOR OR
37 INCOMPETENT INDIVIDUAL HAS SUFFICIENT FINANCIAL MEANS TO HIRE A LAWYER,
38 OR THE INDIGENT INDIVIDUAL DECLINES TO BE REPRESENTED BY A LAWYER.

1 (2) IN ANY ACTION IN WHICH PAYMENT FOR THE SERVICES OF A
2 COURT-APPOINTED ATTORNEY FOR A MINOR IS THE RESPONSIBILITY OF THE LOCAL
3 DEPARTMENT OF SOCIAL SERVICES, UNLESS THE COURT FINDS THAT IT WOULD NOT
4 BE IN THE BEST INTERESTS OF THE MINOR, THE COURT SHALL:

5 (I) APPOINT AN ATTORNEY WHO HAS CONTRACTED WITH THE
6 DEPARTMENT OF HUMAN RESOURCES TO PROVIDE THOSE SERVICES; AND

7 (II) IN AN ACTION IN WHICH AN ATTORNEY HAS PREVIOUSLY BEEN
8 APPOINTED, STRIKE THE APPEARANCE OF THE ATTORNEY PREVIOUSLY APPOINTED
9 AND APPOINT THE ATTORNEY WHO IS CURRENTLY UNDER CONTRACT WITH THE
10 DEPARTMENT OF HUMAN RESOURCES.

11 (B) THE COURT SHALL APPOINT A GUARDIAN AD LITEM FOR A MINOR
12 ADOPTEE IN A CONTESTED PROCEEDING UNDER THIS TITLE AND MAY APPOINT A
13 GUARDIAN AD LITEM FOR A MINOR ADOPTEE IN AN UNCONTESTED PROCEEDING.

14 (C) (1) AN ATTORNEY OR FIRM REPRESENTING THE ADOPTIVE PARENT OR
15 AGENCY MAY NOT REPRESENT THE PARENT IN THE SAME ADOPTION PROCEEDING.

16 (2) AN ATTORNEY OR FIRM REPRESENTING THE PARENT MAY NOT
17 REPRESENT THE ADOPTIVE PARENT OR AGENCY IN THE SAME ADOPTION
18 PROCEEDING.

19 15-304.

20 A PROCEEDING UNDER THIS TITLE FOR ADOPTION OR TERMINATION OF A
21 PARENTAL RELATIONSHIP MUST BE HEARD BY THE COURT WITHOUT A JURY.

22 15-305.

23 EXCEPT FOR A PROCEEDING PURSUANT TO SUBTITLE 6 OF THIS TITLE, A CIVIL
24 PROCEEDING UNDER THIS TITLE MUST BE HEARD IN CLOSED COURT.

25 15-306.

26 IN ORDER TO PROTECT THE WELFARE OF THE MINOR, THE COURT SHALL MAKE
27 AN INTERIM ORDER FOR CUSTODY OF A MINOR ADOPTEE ACCORDING TO THE BEST
28 INTEREST OF THE MINOR IN A CONTESTED PROCEEDING UNDER THIS TITLE FOR
29 ADOPTION OR TERMINATION OF A PARENTAL RELATIONSHIP AND MAY MAKE AN
30 INTERIM ORDER FOR CUSTODY IN AN UNCONTESTED PROCEEDING.

31 15-307.

32 BEFORE A DECREE OF ADOPTION IS ISSUED, A PETITIONER MAY NOT REMOVE A
33 MINOR ADOPTEE FOR MORE THAN 30 CONSECUTIVE DAYS FROM THE STATE IN
34 WHICH THE PETITIONER RESIDES WITHOUT THE PERMISSION OF THE COURT, IF THE
35 MINOR WAS PLACED DIRECTLY FOR ADOPTION, OR, IF AN AGENCY PLACED THE
36 MINOR FOR ADOPTION, THE PERMISSION OF THE AGENCY.

1 PART III. PETITION FOR ADOPTION OF MINOR.

2 15-308.

3 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
4 THE ONLY INDIVIDUALS WHO HAVE STANDING TO PETITION TO ADOPT A MINOR
5 UNDER THIS SUBTITLE ARE:

6 (1) AN INDIVIDUAL WITH WHOM A MINOR HAS BEEN PLACED FOR
7 ADOPTION OR WHO HAS BEEN SELECTED AS A PROSPECTIVE ADOPTIVE PARENT BY A
8 PERSON AUTHORIZED UNDER THIS TITLE TO PLACE THE MINOR FOR ADOPTION; OR

9 (2) AN INDIVIDUAL WITH WHOM A MINOR HAS NOT BEEN PLACED FOR
10 ADOPTION OR WHO HAS NOT BEEN SELECTED OR REJECTED AS A PROSPECTIVE
11 ADOPTIVE PARENT PURSUANT TO SUBTITLE 2, PARTS I THROUGH III OF THIS TITLE
12 BUT WHO HAS HAD PHYSICAL CUSTODY OF THE MINOR FOR AT LEAST 6 MONTHS
13 IMMEDIATELY BEFORE SEEKING TO FILE A PETITION FOR ADOPTION AND IS
14 ALLOWED TO FILE THE PETITION BY THE COURT FOR GOOD CAUSE SHOWN.

15 (B) THE SPOUSE OF A PETITIONER MUST JOIN IN THE PETITION UNLESS
16 LEGALLY SEPARATED FROM THE PETITIONER OR JUDICIALLY DECLARED
17 INCOMPETENT.

18 (C) A PETITION FOR ADOPTION OF A MINOR STEPCHILD BY A STEPPARENT
19 MAY BE FILED UNDER SUBTITLE 4 OF THIS TITLE AND A PETITION FOR ADOPTION OF
20 AN EMANCIPATED MINOR MAY BE FILED UNDER SUBTITLE 5 OF THIS TITLE.

21 15-309.

22 UNLESS THE COURT ALLOWS A LATER FILING, A PROSPECTIVE ADOPTIVE
23 PARENT WITH STANDING UNDER § 15-308(A)(1) OF THIS SUBTITLE SHALL FILE A
24 PETITION FOR ADOPTION NO LATER THAN 30 DAYS AFTER A MINOR IS PLACED FOR
25 ADOPTION WITH THAT INDIVIDUAL.

26 15-310.

27 THE CAPTION OF A PETITION FOR ADOPTION OF A MINOR MUST CONTAIN THE
28 NAME OF OR A PSEUDONYM FOR THE MINOR ADOPTEE. THE CAPTION MAY NOT
29 CONTAIN THE NAME OF THE PETITIONER.

30 15-311.

31 (A) A PETITION FOR ADOPTION OF A MINOR MUST BE SIGNED AND VERIFIED
32 BY THE PETITIONER AND CONTAIN THE FOLLOWING INFORMATION OR STATE WHY
33 ANY OF THE INFORMATION OMITTED IS NOT CONTAINED IN THE PETITION:

34 (1) THE FULL NAME, AGE, AND PLACE AND DURATION OF RESIDENCE OF
35 THE PETITIONER;

1 (2) THE CURRENT MARITAL STATUS OF THE PETITIONER, INCLUDING
2 THE DATE AND PLACE OF ANY MARRIAGE, THE DATE OF ANY LEGAL SEPARATION OR
3 DIVORCE, AND THE DATE OF ANY JUDICIAL DETERMINATION THAT A PETITIONER'S
4 SPOUSE IS INCOMPETENT;

5 (3) THAT THE PETITIONER HAS FACILITIES AND RESOURCES TO
6 PROVIDE FOR THE CARE AND SUPPORT OF THE MINOR;

7 (4) THAT A PREPLACEMENT EVALUATION CONTAINING A FINDING THAT
8 THE PETITIONER IS SUITED TO BE AN ADOPTIVE PARENT HAS BEEN PREPARED OR
9 UPDATED WITHIN THE 18 MONTHS NEXT PRECEDING THE PLACEMENT, OR THAT THE
10 ABSENCE OF A PREPLACEMENT EVALUATION HAS BEEN EXCUSED BY A COURT FOR
11 GOOD CAUSE SHOWN OR IS NOT REQUIRED UNDER § 15-209 OF THIS TITLE;

12 (5) THE FIRST NAME, SEX, AND DATE, OR APPROXIMATE DATE, AND
13 PLACE OF BIRTH OF THE MINOR ADOPTEE AND A STATEMENT THAT THE MINOR IS OR
14 IS NOT AN INDIAN CHILD AS DEFINED IN THE INDIAN CHILD WELFARE ACT, 25 U.S.C.
15 SECTIONS 1901 ET SEQ.;

16 (6) THE CIRCUMSTANCES UNDER WHICH THE PETITIONER OBTAINED
17 PHYSICAL CUSTODY OF THE MINOR, INCLUDING THE DATE OF PLACEMENT OF THE
18 MINOR WITH THE PETITIONER FOR ADOPTION AND THE NAME OF THE AGENCY OR
19 THE NAME OR RELATIONSHIP TO THE MINOR OF THE INDIVIDUAL THAT PLACED THE
20 MINOR;

21 (7) THE LENGTH OF TIME THE MINOR HAS BEEN IN THE CUSTODY OF
22 THE PETITIONER AND, IF THE MINOR IS NOT IN THE PHYSICAL CUSTODY OF THE
23 PETITIONER, THE REASON WHY THE PETITIONER DOES NOT HAVE CUSTODY AND
24 THE DATE AND MANNER IN WHICH THE PETITIONER INTENDS TO OBTAIN CUSTODY;

25 (8) A DESCRIPTION AND ESTIMATE OF THE VALUE OF ANY PROPERTY OF
26 THE MINOR;

27 (9) THAT ANY LAW GOVERNING INTERSTATE OR INTERCOUNTRY
28 PLACEMENT WAS COMPLIED WITH;

29 (10) THE NAME OR RELATIONSHIP TO THE MINOR OF ANY INDIVIDUAL
30 WHO HAS EXECUTED A CONSENT OR RELINQUISHMENT TO THE ADOPTION OR A
31 DISCLAIMER OF PATERNAL INTEREST, AND THE NAME OR RELATIONSHIP TO THE
32 MINOR OF ANY INDIVIDUAL WHOSE CONSENT OR RELINQUISHMENT MAY BE
33 REQUIRED, BUT WHOSE PARENTAL RELATIONSHIP HAS NOT BEEN TERMINATED,
34 AND ANY FACT OR CIRCUMSTANCE THAT MAY EXCUSE THE LACK OF CONSENT;

35 (11) THAT A PREVIOUS PETITION BY THE PETITIONER TO ADOPT HAS OR
36 HAS NOT BEEN MADE IN ANY COURT, AND ITS DISPOSITION; AND

37 (12) A DESCRIPTION OF ANY PREVIOUS COURT ORDER OR PENDING
38 PROCEEDING KNOWN TO THE PETITIONER CONCERNING CUSTODY OF OR
39 VISITATION WITH THE MINOR AND ANY OTHER FACT KNOWN TO THE PETITIONER
40 AND NEEDED TO ESTABLISH THE JURISDICTION OF THE COURT.

1 (B) THE PETITIONER SHALL REQUEST IN THE PETITION:

2 (1) THAT THE PETITIONER BE PERMITTED TO ADOPT THE MINOR AS THE
3 PETITIONER'S CHILD;

4 (2) THAT THE COURT APPROVE THE FULL NAME BY WHICH THE MINOR
5 IS TO BE KNOWN IF THE PETITION IS GRANTED; AND

6 (3) ANY OTHER RELIEF SOUGHT BY THE PETITIONER.

7 15-312.

8 (A) BEFORE THE HEARING ON A PETITION FOR ADOPTION, THE FOLLOWING
9 MUST BE FILED:

10 (1) A CERTIFIED COPY OF THE BIRTH CERTIFICATE OR OTHER RECORD
11 OF THE DATE AND PLACE OF BIRTH OF THE MINOR ADOPTEE;

12 (2) ANY CONSENT, RELINQUISHMENT, OR DISCLAIMER OF PATERNAL
13 INTEREST WITH RESPECT TO THE MINOR THAT HAS BEEN EXECUTED, AND ANY
14 WRITTEN CERTIFICATIONS REQUIRED BY § 15-224(D) AND (G) OF THIS TITLE FROM
15 THE INDIVIDUAL BEFORE WHOM A CONSENT OR RELINQUISHMENT WAS EXECUTED;

16 (3) A CERTIFIED COPY OF ANY COURT ORDER TERMINATING THE
17 RIGHTS AND DUTIES OF THE MINOR'S PARENTS OR GUARDIAN;

18 (4) A CERTIFIED COPY OF EACH PARENT'S OR FORMER PARENT'S
19 MARRIAGE CERTIFICATE, DECREE OF DIVORCE, ANNULMENT, OR DISSOLUTION, OR
20 AGREEMENT OR DECREE OF LEGAL SEPARATION, AND A CERTIFIED COPY OF ANY
21 COURT ORDER DETERMINING THE PARENT'S OR FORMER PARENT'S INCOMPETENCE;

22 (5) A CERTIFIED COPY OF ANY EXISTING COURT ORDER OR THE
23 PETITION IN ANY PENDING PROCEEDING CONCERNING CUSTODY OF OR VISITATION
24 WITH THE MINOR;

25 (6) A COPY OF THE PREPLACEMENT EVALUATION AND OF THE
26 EVALUATION DURING THE PENDENCY OF THE PROCEEDING FOR ADOPTION;

27 (7) A COPY OF ANY REPORT CONTAINING THE INFORMATION REQUIRED
28 BY § 15-206 OF THIS TITLE;

29 (8) IF A DISCLOSURE VETO WAS SIGNED PURSUANT TO § 5-3A-05 OF
30 THIS ARTICLE, A COPY OF THE SIGNED DISCLOSURE VETO;

31 (9) A CERTIFIED COPY OF THE PETITIONER'S MARRIAGE CERTIFICATE,
32 DECREE OF DIVORCE, ANNULMENT, OR DISSOLUTION, OR AGREEMENT OR DECREE
33 OF LEGAL SEPARATION, AND A CERTIFIED COPY OF ANY COURT ORDER
34 DETERMINING THE INCOMPETENCE OF THE PETITIONER'S SPOUSE;

35 (10) A COPY OF ANY AGREEMENT WITH A PUBLIC AGENCY TO PROVIDE A
36 SUBSIDY FOR THE BENEFIT OF A MINOR ADOPTEE WITH A SPECIAL NEED;

1 (11) IF AN AGENCY PLACED THE MINOR ADOPTEE, A VERIFIED
2 DOCUMENT FROM THE AGENCY STATING:

3 (I) THE CIRCUMSTANCES UNDER WHICH IT OBTAINED CUSTODY
4 OF THE MINOR FOR PURPOSES OF ADOPTION;

5 (II) THAT IT COMPLIED WITH ANY PROVISION OF LAW GOVERNING
6 AN INTERSTATE OR INTERCOUNTRY PLACEMENT OF THE MINOR;

7 (III) THE NAME OR RELATIONSHIP TO THE MINOR OF ANY
8 INDIVIDUAL WHOSE CONSENT IS REQUIRED, BUT WHO HAS NOT EXECUTED A
9 CONSENT OR A RELINQUISHMENT OR WHOSE PARENTAL RELATIONSHIP HAS NOT
10 BEEN TERMINATED, AND ANY FACT OR CIRCUMSTANCE THAT MAY EXCUSE THE
11 LACK OF CONSENT OR RELINQUISHMENT; AND

12 (IV) WHETHER IT HAS EXECUTED ITS CONSENT TO THE PROPOSED
13 ADOPTION AND WHETHER IT WAIVES NOTICE OF THE PROCEEDING; AND

14 (12) THE NAME AND ADDRESS, IF KNOWN, OF ANY PERSON WHO IS
15 ENTITLED TO RECEIVE NOTICE OF THE PROCEEDING FOR ADOPTION.

16 (B) IF AN ITEM REQUIRED BY SUBSECTION (A) OF THIS SECTION IS NOT
17 AVAILABLE, THE PERSON RESPONSIBLE FOR FURNISHING THE ITEM SHALL FILE AN
18 AFFIDAVIT EXPLAINING ITS ABSENCE.

19 PART IV. NOTICE OF PENDENCY OF PROCEEDING.

20 15-313.

21 (A) UNLESS NOTICE HAS BEEN WAIVED, NOTICE OF A PROCEEDING FOR
22 ADOPTION OF A MINOR MUST BE SERVED, WITHIN 20 DAYS AFTER A PETITION FOR
23 ADOPTION IS FILED, UPON:

24 (1) AN INDIVIDUAL WHOSE CONSENT TO THE ADOPTION IS REQUIRED
25 UNDER § 15-220 OF THIS TITLE, BUT NOTICE NEED NOT BE SERVED UPON AN
26 INDIVIDUAL WHOSE PARENTAL RELATIONSHIP TO THE MINOR OR WHOSE STATUS AS
27 A GUARDIAN HAS BEEN TERMINATED;

28 (2) AN AGENCY WHOSE CONSENT TO THE ADOPTION IS REQUIRED
29 UNDER § 15-220 OF THIS TITLE;

30 (3) AN INDIVIDUAL WHOM THE PETITIONER KNOWS IS CLAIMING TO BE
31 OR WHO IS NAMED AS THE FATHER OR POSSIBLE FATHER OF THE MINOR ADOPTEE
32 AND WHOSE PATERNITY OF THE MINOR HAS NOT BEEN JUDICIALLY DETERMINED,
33 BUT NOTICE NEED NOT BE SERVED UPON A MAN WHO HAS EXECUTED A VERIFIED
34 STATEMENT, AS DESCRIBED IN § 15-221(A)(4) OF THIS TITLE, DENYING PATERNITY OR
35 DISCLAIMING ANY INTEREST IN THE MINOR;

36 (4) AN INDIVIDUAL OTHER THAN THE PETITIONER WHO HAS LEGAL OR
37 PHYSICAL CUSTODY OF THE MINOR ADOPTEE OR WHO HAS A RIGHT OF VISITATION

1 WITH THE MINOR UNDER AN EXISTING COURT ORDER ISSUED BY A COURT IN THIS
2 OR ANOTHER STATE;

3 (5) THE SPOUSE OF THE PETITIONER IF THE SPOUSE HAS NOT JOINED
4 IN THE PETITION; AND

5 (6) A GRANDPARENT OF A MINOR ADOPTEE IF THE GRANDPARENT'S
6 CHILD IS A DECEASED PARENT OF THE MINOR AND, BEFORE DEATH, THE DECEASED
7 PARENT HAD NOT EXECUTED A CONSENT OR RELINQUISHMENT OR THE DECEASED
8 PARENT'S PARENTAL RELATIONSHIP TO THE MINOR HAD NOT BEEN TERMINATED.

9 (B) THE COURT SHALL REQUIRE NOTICE OF A PROCEEDING FOR ADOPTION
10 OF A MINOR TO BE SERVED UPON ANY PERSON THE COURT FINDS, AT ANY TIME
11 DURING THE PROCEEDING, IS:

12 (1) A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION WHO
13 HAS NOT BEEN GIVEN NOTICE;

14 (2) AN INDIVIDUAL WHO HAS REVOKED A CONSENT OR
15 RELINQUISHMENT PURSUANT TO § 15-227(A) OR § 15-228(A) OF THIS TITLE OR IS
16 ATTEMPTING TO HAVE A CONSENT OR RELINQUISHMENT SET ASIDE PURSUANT TO §
17 15-227(B) OR § 15-228(B) OF THIS TITLE; OR

18 (3) A PERSON WHO, ON THE BASIS OF A PREVIOUS RELATIONSHIP WITH
19 THE MINOR ADOPTEE, A PARENT, AN ALLEGED PARENT, OR THE PETITIONER, CAN
20 PROVIDE INFORMATION THAT IS RELEVANT TO THE PROPOSED ADOPTION AND THAT
21 THE COURT IN ITS DISCRETION WANTS TO HEAR.

22 15-314.

23 A NOTICE REQUIRED BY § 15-313 OF THIS SUBTITLE MUST USE A PSEUDONYM
24 FOR A PETITIONER OR ANY INDIVIDUAL NAMED IN THE PETITION FOR ADOPTION
25 WHO HAS NOT WAIVED CONFIDENTIALITY AND MUST CONTAIN:

26 (1) THE CAPTION OF THE PETITION;

27 (2) THE ADDRESS AND TELEPHONE NUMBER OF THE COURT WHERE
28 THE PETITION IS PENDING;

29 (3) A CONCISE SUMMARY OF THE RELIEF REQUESTED IN THE PETITION;

30 (4) THE NAME, MAILING ADDRESS, AND TELEPHONE NUMBER OF THE
31 PETITIONER OR PETITIONER'S LAWYER;

32 (5) A CONSPICUOUS STATEMENT OF THE METHOD OF RESPONDING TO
33 THE NOTICE OF THE PROCEEDING FOR ADOPTION AND THE CONSEQUENCES OF
34 FAILURE TO RESPOND; AND

35 (6) ANY STATEMENT REQUIRED BY OTHER APPLICABLE LAW OR RULE.

1 15-315.

2 (A) PERSONAL SERVICE OF THE NOTICE REQUIRED BY § 15-313 OF THIS
3 SUBTITLE MUST BE MADE IN A MANNER APPROPRIATE UNDER THE RULES OF CIVIL
4 PROCEDURE FOR THE SERVICE OF PROCESS IN A CIVIL ACTION IN THIS STATE
5 UNLESS THE COURT OTHERWISE DIRECTS.

6 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
7 PERSON WHO FAILS TO RESPOND TO THE NOTICE WITHIN 20 DAYS AFTER ITS
8 SERVICE MAY NOT APPEAR IN OR RECEIVE FURTHER NOTICE OF THE PROCEEDING
9 FOR ADOPTION.

10 (C) AN INDIVIDUAL WHO IS A RESPONDENT IN A PETITION TO TERMINATE
11 THE RELATIONSHIP OF PARENT AND CHILD PURSUANT TO PART V OF THIS SUBTITLE
12 WHICH IS SERVED UPON THE INDIVIDUAL WITH THE NOTICE REQUIRED BY § 15-313
13 OF THIS SUBTITLE MAY NOT APPEAR IN OR RECEIVE FURTHER NOTICE OF THE
14 PROCEEDING FOR ADOPTION OR FOR TERMINATION UNLESS THE INDIVIDUAL
15 RESPONDS TO THE NOTICE AS REQUIRED BY § 15-321 OF THIS SUBTITLE.

16 15-316.

17 (A) (1) IF, AT ANY TIME IN A PROCEEDING FOR ADOPTION OR FOR
18 TERMINATION OF A RELATIONSHIP OF PARENT AND CHILD UNDER PART V OF THIS
19 SUBTITLE, THE COURT FINDS THAT AN UNKNOWN FATHER OF A MINOR ADOPTEE
20 MAY NOT HAVE RECEIVED NOTICE, THE COURT SHALL DETERMINE WHETHER HE
21 CAN BE IDENTIFIED.

22 (2) THE DETERMINATION MUST BE BASED ON EVIDENCE THAT
23 INCLUDES INQUIRY OF APPROPRIATE PERSONS IN AN EFFORT TO IDENTIFY AN
24 UNKNOWN FATHER FOR THE PURPOSE OF PROVIDING NOTICE.

25 (B) THE INQUIRY REQUIRED BY SUBSECTION (A) OF THIS SECTION MUST
26 INCLUDE WHETHER:

27 (1) THE WOMAN WHO GAVE BIRTH TO THE MINOR ADOPTEE WAS
28 MARRIED AT THE PROBABLE TIME OF CONCEPTION OF THE MINOR, OR AT A LATER
29 TIME;

30 (2) THE WOMAN WAS COHABITATING WITH A MAN AT THE PROBABLE
31 TIME OF CONCEPTION OF THE MINOR;

32 (3) THE WOMAN HAS RECEIVED PAYMENTS OR PROMISES OF SUPPORT,
33 OTHER THAN FROM A GOVERNMENTAL AGENCY, WITH RESPECT TO THE MINOR OR
34 BECAUSE OF THE WOMAN'S PREGNANCY;

35 (4) THE WOMAN HAS NAMED ANY INDIVIDUAL AS THE FATHER ON THE
36 BIRTH CERTIFICATE OF THE MINOR OR IN CONNECTION WITH APPLYING FOR OR
37 RECEIVING PUBLIC ASSISTANCE; AND

1 (5) ANY INDIVIDUAL HAS FORMALLY OR INFORMALLY ACKNOWLEDGED
2 OR CLAIMED PATERNITY OF THE MINOR IN A JURISDICTION IN WHICH THE WOMAN
3 RESIDED DURING OR SINCE THE WOMAN'S PREGNANCY, OR IN WHICH THE MINOR
4 HAS RESIDED OR RESIDES, AT THE TIME OF THE INQUIRY.

5 (C) IF INQUIRY PURSUANT TO SUBSECTION (B) OF THIS SECTION IDENTIFIES
6 AS THE FATHER OF THE MINOR AN INDIVIDUAL WHO HAS NOT RECEIVED NOTICE OF
7 THE PROCEEDING, THE COURT SHALL REQUIRE NOTICE TO BE SERVED UPON HIM
8 PURSUANT TO § 15-315 OF THIS SUBTITLE UNLESS SERVICE IS NOT POSSIBLE
9 BECAUSE HIS WHEREABOUTS ARE UNKNOWN.

10 (D) (1) IF, AFTER INQUIRY PURSUANT TO SUBSECTION (B) OF THIS SECTION,
11 THE COURT FINDS THAT PERSONAL SERVICE CANNOT BE MADE UPON THE FATHER
12 OF THE MINOR BECAUSE THE FATHER'S IDENTITY OR WHEREABOUTS IS UNKNOWN,
13 THE COURT SHALL ORDER PUBLICATION OR PUBLIC POSTING OF THE NOTICE ONLY
14 IF, ON THE BASIS OF ALL INFORMATION AVAILABLE, THE COURT DETERMINES THAT
15 PUBLICATION OR POSTING IS LIKELY TO LEAD TO RECEIPT OF NOTICE BY THE
16 FATHER.

17 (2) IF THE COURT DETERMINES THAT PUBLICATION OR POSTING IS NOT
18 LIKELY TO LEAD TO RECEIPT OF NOTICE, THE COURT MAY DISPENSE WITH THE
19 PUBLICATION OR POSTING OF A NOTICE.

20 (E) IF, IN AN INQUIRY PURSUANT TO THIS SECTION, THE WOMAN WHO GAVE
21 BIRTH TO THE MINOR ADOPTEE FAILS TO DISCLOSE THE IDENTITY OF A POSSIBLE
22 FATHER OR REVEAL THE POSSIBLE FATHER'S WHEREABOUTS, THE WOMAN WHO
23 GAVE BIRTH TO THE MINOR ADOPTEE MUST BE ADVISED THAT:

24 (1) THE PROCEEDING FOR ADOPTION MAY BE DELAYED OR SUBJECT TO
25 CHALLENGE IF A POSSIBLE FATHER IS NOT GIVEN NOTICE OF THE PROCEEDING;

26 (2) THE LACK OF INFORMATION ABOUT THE FATHER'S MEDICAL AND
27 GENETIC HISTORY MAY BE DETRIMENTAL TO THE ADOPTEE; AND

28 (3) THE WOMAN WHO GAVE BIRTH TO THE MINOR ADOPTEE IS SUBJECT
29 TO A CIVIL PENALTY IF THE WOMAN KNOWINGLY MISIDENTIFIED THE FATHER.

30 15-317.

31 (A) A PERSON ENTITLED TO RECEIVE NOTICE REQUIRED UNDER THIS TITLE
32 MAY WAIVE THE NOTICE BEFORE THE COURT OR IN A CONSENT, RELINQUISHMENT,
33 OR OTHER DOCUMENT SIGNED BY THE PERSON.

34 (B) EXCEPT FOR THE PURPOSE OF MOVING TO REVOKE A CONSENT OR
35 RELINQUISHMENT ON THE GROUND THAT IT WAS OBTAINED BY FRAUD OR DURESS,
36 A PERSON WHO HAS WAIVED NOTICE MAY NOT APPEAR IN THE PROCEEDING FOR
37 ADOPTION.

PART V. PETITION TO TERMINATE RELATIONSHIP BETWEEN PARENT AND CHILD.

2 15-318.

3 A PETITION TO TERMINATE THE RELATIONSHIP BETWEEN A PARENT OR AN
4 ALLEGED PARENT AND A MINOR CHILD MAY BE FILED IN A PROCEEDING FOR
5 ADOPTION UNDER THIS TITLE BY:

6 (1) A PARENT OR A GUARDIAN WHO HAS SELECTED A PROSPECTIVE
7 ADOPTIVE PARENT FOR A MINOR AND WHO INTENDS TO PLACE, OR HAS PLACED, THE
8 MINOR WITH THAT INDIVIDUAL;

9 (2) A PARENT WHOSE SPOUSE HAS FILED A PETITION UNDER SUBTITLE
10 4 OF THIS TITLE TO ADOPT THE PARENT'S MINOR CHILD;

11 (3) A PROSPECTIVE ADOPTIVE PARENT OF THE MINOR WHO HAS FILED A
12 PETITION TO ADOPT UNDER THIS SUBTITLE OR SUBTITLE 4 OF THIS TITLE; OR

13 (4) AN AGENCY THAT HAS SELECTED A PROSPECTIVE ADOPTIVE
14 PARENT FOR THE MINOR AND INTENDS TO PLACE, OR HAS PLACED, THE MINOR WITH
15 THAT INDIVIDUAL.

16 15-319.

17 (A) A PETITION UNDER THIS PART V OF THIS SUBTITLE MAY BE FILED AT ANY
18 TIME AFTER A PETITION FOR ADOPTION HAS BEEN FILED UNDER THIS SUBTITLE OR
19 SUBTITLE 4 OF THIS TITLE AND BEFORE ENTRY OF A DECREE OF ADOPTION.

20 (B) A PETITION UNDER THIS PART V OF THIS SUBTITLE MUST BE SIGNED AND
21 VERIFIED BY THE PETITIONER, BE FILED WITH THE COURT, AND STATE:

22 (1) THE NAME OR PSEUDONYM OF THE PETITIONER;

23 (2) THE NAME OF THE MINOR;

24 (3) THE NAME AND LAST KNOWN ADDRESS OF THE PARENT OR
25 ALLEGED PARENT WHOSE PARENTAL RELATIONSHIP TO THE MINOR IS TO BE
26 TERMINATED;

27 (4) THE FACTS AND CIRCUMSTANCES FORMING THE BASIS FOR THE
28 PETITION AND THE GROUNDS ON WHICH TERMINATION OF A PARENTAL
29 RELATIONSHIP IS SOUGHT;

30 (5) IF THE PETITIONER IS A PROSPECTIVE ADOPTIVE PARENT, THAT THE
31 PETITIONER INTENDS TO PROCEED WITH THE PETITION TO ADOPT THE MINOR IF
32 THE PETITION TO TERMINATE IS GRANTED; AND

33 (6) IF THE PETITIONER IS A PARENT, A GUARDIAN, OR AN AGENCY, THAT
34 THE PETITIONER HAS SELECTED THE PROSPECTIVE ADOPTIVE PARENT WHO IS THE
35 PETITIONER IN THE PROCEEDING FOR ADOPTION.

1 15-320.

2 (A) A PETITION TO TERMINATE UNDER THIS PART V OF THIS SUBTITLE AND A
3 NOTICE OF HEARING ON THE PETITION MUST BE SERVED UPON THE RESPONDENT,
4 WITH NOTICE OF THE PROCEEDING FOR ADOPTION, IN THE MANNER PRESCRIBED IN
5 §§ 15-315 AND 15-316 OF THIS SUBTITLE.

6 (B) THE NOTICE OF A HEARING MUST INFORM THE RESPONDENT OF THE
7 METHOD FOR RESPONDING AND THAT:

8 (1) THE RESPONDENT HAS A RIGHT TO BE REPRESENTED BY A LAWYER
9 WHO IS NOT REPRESENTING AN ADOPTIVE PARENT OR AN AGENCY AND MAY BE
10 ENTITLED TO HAVE A LAWYER APPOINTED BY THE COURT; AND

11 (2) FAILURE TO RESPOND WITHIN 20 DAYS AFTER SERVICE AND, IN THE
12 CASE OF AN ALLEGED FATHER, FAILURE TO FILE A CLAIM OF PATERNITY WITHIN 20
13 DAYS AFTER SERVICE UNLESS A CLAIM OF PATERNITY IS PENDING, WILL RESULT IN
14 TERMINATION OF THE RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
15 RESPONDENT AND THE MINOR UNLESS THE PROCEEDING FOR ADOPTION IS
16 DISMISSED.

17 15-321.

18 (A) IF THE RESPONDENT IS SERVED WITH A PETITION TO TERMINATE UNDER
19 THIS PART V OF THIS SUBTITLE AND THE ACCOMPANYING NOTICE AND DOES NOT
20 RESPOND AND, IN THE CASE OF AN ALLEGED FATHER, FILE A CLAIM OF PATERNITY
21 WITHIN 20 DAYS AFTER THE SERVICE UNLESS A CLAIM OF PATERNITY IS PENDING,
22 THE COURT SHALL ORDER THE TERMINATION OF ANY RELATIONSHIP OF PARENT
23 AND CHILD BETWEEN THE RESPONDENT AND THE MINOR UNLESS THE PROCEEDING
24 FOR ADOPTION IS DISMISSED.

25 (B) IF, UNDER § 15-315 OF THIS SUBTITLE, THE COURT DISPENSES WITH
26 SERVICE OF THE PETITION UPON THE RESPONDENT, THE COURT SHALL ORDER THE
27 TERMINATION OF ANY RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
28 RESPONDENT AND THE MINOR UNLESS THE PROCEEDING FOR ADOPTION IS
29 DISMISSED.

30 (C) IF THE RESPONDENT RESPONDS AND ASSERTS PARENTAL RIGHTS, THE
31 COURT SHALL PROCEED WITH THE HEARING EXPEDITIOUSLY. IF THE COURT FINDS,
32 UPON CLEAR AND CONVINCING EVIDENCE, THAT ONE OF THE FOLLOWING GROUNDS
33 EXISTS, AND, BY A PREPONDERANCE OF THE EVIDENCE, THAT TERMINATION IS IN
34 THE BEST INTEREST OF THE MINOR, THE COURT SHALL TERMINATE ANY
35 RELATIONSHIP OF PARENT AND CHILD BETWEEN THE RESPONDENT AND THE
36 MINOR:

37 (1) IN THE CASE OF A MINOR WHO HAS NOT ATTAINED 6 MONTHS OF
38 AGE AT THE TIME THE PETITION FOR ADOPTION IS FILED, UNLESS THE RESPONDENT
39 PROVES BY A PREPONDERANCE OF THE EVIDENCE A COMPELLING REASON FOR NOT
40 COMPLYING WITH THIS PARAGRAPH, THE RESPONDENT HAS FAILED TO:

1 (I) PAY REASONABLE PRENATAL, NATAL, AND POSTNATAL
2 EXPENSES IN ACCORDANCE WITH THE RESPONDENT'S FINANCIAL MEANS;

3 (II) MAKE REASONABLE AND CONSISTENT PAYMENTS, IN
4 ACCORDANCE WITH THE RESPONDENT'S FINANCIAL MEANS, FOR THE SUPPORT OF
5 THE MINOR;

6 (III) VISIT REGULARLY WITH THE MINOR; AND

7 (IV) MANIFEST AN ABILITY AND WILLINGNESS TO ASSUME LEGAL
8 AND PHYSICAL CUSTODY OF THE MINOR, IF, DURING THIS TIME, THE MINOR WAS
9 NOT IN THE PHYSICAL CUSTODY OF THE OTHER PARENT;

10 (2) IN THE CASE OF A MINOR WHO HAS ATTAINED 6 MONTHS OF AGE AT
11 THE TIME A PETITION FOR ADOPTION IS FILED, UNLESS THE RESPONDENT PROVES
12 BY A PREPONDERANCE OF THE EVIDENCE A COMPELLING REASON FOR NOT
13 COMPLYING WITH THIS PARAGRAPH, THE RESPONDENT, FOR A PERIOD OF AT LEAST
14 6 CONSECUTIVE MONTHS IMMEDIATELY PRECEDING THE FILING OF THE PETITION,
15 HAS FAILED TO:

16 (I) MAKE REASONABLE AND CONSISTENT PAYMENTS, IN
17 ACCORDANCE WITH THE RESPONDENT'S MEANS, FOR THE SUPPORT OF THE MINOR;

18 (II) COMMUNICATE OR VISIT REGULARLY WITH THE MINOR; AND

19 (III) MANIFEST AN ABILITY AND WILLINGNESS TO ASSUME LEGAL
20 AND PHYSICAL CUSTODY OF THE MINOR, IF, DURING THIS TIME, THE MINOR WAS
21 NOT IN THE PHYSICAL CUSTODY OF THE OTHER PARENT;

22 (3) THE RESPONDENT HAS BEEN CONVICTED OF VIOLATING A
23 PROTECTIVE ORDER UNDER TITLE 4, SUBTITLE 5 OF THIS ARTICLE AND THE FACTS
24 OF THE VIOLATION AND THE RESPONDENT'S BEHAVIOR INDICATE THAT THE
25 RESPONDENT IS UNFIT TO MAINTAIN A RELATIONSHIP OF PARENT AND CHILD WITH
26 THE MINOR;

27 (4) THE RESPONDENT IS A MAN WHO WAS NOT MARRIED TO THE
28 MINOR'S MOTHER WHEN THE MINOR WAS CONCEIVED OR BORN AND IS NOT THE
29 GENETIC OR ADOPTIVE FATHER OF THE MINOR; OR

30 (5) TERMINATION IS JUSTIFIED ON THE GROUNDS FOR TERMINATION
31 SPECIFIED IN § 5-313 OF THIS ARTICLE.

32 15-322.

33 AN ORDER ISSUED UNDER THIS PART V OF THIS SUBTITLE GRANTING THE
34 PETITION:

35 (1) TERMINATES THE RELATIONSHIP OF PARENT AND CHILD BETWEEN
36 THE RESPONDENT AND THE MINOR, EXCEPT AN OBLIGATION FOR ARREARAGES OF
37 CHILD SUPPORT;

1 (2) EXTINGUISHES ANY RIGHT THE RESPONDENT HAD TO WITHHOLD
2 CONSENT TO A PROPOSED ADOPTION OF THE MINOR OR TO FURTHER NOTICE OF A
3 PROCEEDING FOR ADOPTION; AND

4 (3) IS A FINAL ORDER FOR PURPOSES OF APPEAL TO THE COURT OF
5 SPECIAL APPEALS.

6 15-323.

7 (A) IF THE COURT DENIES THE PETITION TO TERMINATE A RELATIONSHIP OF
8 PARENT AND CHILD, THE COURT SHALL DISMISS THE PROCEEDING FOR ADOPTION
9 AND SHALL DETERMINE THE LEGAL AND PHYSICAL CUSTODY OF THE MINOR
10 ACCORDING TO THE CRITERIA STATED IN § 15-330 OF THIS SUBTITLE.

11 (B) AN ORDER ISSUED UNDER THIS PART V OF THIS SUBTITLE DENYING A
12 PETITION TO TERMINATE A RELATIONSHIP OF PARENT AND CHILD IS A FINAL ORDER
13 FOR PURPOSES OF APPEAL.

14 PART VI. EVALUATION OF ADOPTEE AND PROSPECTIVE ADOPTIVE PARENT.

15 15-324.

16 (A) AFTER A PETITION FOR ADOPTION OF A MINOR IS FILED, THE COURT
17 SHALL ORDER THAT AN EVALUATION BE MADE BY AN INDIVIDUAL QUALIFIED
18 UNDER § 15-210 OF THIS TITLE.

19 (B) THE COURT SHALL PROVIDE THE EVALUATOR WITH COPIES OF THE
20 PETITION FOR ADOPTION AND OF THE ITEMS FILED WITH THE PETITION.

21 15-325.

22 (A) AN EVALUATION MUST BE BASED ON A PERSONAL INTERVIEW WITH THE
23 PETITIONER IN THE PETITIONER'S RESIDENCE AND OBSERVATION OF THE
24 RELATIONSHIP BETWEEN THE MINOR ADOPTEE AND THE PETITIONER.

25 (B) AN EVALUATION MUST BE IN WRITING AND CONTAIN:

26 (1) AN ACCOUNT OF ANY CHANGE IN THE PETITIONER'S MARITAL
27 STATUS OR FAMILY HISTORY, PHYSICAL OR MENTAL HEALTH, HOME ENVIRONMENT,
28 PROPERTY, INCOME, OR FINANCIAL OBLIGATIONS SINCE THE FILING OF THE
29 PREPLACEMENT EVALUATION;

30 (2) ALL REASONABLY AVAILABLE INFORMATION CONCERNING THE
31 PHYSICAL, MENTAL, AND EMOTIONAL CONDITION OF THE MINOR ADOPTEE WHICH IS
32 NOT INCLUDED IN ANY REPORT ON THE MINOR'S HEALTH, GENETIC, AND SOCIAL
33 HISTORY FILED IN THE PROCEEDING FOR ADOPTION;

34 (3) COPIES OF ANY COURT ORDER, JUDGMENT, DECREE, OR PENDING
35 LEGAL PROCEEDING AFFECTING THE MINOR ADOPTEE, THE PETITIONER, OR ANY
36 CHILD OF THE PETITIONER;

1 (4) A LIST OF THE EXPENSES, FEES, OR OTHER CHARGES INCURRED,
2 PAID, OR TO BE PAID, AND ANYTHING OF VALUE EXCHANGED OR TO BE EXCHANGED,
3 IN CONNECTION WITH THE ADOPTION;

4 (5) ANY BEHAVIOR OR CHARACTERISTICS OF THE PETITIONER WHICH
5 RAISE A SPECIFIC CONCERN, AS DESCRIBED IN § 15-212(A) OF THIS TITLE, ABOUT THE
6 PETITIONER OR THE PETITIONER'S HOME; AND

7 (6) A FINDING BY THE EVALUATOR CONCERNING THE SUITABILITY OF
8 THE PETITIONER AND THE PETITIONER'S HOME FOR THE MINOR ADOPTEE AND A
9 RECOMMENDATION CONCERNING THE GRANTING OF THE PETITION FOR ADOPTION.
10 15-326.

11 (A) THE EVALUATOR SHALL COMPLETE A WRITTEN EVALUATION AND FILE IT
12 WITH THE COURT WITHIN 60 DAYS AFTER RECEIPT OF THE COURT'S ORDER FOR AN
13 EVALUATION, UNLESS THE COURT FOR GOOD CAUSE ALLOWS A LATER FILING.

14 (B) IF AN EVALUATION PRODUCES A SPECIFIC CONCERN, AS DESCRIBED IN §
15 15-212(A) OF THIS TITLE, THE EVALUATION MUST BE FILED IMMEDIATELY, AND MUST
16 EXPLAIN WHY THE CONCERN POSES A SIGNIFICANT RISK OF HARM TO THE
17 PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF THE MINOR.

18 (C) AN EVALUATOR SHALL GIVE THE PETITIONER A COPY OF AN EVALUATION
19 WHEN FILED WITH THE COURT AND FOR 2 YEARS SHALL RETAIN A COPY AND A LIST
20 OF EVERY SOURCE FOR EACH ITEM OF INFORMATION IN THE EVALUATION.

21 PART VII. DISPOSITIONAL HEARING; DECREE OF ADOPTION.

22 15-327.

23 THE COURT SHALL SET A DATE AND TIME FOR HEARING THE PETITION, WHICH
24 MUST BE NO SOONER THAN 90 DAYS AND NO LATER THAN 180 DAYS AFTER THE
25 PETITION FOR ADOPTION HAS BEEN FILED, UNLESS THE COURT FOR GOOD CAUSE
26 SETS AN EARLIER OR LATER DATE AND TIME.

27 15-328.

28 (A) AT LEAST 10 DAYS BEFORE THE HEARING:

29 (1) THE PETITIONER SHALL FILE WITH THE COURT A SIGNED AND
30 VERIFIED ACCOUNTING OF ANY PAYMENT OR DISBURSEMENT OF MONEY OR
31 ANYTHING OF VALUE MADE OR AGREED TO BE MADE BY OR ON BEHALF OF THE
32 PETITIONER IN CONNECTION WITH THE ADOPTION, OR PURSUANT TO SUBTITLE 6 OF
33 THIS TITLE, AND THE ACCOUNTING SHALL INCLUDE THE DATE AND AMOUNT OF
34 EACH PAYMENT OR DISBURSEMENT MADE, THE NAME AND ADDRESS OF EACH
35 RECIPIENT, AND THE PURPOSE OF EACH PAYMENT OR DISBURSEMENT;

36 (2) THE LAWYER FOR A PETITIONER SHALL FILE WITH THE COURT AN
37 AFFIDAVIT ITEMIZING ANY FEE, COMPENSATION, OR OTHER THING OF VALUE

1 RECEIVED BY, OR AGREED TO BE PAID TO, THE LAWYER INCIDENTAL TO THE
2 PLACEMENT AND ADOPTION OF THE MINOR;

3 (3) THE LAWYER FOR EACH PARENT OF THE MINOR OR FOR THE
4 GUARDIAN OF THE MINOR SHALL FILE WITH THE COURT AN AFFIDAVIT ITEMIZING
5 ANY FEE, COMPENSATION, OR OTHER THING OF VALUE RECEIVED BY, OR AGREED TO
6 BE PAID TO, THE LAWYER INCIDENTAL TO THE PLACEMENT AND ADOPTION OF THE
7 MINOR;

8 (4) IF AN AGENCY PLACED THE MINOR FOR ADOPTION, THE AGENCY
9 SHALL FILE WITH THE COURT AN AFFIDAVIT ITEMIZING ANY FEE, COMPENSATION,
10 OR OTHER THING OF VALUE RECEIVED BY THE AGENCY FOR, OR INCIDENTAL TO,
11 THE PLACEMENT AND ADOPTION OF THE MINOR; AND

12 (5) IF A GUARDIAN PLACED THE MINOR FOR ADOPTION, THE GUARDIAN
13 SHALL FILE WITH THE COURT AN AFFIDAVIT ITEMIZING ANY FEE, COMPENSATION,
14 OR OTHER THING OF VALUE RECEIVED BY THE GUARDIAN FOR, OR INCIDENTAL TO,
15 THE PLACEMENT AND ADOPTION OF THE MINOR.

16 (B) (1) THE LAWYER FOR THE PETITIONER MAY NOT REPRESENT EITHER
17 THE PARENT OR THE GUARDIAN OF THE MINOR.

18 (2) THE LAWYER FOR EITHER THE PARENT OR THE GUARDIAN OF THE
19 MINOR MAY NOT REPRESENT THE PETITIONER.

20 15-329.

21 (A) THE COURT SHALL GRANT A PETITION FOR ADOPTION IF IT DETERMINES
22 THAT THE ADOPTION WILL BE IN THE BEST INTEREST OF THE MINOR, AND THAT:

23 (1) AT LEAST 90 DAYS HAVE ELAPSED SINCE THE FILING OF THE
24 PETITION FOR ADOPTION UNLESS THE COURT FOR GOOD CAUSE SHOWN WAIVES
25 THIS REQUIREMENT;

26 (2) THE ADOPTEE HAS BEEN IN THE PHYSICAL CUSTODY OF THE
27 PETITIONER FOR AT LEAST 90 DAYS UNLESS THE COURT FOR GOOD CAUSE SHOWN
28 WAIVES THIS REQUIREMENT;

29 (3) NOTICE OF THE PROCEEDING FOR ADOPTION HAS BEEN SERVED OR
30 DISPENSED WITH AS TO ANY PERSON ENTITLED TO RECEIVE NOTICE UNDER PART IV
31 OF THIS SUBTITLE;

32 (4) EVERY NECESSARY CONSENT, RELINQUISHMENT, WAIVER,
33 DISCLAIMER OF PATERNAL INTEREST, OR JUDICIAL ORDER TERMINATING
34 PARENTAL RIGHTS, INCLUDING AN ORDER ISSUED UNDER PART V OF THIS SUBTITLE,
35 HAS BEEN OBTAINED AND FILED WITH THE COURT;

36 (5) ANY EVALUATION REQUIRED BY THIS TITLE HAS BEEN FILED WITH
37 AND CONSIDERED BY THE COURT;

1 (6) THE PETITIONER IS A SUITABLE ADOPTIVE PARENT FOR THE MINOR;

2 (7) IF APPLICABLE, ANY REQUIREMENT OF THIS TITLE GOVERNING AN
3 INTERSTATE OR INTERCOUNTRY PLACEMENT FOR ADOPTION HAS BEEN MET;

4 (8) THE INDIAN CHILD WELFARE ACT, 25 U.S.C. SECTIONS 1901 ET SEQ.,
5 IS NOT APPLICABLE TO THE PROCEEDING OR, IF APPLICABLE, ITS REQUIREMENTS
6 HAVE BEEN MET;

7 (9) AN ACCOUNTING AND AFFIDAVIT REQUIRED BY § 15-328 OF THIS
8 SUBTITLE HAVE BEEN REVIEWED BY THE COURT, AND THE COURT HAS DENIED,
9 MODIFIED, OR ORDERED REIMBURSEMENT OF ANY PAYMENT OR DISBURSEMENT
10 THAT IS NOT AUTHORIZED BY SUBTITLE 6 OR IS UNREASONABLE OR UNNECESSARY
11 WHEN COMPARED WITH THE EXPENSES CUSTOMARILY INCURRED IN CONNECTION
12 WITH AN ADOPTION;

13 (10) THE PETITIONER HAS RECEIVED EACH REPORT REQUIRED BY §
14 15-206 OF THIS TITLE; AND

15 (11) ANY DISCLOSURE VETO SIGNED PURSUANT TO § 5-3A-05 OF THIS
16 ARTICLE HAS BEEN FILED WITH THE COURT.

17 (B) NOTWITHSTANDING A FINDING BY THE COURT THAT AN ACTIVITY
18 PROHIBITED BY THIS TITLE HAS OCCURRED, IF THE COURT MAKES THE
19 DETERMINATIONS REQUIRED BY SUBSECTION (A) OF THIS SECTION, THE COURT
20 SHALL GRANT THE PETITION FOR ADOPTION AND REPORT THE VIOLATION TO THE
21 APPROPRIATE AUTHORITIES.

22 (C) EXCEPT AS OTHERWISE PROVIDED IN SUBTITLE 4 OF THIS TITLE, THE
23 COURT SHALL INFORM THE PETITIONER AND ANY OTHER INDIVIDUAL AFFECTED BY
24 AN EXISTING ORDER FOR VISITATION OR COMMUNICATION WITH THE MINOR
25 ADOPTEE THAT THE DECREE OF ADOPTION TERMINATES ANY EXISTING ORDER FOR
26 VISITATION OR COMMUNICATION.

27 15-330.

28 IF A COURT DENIES A PETITION FOR ADOPTION, IT SHALL DISMISS THE
29 PROCEEDING AND ISSUE AN APPROPRIATE ORDER FOR THE LEGAL AND PHYSICAL
30 CUSTODY OF THE MINOR. IF THE REASON FOR THE DENIAL IS THAT A CONSENT OR
31 RELINQUISHMENT IS REVOKED OR SET ASIDE PURSUANT TO § 15-227 OR § 15-228 OF
32 THIS TITLE, THE COURT SHALL DETERMINE THE MINOR'S CUSTODY ACCORDING TO
33 THE CRITERIA STATED IN THOSE SECTIONS. IF THE PETITION FOR ADOPTION IS
34 DENIED FOR ANY OTHER REASON, THE COURT SHALL DETERMINE THE MINOR'S
35 CUSTODY ACCORDING TO THE BEST INTEREST OF THE MINOR.

36 15-331.

37 (A) A DECREE OF ADOPTION MUST STATE OR CONTAIN:

1 (1) THE ORIGINAL NAME OF THE MINOR ADOPTEE, IF THE ADOPTION IS
2 BY A STEPPARENT OR RELATIVE AND, IN ALL OTHER ADOPTIONS, THE ORIGINAL
3 NAME OR A PSEUDONYM;

4 (2) THE NAME OF THE PETITIONER FOR ADOPTION;

5 (3) WHETHER THE PETITIONER IS MARRIED OR UNMARRIED;

6 (4) WHETHER THE PETITIONER IS A STEPPARENT OF THE ADOPTEE;

7 (5) THE NAME BY WHICH THE ADOPTEE IS TO BE KNOWN AND WHEN
8 THE NAME TAKES EFFECT;

9 (6) INFORMATION TO BE INCORPORATED INTO A NEW BIRTH
10 CERTIFICATE TO BE ISSUED BY THE STATE REGISTRAR OF VITAL RECORDS;

11 (7) THE ADOPTEE'S DATE AND PLACE OF BIRTH, IF KNOWN, OR IN THE
12 CASE OF AN ADOPTEE BORN OUTSIDE THE UNITED STATES, AS DETERMINED
13 PURSUANT TO SUBSECTION (B) OF THIS SECTION;

14 (8) THE EFFECT OF THE DECREE OF ADOPTION AS STATED IN §§ 15-104
15 THROUGH 15-106 OF THIS TITLE; AND

16 (9) THAT THE ADOPTION IS IN THE BEST INTEREST OF THE ADOPTEE.

17 (B) IN DETERMINING THE DATE AND PLACE OF BIRTH OF AN ADOPTEE BORN
18 OUTSIDE THE UNITED STATES, THE COURT SHALL:

19 (1) ENTER THE DATE AND PLACE OF BIRTH AS STATED IN THE BIRTH
20 CERTIFICATE FROM THE COUNTRY OF ORIGIN, THE UNITED STATES DEPARTMENT
21 OF STATE'S REPORT OF BIRTH ABROAD, OR THE DOCUMENTS OF THE UNITED STATES
22 IMMIGRATION AND NATURALIZATION SERVICE;

23 (2) IF THE EXACT PLACE OF BIRTH IS UNKNOWN, ENTER THE
24 INFORMATION THAT IS KNOWN AND DESIGNATE A PLACE OF BIRTH ACCORDING TO
25 THE BEST INFORMATION KNOWN WITH RESPECT TO THE COUNTRY OF ORIGIN;

26 (3) IF THE EXACT DATE OF BIRTH IS UNKNOWN, DETERMINE A DATE OF
27 BIRTH BASED UPON MEDICAL EVIDENCE AS TO THE PROBABLE AGE OF THE
28 ADOPTEE AND OTHER EVIDENCE THE COURT CONSIDERS APPROPRIATE; AND

29 (4) IF DOCUMENTS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION
30 ARE NOT AVAILABLE, DETERMINE THE DATE AND PLACE OF BIRTH BASED UPON
31 EVIDENCE THE COURT FINDS APPROPRIATE TO CONSIDER.

32 (C) UNLESS A PETITIONER REQUESTS OTHERWISE AND THE FORMER PARENT
33 AGREES, THE DECREE OF ADOPTION MAY NOT NAME A FORMER PARENT OF THE
34 ADOPTEE.

35 (D) EXCEPT FOR A DECREE OF ADOPTION OF A MINOR BY A STEPPARENT
36 WHICH IS ISSUED PURSUANT TO SUBTITLE 4 OF THIS TITLE, A DECREE OF ADOPTION

1 OF A MINOR MUST CONTAIN A STATEMENT THAT THE ADOPTION TERMINATES ANY
2 ORDER FOR VISITATION OR COMMUNICATION WITH THE MINOR THAT WAS IN
3 EFFECT BEFORE THE DECREE IS ISSUED.

4 (E) A DECREE THAT SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS
5 OF THIS SECTION IS NOT SUBJECT TO CHALLENGE SOLELY BECAUSE ONE OR MORE
6 ITEMS REQUIRED BY THIS SECTION ARE NOT CONTAINED IN THE DECREE.

7 15-332.

8 A DECREE OF ADOPTION IS A FINAL ORDER FOR PURPOSES OF APPEAL TO THE
9 COURT OF SPECIAL APPEALS WHEN IT IS ISSUED AND BECOMES FINAL FOR OTHER
10 PURPOSES UPON THE EXPIRATION OF THE TIME FOR FILING AN APPEAL, IF NO
11 APPEAL IS FILED, OR UPON THE DENIAL OR DISMISSAL OF ANY APPEAL FILED
12 WITHIN THE REQUISITE TIME.

13 15-333.

14 (A) AN APPEAL FROM A DECREE OF ADOPTION OR OTHER APPEALABLE
15 ORDER ISSUED UNDER THIS TITLE MUST BE HEARD EXPEDITIOUSLY.

16 (B) A DECREE OR ORDER ISSUED UNDER THIS TITLE MAY NOT BE VACATED OR
17 ANNULLED UPON APPLICATION OF A PERSON WHO WAIVED NOTICE, OR WHO WAS
18 PROPERLY SERVED WITH NOTICE PURSUANT TO THIS TITLE AND FAILED TO
19 RESPOND OR APPEAR, FILE AN ANSWER, OR FILE A CLAIM OF PATERNITY WITHIN
20 THE TIME ALLOWED.

21 (C) THE VALIDITY OF A DECREE OF ADOPTION ISSUED UNDER THIS TITLE
22 MAY NOT BE CHALLENGED FOR FAILURE TO COMPLY WITH AN AGREEMENT FOR
23 VISITATION OR COMMUNICATION WITH AN ADOPTEE.

24 (D) A DECREE OF ADOPTION OR OTHER ORDER ISSUED UNDER THIS TITLE IS
25 NOT SUBJECT TO A CHALLENGE BEGUN MORE THAN 6 MONTHS AFTER THE DECREE
26 OR ORDER IS ISSUED. IF A CHALLENGE IS BROUGHT BY AN INDIVIDUAL WHOSE
27 PARENTAL RELATIONSHIP TO AN ADOPTEE IS TERMINATED BY A DECREE OR ORDER
28 UNDER THIS TITLE, THE COURT SHALL DENY THE CHALLENGE, UNLESS THE COURT
29 FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE DECREE OR ORDER IS NOT
30 IN THE BEST INTEREST OF THE ADOPTEE.

31 SUBTITLE 4. ADOPTION OF MINOR STEPCHILD BY STEPPARENT.

32 15-401.

33 EXCEPT AS OTHERWISE PROVIDED BY THIS SUBTITLE, SUBTITLE 3 OF THIS
34 ARTICLE APPLIES TO AN ADOPTION OF A MINOR STEPCHILD BY A STEPPARENT.

35 15-402.

36 (A) A STEPPARENT HAS STANDING UNDER THIS SUBTITLE TO PETITION TO
37 ADOPT A MINOR STEPCHILD WHO IS THE CHILD OF THE STEPPARENT'S SPOUSE IF:

1 (1) THE SPOUSE HAS SOLE LEGAL AND PHYSICAL CUSTODY OF THE
2 CHILD AND THE CHILD HAS BEEN IN THE PHYSICAL CUSTODY OF THE SPOUSE AND
3 THE STEPPARENT DURING THE 60 DAYS NEXT PRECEDING THE FILING OF A
4 PETITION FOR ADOPTION;

5 (2) THE SPOUSE HAS JOINT LEGAL CUSTODY OF THE CHILD WITH THE
6 CHILD'S OTHER PARENT AND THE CHILD HAS RESIDED PRIMARILY WITH THE
7 SPOUSE AND THE STEPPARENT DURING THE 12 MONTHS NEXT PRECEDING THE
8 FILING OF THE PETITION;

9 (3) THE SPOUSE IS DECEASED OR MENTALLY INCOMPETENT, BUT,
10 BEFORE DYING OR BEING JUDICIALLY DECLARED MENTALLY INCOMPETENT, HAD
11 LEGAL AND PHYSICAL CUSTODY OF THE CHILD, AND THE CHILD HAS RESIDED
12 PRIMARILY WITH THE STEPPARENT DURING THE 12 MONTHS NEXT PRECEDING THE
13 FILING OF THE PETITION; OR

14 (4) AN AGENCY PLACED THE CHILD WITH THE STEPPARENT PURSUANT
15 TO § 15-204 OF THIS TITLE.

16 (B) (1) FOR GOOD CAUSE SHOWN, A COURT MAY ALLOW AN INDIVIDUAL
17 WHO DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION,
18 BUT HAS THE CONSENT OF THE CUSTODIAL PARENT OF A MINOR TO FILE A PETITION
19 FOR ADOPTION UNDER THIS SUBTITLE.

20 (2) A PETITION ALLOWED UNDER THIS SUBSECTION MUST BE TREATED
21 AS IF THE PETITIONER WERE A STEPPARENT.

22 (C) A PETITION FOR ADOPTION BY A STEPPARENT MAY BE JOINED WITH A
23 PETITION UNDER SUBTITLE 3, PART V OF THIS TITLE, TO TERMINATE THE
24 RELATIONSHIP OF PARENT AND CHILD BETWEEN A MINOR ADOPTEE AND THE
25 ADOPTEE'S PARENT WHO IS NOT THE STEPPARENT'S SPOUSE.

26 15-403.

27 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS
28 SECTION, THE LEGAL CONSEQUENCES OF AN ADOPTION OF A STEPCHILD BY A
29 STEPPARENT ARE THE SAME AS UNDER §§ 15-103 THROUGH 15-106 OF THIS TITLE.

30 (B) AN ADOPTION BY A STEPPARENT DOES NOT AFFECT:

31 (1) THE RELATIONSHIP BETWEEN THE ADOPTEE AND THE ADOPTEE'S
32 PARENT WHO IS THE ADOPTIVE STEPPARENT'S SPOUSE OR DECEASED SPOUSE;

33 (2) AN EXISTING COURT ORDER FOR VISITATION OR COMMUNICATION
34 WITH A MINOR ADOPTEE BY AN INDIVIDUAL RELATED TO THE ADOPTEE THROUGH
35 THE PARENT WHO IS THE ADOPTIVE STEPPARENT'S SPOUSE OR DECEASED SPOUSE;
36 OR

1 (3) A COURT ORDER OR AGREEMENT FOR VISITATION OR
2 COMMUNICATION WITH A MINOR ADOPTEE WHICH IS APPROVED BY THE COURT
3 PURSUANT TO § 15-413 OF THIS SUBTITLE.

4 (C) FAILURE TO COMPLY WITH AN AGREEMENT OR ORDER IS NOT A GROUND
5 FOR CHALLENGING THE VALIDITY OF AN ADOPTION BY A STEPPARENT.

6 (D) ALL RIGHTS OF INHERITANCE BETWEEN THE ADOPTEE AND THE
7 ADOPTEE'S FORMER PARENT SHALL BE GOVERNED BY THE ESTATES AND TRUSTS
8 ARTICLE.

9 15-404.

10 UNLESS CONSENT IS NOT REQUIRED UNDER § 15-221 OF THIS TITLE, A
11 PETITION TO ADOPT A MINOR STEPCHILD MAY BE GRANTED ONLY IF CONSENT TO
12 THE ADOPTION HAS BEEN EXECUTED BY A STEPCHILD WHO HAS ATTAINED 10 YEARS
13 OF AGE AND:

14 (1) THE MINOR'S PARENTS AS DESCRIBED IN § 15-220(A) OF THIS TITLE;

15 (2) THE MINOR'S GUARDIAN IF EXPRESSLY AUTHORIZED BY A COURT TO
16 CONSENT TO THE MINOR'S ADOPTION; OR

17 (3) AN AGENCY THAT PLACED THE MINOR FOR ADOPTION BY THE
18 STEPPARENT.

19 15-405.

20 (A) A CONSENT EXECUTED BY A PARENT WHO IS THE STEPPARENT'S SPOUSE
21 MUST BE SIGNED OR CONFIRMED IN THE PRESENCE OF AN INDIVIDUAL SPECIFIED
22 IN § 15-224 OF THIS TITLE, OR AN INDIVIDUAL AUTHORIZED TO TAKE
23 ACKNOWLEDGMENTS.

24 (B) A CONSENT UNDER SUBSECTION (A) OF THIS SECTION MUST BE IN
25 WRITING, MUST CONTAIN THE REQUIRED STATEMENTS DESCRIBED IN § 15-225(A)(1)
26 THROUGH (3) AND (D)(3) THROUGH (6) OF THIS TITLE, MAY CONTAIN THE OPTIONAL
27 STATEMENTS DESCRIBED IN § 15-225(F) OF THIS TITLE, AND MUST STATE THAT:

28 (1) THE PARENT EXECUTING THE CONSENT HAS LEGAL AND PHYSICAL
29 CUSTODY OF THE PARENT'S MINOR CHILD AND VOLUNTARILY AND UNEQUIVOCALLY
30 CONSENTS TO THE ADOPTION OF THE MINOR BY THE STEPPARENT;

31 (2) THE ADOPTION WILL NOT TERMINATE THE PARENTAL
32 RELATIONSHIP BETWEEN THE PARENT EXECUTING THE CONSENT AND THE MINOR
33 CHILD; AND

34 (3) THE PARENT EXECUTING THE CONSENT UNDERSTANDS AND
35 AGREES THAT THE ADOPTION WILL TERMINATE THE RELATIONSHIP OF PARENT AND
36 CHILD BETWEEN THE MINOR'S OTHER PARENT AND THE MINOR AND WILL

1 TERMINATE ANY EXISTING COURT ORDER FOR CUSTODY, VISITATION, OR
2 COMMUNICATION WITH THE MINOR, BUT:

3 (I) A COURT ORDER FOR VISITATION OR COMMUNICATION WITH
4 THE MINOR BY AN INDIVIDUAL RELATED TO THE MINOR THROUGH THE PARENT
5 EXECUTING THE CONSENT OR AN AGREEMENT OR ORDER CONCERNING ANOTHER
6 INDIVIDUAL WHICH IS APPROVED BY THE COURT PURSUANT TO § 15-413 OF THIS
7 SUBTITLE SURVIVES THE DECREE OF ADOPTION, BUT FAILURE TO COMPLY WITH
8 THE TERMS OF THE ORDER OR AGREEMENT IS NOT A GROUND FOR REVOKING OR
9 SETTING ASIDE THE CONSENT OR THE ADOPTION; AND

10 (II) THE OTHER PARENT REMAINS LIABLE FOR ARREARAGES OF
11 CHILD SUPPORT UNLESS RELEASED FROM THAT OBLIGATION BY THE PARENT
12 EXECUTING THE CONSENT AND BY A GOVERNMENTAL ENTITY PROVIDING PUBLIC
13 ASSISTANCE TO THE MINOR.

14 (C) A CONSENT MAY NOT WAIVE FURTHER NOTICE OF THE PROCEEDING FOR
15 ADOPTION OF THE MINOR BY THE STEPPARENT.

16 15-406.

17 (A) A CONSENT EXECUTED BY A MINOR'S PARENT WHO IS NOT THE
18 STEPPARENT'S SPOUSE MUST BE SIGNED OR CONFIRMED IN THE PRESENCE OF AN
19 INDIVIDUAL SPECIFIED IN § 15-224 OF THIS TITLE.

20 (B) A CONSENT UNDER SUBSECTION (A) OF THIS SECTION MUST BE IN
21 WRITING, MUST CONTAIN THE REQUIRED STATEMENTS DESCRIBED IN § 15-225(A)(1)
22 THROUGH (3) AND (D)(3) THROUGH (6) OF THIS TITLE, MAY CONTAIN THE OPTIONAL
23 STATEMENTS DESCRIBED IN § 15-225(F) OF THIS TITLE, AND MUST STATE THAT:

24 (1) THE PARENT EXECUTING THE CONSENT VOLUNTARILY AND
25 UNEQUIVOCALLY CONSENTS TO THE ADOPTION OF THE MINOR BY THE STEPPARENT
26 AND THE TRANSFER TO THE STEPPARENT'S SPOUSE AND THE ADOPTIVE
27 STEPPARENT OF ANY RIGHT THE PARENT EXECUTING THE CONSENT HAS TO LEGAL
28 OR PHYSICAL CUSTODY OF THE MINOR;

29 (2) THE PARENT EXECUTING THE CONSENT UNDERSTANDS AND
30 AGREES THAT THE ADOPTION WILL TERMINATE HIS OR HER PARENTAL
31 RELATIONSHIP TO THE MINOR AND WILL TERMINATE ANY EXISTING COURT ORDER
32 FOR CUSTODY, VISITATION, OR COMMUNICATION WITH THE MINOR, BUT:

33 (I) A COURT ORDER FOR VISITATION OR COMMUNICATION WITH
34 THE MINOR BY AN INDIVIDUAL RELATED TO THE MINOR THROUGH THE MINOR'S
35 OTHER PARENT, OR AN AGREEMENT OR ORDER CONCERNING ANOTHER INDIVIDUAL
36 WHICH IS APPROVED BY THE COURT PURSUANT TO § 15-413 OF THIS SUBTITLE
37 SURVIVES THE DECREE OF ADOPTION, BUT FAILURE TO COMPLY WITH THE TERMS
38 OF THE ORDER OR AGREEMENT IS NOT A GROUND FOR REVOKING OR SETTING ASIDE
39 THE CONSENT OR THE ADOPTION; AND

1 (II) THE PARENT EXECUTING THE CONSENT REMAINS LIABLE FOR
2 ARREARAGES OF CHILD SUPPORT UNLESS RELEASED FROM THAT OBLIGATION BY
3 THE OTHER PARENT AND ANY GUARDIAN AD LITEM OF THE MINOR AND BY A
4 GOVERNMENTAL ENTITY PROVIDING PUBLIC ASSISTANCE TO THE MINOR; AND

5 (3) THE PARENT EXECUTING THE CONSENT HAS PROVIDED THE
6 ADOPTIVE STEPPARENT WITH THE INFORMATION REQUIRED BY § 15-206 OF THIS
7 TITLE.

8 (C) A CONSENT UNDER SUBSECTION (A) OF THIS SECTION MAY WAIVE NOTICE
9 OF THE PROCEEDING FOR ADOPTION OF THE MINOR BY THE STEPPARENT UNLESS
10 THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

11 15-407.

12 (A) A CONSENT EXECUTED BY THE GUARDIAN OF A MINOR STEPCHILD OR BY
13 AN AGENCY MUST BE IN WRITING AND SIGNED OR CONFIRMED IN THE PRESENCE OF
14 THE COURT, OR IN A MANNER THE COURT DIRECTS, AND:

15 (1) MUST STATE THE CIRCUMSTANCES UNDER WHICH THE GUARDIAN
16 OR AGENCY OBTAINED THE AUTHORITY TO CONSENT TO THE ADOPTION OF THE
17 MINOR BY A STEPPARENT;

18 (2) MUST CONTAIN THE STATEMENTS REQUIRED BY §§ 15-404 AND
19 15-405 OF THIS SUBTITLE, EXCEPT FOR ANY THAT CAN BE MADE ONLY BY A PARENT
20 OF THE MINOR; AND

21 (3) MAY WAIVE NOTICE OF THE PROCEEDING FOR ADOPTION, UNLESS
22 THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

23 (B) A CONSENT EXECUTED BY A MINOR STEPCHILD IN A PROCEEDING FOR
24 ADOPTION BY A STEPPARENT MUST BE SIGNED OR CONFIRMED IN THE PRESENCE OF
25 THE COURT OR IN A MANNER THE COURT DIRECTS.

26 15-408.

27 A PETITION BY A STEPPARENT TO ADOPT A MINOR STEPCHILD MUST BE SIGNED
28 AND VERIFIED BY THE PETITIONER AND CONTAIN THE FOLLOWING INFORMATION
29 OR STATE WHY ANY OF THE INFORMATION IS NOT CONTAINED IN THE PETITION:

30 (1) THE INFORMATION REQUIRED BY § 15-311(A)(1), (3), (5), AND (8)
31 THROUGH (12) AND (B) OF THIS TITLE;

32 (2) THE CURRENT MARITAL STATUS OF THE PETITIONER, INCLUDING:

33 (I) THE DATE AND PLACE OF MARRIAGE;

34 (II) THE NAME AND DATE AND PLACE OF BIRTH OF THE
35 PETITIONER'S SPOUSE;

1 (III) IF THE SPOUSE IS DECEASED, THE DATE, PLACE, AND CAUSE OF
2 DEATH; AND

3 (IV) IF THE SPOUSE IS INCOMPETENT, THE DATE ON WHICH A
4 COURT DECLARED THE SPOUSE INCOMPETENT;

5 (3) THE LENGTH OF TIME THE MINOR HAS BEEN RESIDING WITH THE
6 PETITIONER AND THE PETITIONER'S SPOUSE AND, IF THE MINOR IS NOT IN THE
7 PHYSICAL CUSTODY OF THE PETITIONER AND THE PETITIONER'S SPOUSE, THE
8 REASON WHY THEY DO NOT HAVE CUSTODY AND WHEN THEY INTEND TO OBTAIN
9 CUSTODY; AND

10 (4) THE LENGTH OF TIME THE PETITIONER'S SPOUSE OR THE
11 PETITIONER HAS HAD LEGAL CUSTODY OF THE MINOR AND THE CIRCUMSTANCES
12 UNDER WHICH LEGAL CUSTODY WAS OBTAINED.

13 15-409.

14 (A) AFTER A PETITION TO ADOPT A MINOR STEPCHILD IS FILED, THE
15 FOLLOWING MUST BE FILED IN THE PROCEEDING:

16 (1) ANY ITEM REQUIRED BY § 15-312(A) OF THIS TITLE WHICH IS
17 RELEVANT TO AN ADOPTION BY A STEPPARENT; AND

18 (2) A COPY OF ANY AGREEMENT TO WAIVE ARREARAGES OF CHILD
19 SUPPORT.

20 (B) IF ANY OF THE ITEMS REQUIRED BY SUBSECTION (A) OF THIS SECTION IS
21 NOT AVAILABLE, THE PERSON RESPONSIBLE FOR FURNISHING THE ITEM SHALL
22 FILE AN AFFIDAVIT EXPLAINING ITS ABSENCE.

23 15-410.

24 WITHIN 30 DAYS AFTER A PETITION TO ADOPT A MINOR STEPCHILD IS FILED,
25 THE PETITIONER SHALL SERVE NOTICE OF THE PROCEEDING UPON:

26 (1) THE PETITIONER'S SPOUSE;

27 (2) ANY OTHER PERSON WHOSE CONSENT TO THE ADOPTION IS
28 REQUIRED UNDER THIS SUBTITLE;

29 (3) ANY PERSON DESCRIBED IN § 15-313(A)(3), (4), AND (6) AND (B) OF THIS
30 TITLE; AND

31 (4) THE PARENTS OF THE MINOR'S PARENT WHOSE PARENTAL
32 RELATIONSHIP WILL BE TERMINATED BY THE ADOPTION UNLESS THE IDENTITY OR
33 THE WHEREABOUTS OF THOSE PARENTS ARE UNKNOWN.

1 15-411.

2 (A) AFTER A PETITION FOR ADOPTION OF A MINOR STEPCHILD IS FILED, THE
3 COURT MAY ORDER THAT AN EVALUATION BE MADE BY AN INDIVIDUAL QUALIFIED
4 UNDER § 15-210 OF THIS TITLE TO ASSIST THE COURT IN DETERMINING WHETHER
5 THE PROPOSED ADOPTION IS IN THE BEST INTEREST OF THE MINOR.

6 (B) THE COURT SHALL PROVIDE AN EVALUATOR WITH COPIES OF THE
7 PETITION FOR ADOPTION AND OF THE ITEMS FILED WITH THE PETITION.

8 (C) UNLESS OTHERWISE DIRECTED BY THE COURT, AN EVALUATOR SHALL
9 BASE THE EVALUATION ON:

10 (1) A PERSONAL INTERVIEW WITH THE PETITIONER AND THE
11 PETITIONER'S SPOUSE IN THE PETITIONER'S RESIDENCE;

12 (2) OBSERVATION OF THE RELATIONSHIP BETWEEN THE MINOR AND
13 THE PETITIONER;

14 (3) PERSONAL INTERVIEWS WITH OTHERS WHO KNOW THE PETITIONER
15 AND MAY HAVE INFORMATION RELEVANT TO THE EXAMINATION; AND

16 (4) ANY INFORMATION RECEIVED PURSUANT TO SUBSECTION (D) OF
17 THIS SECTION.

18 (D) AN EVALUATION UNDER THIS SECTION MUST BE IN WRITING AND
19 CONTAIN THE FOLLOWING:

20 (1) THE INFORMATION REQUIRED BY § 15-211(D) AND (E) OF THIS TITLE;

21 (2) THE INFORMATION REQUIRED BY § 15-325(B)(2) THROUGH (5) OF THIS
22 TITLE; AND

23 (3) THE FINDING REQUIRED BY § 15-325(B)(6) OF THIS TITLE.

24 (E) AN EVALUATOR SHALL COMPLETE AN EVALUATION AND FILE IT WITH
25 THE COURT WITHIN 60 DAYS AFTER BEING ASKED FOR THE EVALUATION UNDER
26 THIS SECTION, UNLESS THE COURT ALLOWS A LATER FILING.

27 (F) SECTION 15-326(B) AND (C) OF THIS TITLE APPLIES TO AN EVALUATION
28 UNDER THIS SECTION.

29 15-412.

30 SECTIONS 15-327 THROUGH 15-333 OF THIS TITLE APPLY TO A PROCEEDING FOR
31 ADOPTION OF A MINOR STEPCHILD BY A STEPPARENT, BUT THE COURT MAY WAIVE
32 THE REQUIREMENTS OF § 15-328 OF THIS TITLE.

1 15-413.

2 (A) UPON THE REQUEST OF THE PETITIONER IN A PROCEEDING FOR
3 ADOPTION OF A MINOR STEPCHILD, THE COURT SHALL REVIEW A WRITTEN
4 AGREEMENT THAT PERMITS ANOTHER INDIVIDUAL TO VISIT OR COMMUNICATE
5 WITH THE MINOR AFTER THE DECREE OF ADOPTION BECOMES FINAL, WHICH MUST
6 BE SIGNED BY THE INDIVIDUAL, THE PETITIONER, THE PETITIONER'S SPOUSE, THE
7 MINOR IF 10 YEARS OF AGE OR OLDER, AND, IF AN AGENCY PLACED THE MINOR FOR
8 ADOPTION, AN AUTHORIZED EMPLOYEE OF THE AGENCY.

9 (B) THE COURT MAY ENTER AN ORDER APPROVING THE AGREEMENT ONLY
10 UPON DETERMINING THAT THE AGREEMENT IS IN THE BEST INTEREST OF THE
11 MINOR ADOPTEE. IN MAKING THIS DETERMINATION, THE COURT SHALL CONSIDER:

12 (1) THE PREFERENCE OF THE MINOR, IF THE MINOR IS MATURE
13 ENOUGH TO EXPRESS A PREFERENCE;

14 (2) ANY SPECIAL NEEDS OF THE MINOR AND HOW THEY WOULD BE
15 AFFECTED BY PERFORMANCE OF THE AGREEMENT;

16 (3) THE LENGTH AND QUALITY OF ANY EXISTING RELATIONSHIP
17 BETWEEN THE MINOR AND THE INDIVIDUAL WHO WOULD BE ENTITLED TO VISIT OR
18 COMMUNICATE, AND THE LIKELY EFFECT ON THE MINOR OF ALLOWING THIS
19 RELATIONSHIP TO CONTINUE;

20 (4) THE SPECIFIC TERMS OF THE AGREEMENT AND THE LIKELIHOOD
21 THAT THE PARTIES TO THE AGREEMENT WILL COOPERATE IN PERFORMING ITS
22 TERMS;

23 (5) THE RECOMMENDATION OF THE MINOR'S GUARDIAN AD LITEM,
24 LAWYER, SOCIAL WORKER, OR OTHER COUNSELOR; AND

25 (6) ANY OTHER FACTOR RELEVANT TO THE BEST INTEREST OF THE
26 MINOR.

27 (C) IN ADDITION TO ANY AGREEMENT APPROVED PURSUANT TO
28 SUBSECTIONS (A) AND (B) OF THIS SECTION, THE COURT MAY APPROVE THE
29 CONTINUATION OF AN EXISTING ORDER OR ISSUE A NEW ORDER PERMITTING THE
30 MINOR ADOPTEE'S FORMER PARENT, GRANDPARENT, OR SIBLING TO VISIT OR
31 COMMUNICATE WITH THE MINOR IF:

32 (1) THE GRANDPARENT IS THE PARENT OF A DECEASED PARENT OF THE
33 MINOR OR THE PARENT OF THE ADOPTEE'S PARENT WHOSE PARENTAL
34 RELATIONSHIP TO THE MINOR IS TERMINATED BY THE DECREE OF ADOPTION;

35 (2) THE FORMER PARENT, GRANDPARENT, OR SIBLING REQUESTS THAT
36 AN EXISTING ORDER BE PERMITTED TO SURVIVE THE DECREE OF ADOPTION OR
37 THAT A NEW ORDER BE ISSUED; AND

1 (3) THE COURT DETERMINES THAT THE REQUESTED VISITATION OR
2 COMMUNICATION IS IN THE BEST INTEREST OF THE MINOR.

3 (D) IN MAKING A DETERMINATION UNDER SUBSECTION (C)(3) OF THIS
4 SECTION, THE COURT SHALL CONSIDER THE FACTORS LISTED IN SUBSECTION (B) OF
5 THIS SECTION AND ANY OBJECTIONS TO THE REQUESTED ORDER BY THE ADOPTIVE
6 STEPPARENT AND THE STEPPARENT'S SPOUSE.

7 (E) AN ORDER ISSUED UNDER THIS SECTION MAY BE ENFORCED IN A CIVIL
8 ACTION ONLY IF THE COURT FINDS THAT ENFORCEMENT IS IN THE BEST INTEREST
9 OF A MINOR ADOPTEE.

10 (F) AN ORDER ISSUED UNDER THIS SECTION MAY NOT BE MODIFIED UNLESS
11 THE COURT FINDS THAT MODIFICATION IS IN THE BEST INTEREST OF A MINOR
12 ADOPTEE AND:

13 (1) THE INDIVIDUALS SUBJECT TO THE ORDER REQUEST THE
14 MODIFICATION; OR

15 (2) EXCEPTIONAL CIRCUMSTANCES ARISING SINCE THE ORDER WAS
16 ISSUED JUSTIFY THE MODIFICATION.

17 (G) FAILURE TO COMPLY WITH THE TERMS OF AN ORDER APPROVED UNDER
18 THIS SECTION OR WITH ANY OTHER AGREEMENT FOR VISITATION OR
19 COMMUNICATION IS NOT A GROUND FOR REVOKING, SETTING ASIDE, OR OTHERWISE
20 CHALLENGING THE VALIDITY OF A CONSENT, RELINQUISHMENT, OR ADOPTION
21 PERTAINING TO A MINOR STEPCHILD, AND THE VALIDITY OF THE CONSENT,
22 RELINQUISHMENT, AND ADOPTION IS NOT AFFECTED BY ANY LATER ACTION TO
23 ENFORCE, MODIFY, OR SET ASIDE THE ORDER OR AGREEMENT.

24 SUBTITLE 5. ADOPTION OF ADULTS AND EMANCIPATED MINORS.

25 15-501.

26 (A) AN ADULT MAY ADOPT ANOTHER ADULT OR AN EMANCIPATED MINOR
27 PURSUANT TO THIS SUBTITLE, BUT:

28 (1) AN ADULT MAY NOT ADOPT THE ADULT'S SPOUSE; AND

29 (2) AN INCOMPETENT INDIVIDUAL OF ANY AGE MAY BE ADOPTED ONLY
30 PURSUANT TO SUBTITLES 2, 3, AND 4 OF THIS TITLE.

31 (B) AN INDIVIDUAL WHO HAS ADOPTED AN ADULT OR EMANCIPATED MINOR
32 MAY NOT ADOPT ANOTHER ADULT OR EMANCIPATED MINOR WITHIN 1 YEAR AFTER
33 THE ADOPTION UNLESS THE PROSPECTIVE ADOPTEE IS A SIBLING OF THE ADOPTEE.
34 15-502.

35 THE LEGAL CONSEQUENCES OF AN ADOPTION OF AN ADULT OR EMANCIPATED
36 MINOR ARE THE SAME AS UNDER §§ 15-103 THROUGH 15-106 OF THIS TITLE, BUT THE

1 LEGAL CONSEQUENCES OF ADOPTION OF AN ADULT STEPCHILD BY AN ADULT
2 STEPPARENT ARE THE SAME AS UNDER § 15-403 OF THIS TITLE.

3 15-503.

4 (A) CONSENT TO THE ADOPTION OF AN ADULT OR EMANCIPATED MINOR IS
5 REQUIRED ONLY OF:

6 (1) THE ADOPTEE;

7 (2) THE PROSPECTIVE ADOPTIVE PARENT; AND

8 (3) THE SPOUSE OF THE PROSPECTIVE ADOPTIVE PARENT, UNLESS
9 THEY ARE LEGALLY SEPARATED, OR THE COURT FINDS THAT THE SPOUSE IS NOT
10 CAPABLE OF GIVING CONSENT OR IS WITHHOLDING CONSENT CONTRARY TO THE
11 BEST INTEREST OF THE ADOPTEE AND THE PROSPECTIVE ADOPTIVE PARENT.

12 (B) THE CONSENT OF THE ADOPTEE AND THE PROSPECTIVE ADOPTIVE
13 PARENT MUST:

14 (1) BE IN WRITING AND BE SIGNED OR CONFIRMED BY EACH OF THEM
15 IN THE PRESENCE OF THE COURT OR AN INDIVIDUAL AUTHORIZED TO TAKE
16 ACKNOWLEDGMENTS;

17 (2) STATE THAT THEY AGREE TO ASSUME TOWARD EACH OTHER THE
18 LEGAL RELATIONSHIP OF PARENT AND CHILD AND TO HAVE ALL OF THE RIGHTS
19 AND BE SUBJECT TO ALL OF THE DUTIES OF THAT RELATIONSHIP; AND

20 (3) STATE THAT THEY UNDERSTAND THE CONSEQUENCES THE
21 ADOPTION MAY HAVE FOR ANY RIGHT OF INHERITANCE, PROPERTY, OR SUPPORT
22 EACH HAS.

23 (C) THE CONSENT OF THE SPOUSE OF THE PROSPECTIVE ADOPTIVE PARENT:

24 (1) MUST BE IN WRITING AND BE SIGNED OR CONFIRMED IN THE
25 PRESENCE OF THE COURT OR AN INDIVIDUAL AUTHORIZED TO TAKE
26 ACKNOWLEDGMENTS;

27 (2) MUST STATE THAT THE SPOUSE:

28 (I) CONSENTS TO THE PROPOSED ADOPTION; AND

29 (II) UNDERSTANDS THE CONSEQUENCES THE ADOPTION MAY
30 HAVE FOR ANY RIGHT OF INHERITANCE, PROPERTY, OR SUPPORT THE SPOUSE HAS;
31 AND

32 (3) MAY CONTAIN A WAIVER OF ANY PROCEEDING FOR ADOPTION.

1 15-504.

2 (A) THE COURT HAS JURISDICTION OVER A PROCEEDING FOR THE ADOPTION
3 OF AN ADULT OR EMANCIPATED MINOR UNDER THIS SUBTITLE IF A PETITIONER
4 LIVED IN THIS STATE FOR AT LEAST 90 DAYS IMMEDIATELY PRECEDING THE FILING
5 OF A PETITION FOR ADOPTION.

6 (B) A PETITION FOR ADOPTION MAY BE FILED IN THE COURT IN THE COUNTY
7 IN WHICH A PETITIONER LIVES.

8 15-505.

9 (A) A PROSPECTIVE ADOPTIVE PARENT AND AN ADOPTEE UNDER THIS
10 SUBTITLE MUST JOINTLY FILE A PETITION FOR ADOPTION.

11 (B) THE PETITION MUST BE SIGNED AND VERIFIED BY EACH PETITIONER AND
12 STATE:

13 (1) THE FULL NAME, AGE, AND PLACE AND DURATION OF RESIDENCE OF
14 EACH PETITIONER;

15 (2) THE CURRENT MARITAL STATUS OF EACH PETITIONER, INCLUDING
16 THE DATE AND PLACE OF MARRIAGE, IF MARRIED;

17 (3) THE FULL NAME BY WHICH THE ADOPTEE IS TO BE KNOWN IF THE
18 PETITION IS GRANTED;

19 (4) THE DURATION AND NATURE OF THE RELATIONSHIP BETWEEN THE
20 PROSPECTIVE ADOPTIVE PARENT AND THE ADOPTEE;

21 (5) THAT THE PROSPECTIVE ADOPTIVE PARENT AND THE ADOPTEE
22 DESIRE TO ASSUME THE LEGAL RELATIONSHIP OF PARENT AND CHILD AND TO HAVE
23 ALL OF THE RIGHTS AND BE SUBJECT TO ALL OF THE DUTIES OF THAT
24 RELATIONSHIP;

25 (6) THAT THE ADOPTEE UNDERSTANDS THAT A CONSEQUENCE OF THE
26 ADOPTION WILL BE TO TERMINATE THE ADOPTEE'S RELATIONSHIP AS THE CHILD OF
27 AN EXISTING PARENT, BUT IF THE ADOPTIVE PARENT IS THE ADOPTEE'S
28 STEPPARENT, THE ADOPTION WILL NOT AFFECT THE ADOPTEE'S RELATIONSHIP
29 WITH A PARENT WHO IS THE STEPPARENT'S SPOUSE, BUT WILL TERMINATE THE
30 ADOPTEE'S RELATIONSHIP TO THE ADOPTEE'S OTHER PARENT;

31 (7) THE NAME AND LAST KNOWN ADDRESS OF ANY OTHER INDIVIDUAL
32 WHOSE CONSENT IS REQUIRED;

33 (8) THE NAME, AGE, AND LAST KNOWN ADDRESS OF ANY CHILD OF THE
34 PROSPECTIVE ADOPTIVE PARENT, INCLUDING A CHILD PREVIOUSLY ADOPTED BY
35 THE PROSPECTIVE ADOPTIVE PARENT OR HIS OR HER SPOUSE, AND THE DATE AND
36 PLACE OF THE ADOPTION; AND

1 (9) THE NAME, AGE, AND LAST KNOWN ADDRESS OF ANY LIVING
2 PARENT OR CHILD OF THE ADOPTEE.

3 (C) THE PETITIONERS SHALL ATTACH TO THE PETITION:

4 (1) A CERTIFIED COPY OF THE BIRTH CERTIFICATE OR OTHER
5 EVIDENCE OF THE DATE AND PLACE OF BIRTH OF THE ADOPTEE AND THE
6 PROSPECTIVE ADOPTIVE PARENT, IF AVAILABLE; AND

7 (2) ANY REQUIRED CONSENT THAT HAS BEEN EXECUTED.

8 15-506.

9 (A) WITHIN 30 DAYS AFTER A PETITION FOR ADOPTION IS FILED, THE
10 PETITIONERS SHALL SERVE NOTICE OF HEARING THE PETITION UPON ANY
11 INDIVIDUAL WHOSE CONSENT TO THE ADOPTION IS REQUIRED UNDER § 15-503 OF
12 THIS SUBTITLE, AND WHO HAS NOT WAIVED NOTICE, BY SENDING A COPY OF THE
13 PETITION AND NOTICE OF HEARING TO THE INDIVIDUAL AT THE ADDRESS STATED
14 IN THE PETITION, OR ACCORDING TO THE MANNER OF SERVICE PROVIDED IN §
15 15-315 OF THIS TITLE.

16 (B) THE COURT SHALL SET A DATE AND TIME FOR HEARING THE PETITION,
17 WHICH MUST BE AT LEAST 30 DAYS AFTER THE NOTICE IS SERVED.

18 15-507.

19 (A) (1) BOTH PETITIONERS SHALL APPEAR IN PERSON AT THE HEARING
20 UNLESS AN APPEARANCE IS EXCUSED FOR GOOD CAUSE SHOWN THEN AN
21 APPEARANCE MAY BE MADE FOR EITHER OR BOTH OF THEM BY A LAWYER
22 AUTHORIZED IN WRITING TO MAKE THE APPEARANCE, OR A HEARING MAY BE
23 CONDUCTED BY TELEPHONE OR OTHER ELECTRONIC MEDIUM.

24 (2) THE LAWYER FOR THE PETITIONERS MAY NOT REPRESENT EITHER
25 THE PARENT OR THE GUARDIAN OF THE ADOPTEE.

26 (B) THE COURT SHALL EXAMINE THE PETITIONERS, OR THE LAWYER FOR A
27 PETITIONER NOT PRESENT IN PERSON, AND SHALL GRANT THE PETITION FOR
28 ADOPTION IF IT DETERMINES THAT:

29 (1) AT LEAST 30 DAYS HAVE ELAPSED SINCE THE SERVICE OF NOTICE OF
30 HEARING THE PETITION FOR ADOPTION;

31 (2) NOTICE HAS BEEN SERVED, OR DISPENSED WITH, AS TO ANY PERSON
32 WHOSE CONSENT IS REQUIRED UNDER § 15-503 OF THIS SUBTITLE;

33 (3) EVERY NECESSARY CONSENT, WAIVER, DOCUMENT, OR JUDICIAL
34 ORDER HAS BEEN OBTAINED AND FILED WITH THE COURT;

1 (4) THE ADOPTION IS FOR THE PURPOSE OF CREATING THE
2 RELATIONSHIP OF PARENT AND CHILD BETWEEN THE PETITIONERS AND THE
3 PETITIONERS UNDERSTAND THE CONSEQUENCES OF THE RELATIONSHIP; AND

4 (5) THERE HAS BEEN SUBSTANTIAL COMPLIANCE WITH THIS TITLE.

5 15-508.

6 (A) A DECREE OF ADOPTION ISSUED UNDER THIS SUBTITLE MUST
7 SUBSTANTIALLY CONFORM TO THE RELEVANT REQUIREMENTS OF § 15-331 OF THIS
8 TITLE AND APPEALS FROM A DECREE, OR CHALLENGES TO IT, ARE GOVERNED BY §§
9 15-332 AND 15-333 OF THIS TITLE.

10 (B) THE COURT SHALL SEND A COPY OF THE DECREE TO EACH INDIVIDUAL
11 NAMED IN THE PETITION AT THE ADDRESS STATED IN THE PETITION.

12 (C) WITHIN 30 DAYS AFTER A DECREE OF ADOPTION BECOMES FINAL, THE
13 CLERK OF THE COURT SHALL PREPARE A REPORT OF THE ADOPTION FOR THE STATE
14 REGISTRAR OF VITAL RECORDS.

15 SUBTITLE 6. PROHIBITED AND PERMISSIBLE ACTIVITIES IN CONNECTION WITH
16 ADOPTION.

17 15-601.

18 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBTITLE 2, PART I OF THIS TITLE:

19 (1) A PERSON, OTHER THAN A PARENT, GUARDIAN, OR AGENCY, AS
20 SPECIFIED IN §§ 15-201 THROUGH 15-203 OF THIS TITLE, MAY NOT PLACE A MINOR
21 FOR ADOPTION OR ADVERTISE IN ANY PUBLIC MEDIUM THAT THE PERSON KNOWS
22 OF A MINOR WHO IS AVAILABLE FOR ADOPTION;

23 (2) A PERSON, OTHER THAN AN AGENCY OR AN INDIVIDUAL WITH A
24 FAVORABLE PREPLACEMENT EVALUATION, AS REQUIRED BY §§ 15-209 THROUGH
25 15-215 OF THIS TITLE, MAY NOT ADVERTISE IN ANY PUBLIC MEDIUM THAT THE
26 PERSON IS WILLING TO ACCEPT A MINOR FOR ADOPTION;

27 (3) AN INDIVIDUAL, OTHER THAN A RELATIVE OR STEPPARENT OF A
28 MINOR, WHO DOES NOT HAVE A FAVORABLE PREPLACEMENT EVALUATION OR A
29 COURT-ORDERED WAIVER OF THE EVALUATION, OR WHO HAS AN UNFAVORABLE
30 EVALUATION, MAY NOT OBTAIN LEGAL OR PHYSICAL CUSTODY OF A MINOR FOR
31 PURPOSES OF ADOPTION; AND

32 (4) A PERSON MAY NOT PLACE OR ASSIST IN PLACING A MINOR FOR
33 ADOPTION WITH AN INDIVIDUAL, OTHER THAN A RELATIVE OR STEPPARENT,
34 UNLESS THE PERSON KNOWS THAT THE INDIVIDUAL HAS A FAVORABLE
35 PREPLACEMENT EVALUATION OR A WAIVER PURSUANT TO § 15-209 OF THIS TITLE.

36 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR,
37 AND UPON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$500.

1 15-602.

2 (A) EXCEPT AS OTHERWISE PROVIDED IN §§ 15-603 AND 15-604 OF THIS
3 SUBTITLE, A PERSON MAY NOT PAY OR GIVE OR OFFER TO PAY OR GIVE TO ANY
4 OTHER PERSON, OR REQUEST, RECEIVE, OR ACCEPT ANY MONEY OR ANYTHING OF
5 VALUE, DIRECTLY OR INDIRECTLY, FOR:

6 (1) THE PLACEMENT OF A MINOR FOR ADOPTION;

7 (2) THE CONSENT OF A PARENT, A GUARDIAN, OR AN AGENCY TO THE
8 ADOPTION OF A MINOR; OR

9 (3) THE RELINQUISHMENT OF A MINOR TO AN AGENCY FOR THE
10 PURPOSE OF ADOPTION.

11 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR,
12 AND UPON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
13 IMPRISONMENT NOT EXCEEDING 1 YEAR, OR BOTH.

14 15-603.

15 (A) SUBJECT TO THE REQUIREMENTS OF §§ 15-328 AND 15-329 OF THIS TITLE
16 FOR AN ACCOUNTING AND JUDICIAL APPROVAL OF FEES AND CHARGES RELATED TO
17 AN ADOPTION, AN ADOPTIVE PARENT, OR A PERSON ACTING ON BEHALF OF AN
18 ADOPTIVE PARENT, MAY PAY FOR:

19 (1) THE SERVICES OF AN AGENCY IN CONNECTION WITH AN ADOPTION;

20 (2) ADVERTISING AND SIMILAR EXPENSES INCURRED IN LOCATING A
21 MINOR FOR ADOPTION;

22 (3) MEDICAL, HOSPITAL, NURSING, PHARMACEUTICAL, TRAVEL, OR
23 OTHER SIMILAR EXPENSES INCURRED BY A MOTHER OR THE MOTHER'S MINOR
24 CHILD IN CONNECTION WITH THE BIRTH OR ANY ILLNESS OF THE MINOR;

25 (4) COUNSELING SERVICES FOR A PARENT OR A MINOR FOR A
26 REASONABLE TIME BEFORE AND AFTER THE MINOR'S PLACEMENT FOR ADOPTION;

27 (5) LIVING EXPENSES OF A MOTHER FOR A REASONABLE TIME BEFORE
28 THE BIRTH OF THE MOTHER'S CHILD AND FOR NO MORE THAN 6 WEEKS AFTER THE
29 BIRTH;

30 (6) EXPENSES INCURRED IN ASCERTAINING THE INFORMATION
31 REQUIRED BY § 15-206 OF THIS TITLE;

32 (7) LEGAL SERVICES, COURT COSTS, AND TRAVEL OR OTHER
33 ADMINISTRATIVE EXPENSES CONNECTED WITH AN ADOPTION, INCLUDING ANY
34 LEGAL SERVICES PERFORMED FOR A PARENT WHO CONSENTS TO THE ADOPTION OF
35 A MINOR OR RELINQUISHES THE MINOR TO AN AGENCY;

1 (8) EXPENSES INCURRED IN OBTAINING A PREPLACEMENT
2 EVALUATION AND AN EVALUATION DURING THE PROCEEDING FOR ADOPTION; AND

3 (9) ANY OTHER SERVICE THE COURT FINDS IS REASONABLY
4 NECESSARY.

5 (B) (1) A PARENT OR A GUARDIAN, A PERSON ACTING ON THE PARENT'S OR
6 GUARDIAN'S BEHALF, OR A PROVIDER OF A SERVICE LISTED IN SUBSECTION (A) OF
7 THIS SECTION, MAY RECEIVE OR ACCEPT A PAYMENT AUTHORIZED BY SUBSECTION
8 (A) OF THIS SECTION.

9 (2) THE PAYMENT MAY NOT BE MADE CONTINGENT ON THE
10 PLACEMENT OF A MINOR FOR ADOPTION, RELINQUISHMENT OF THE MINOR, OR
11 CONSENT TO THE ADOPTION.

12 (3) IF THE ADOPTION IS NOT COMPLETED, A PERSON WHO IS
13 AUTHORIZED TO MAKE A SPECIFIC PAYMENT BY SUBSECTION (A) OF THIS SECTION IS
14 NOT LIABLE FOR THAT PAYMENT UNLESS THE PERSON HAS AGREED IN A SIGNED
15 WRITING WITH A PROVIDER OF A SERVICE TO MAKE THE PAYMENT REGARDLESS OF
16 THE OUTCOME OF THE PROCEEDING FOR ADOPTION.

17 15-604.

18 SUBJECT TO THE REQUIREMENTS OF §§ 15-328 AND 15-329 OF THIS TITLE FOR
19 AN ACCOUNTING AND JUDICIAL APPROVAL OF FEES AND CHARGES RELATED TO AN
20 ADOPTION, AN AGENCY MAY CHARGE OR ACCEPT A FEE OR OTHER REASONABLE
21 COMPENSATION FROM A PROSPECTIVE ADOPTIVE PARENT FOR:

22 (1) MEDICAL, HOSPITAL, NURSING, PHARMACEUTICAL, TRAVEL, OR
23 OTHER SIMILAR EXPENSES INCURRED BY A MOTHER OR THE MOTHER'S MINOR
24 CHILD IN CONNECTION WITH THE BIRTH OR ANY ILLNESS OF THE MINOR;

25 (2) A PERCENTAGE OF THE ANNUAL COST THE AGENCY INCURS IN
26 LOCATING AND PROVIDING COUNSELING SERVICES FOR MINOR ADOPTEES,
27 PARENTS, AND PROSPECTIVE PARENTS;

28 (3) LIVING EXPENSES OF A MOTHER FOR A REASONABLE TIME BEFORE
29 THE BIRTH OF A CHILD AND FOR NO MORE THAN 6 WEEKS AFTER THE BIRTH;

30 (4) EXPENSES INCURRED IN ASCERTAINING THE INFORMATION
31 REQUIRED BY § 15-206 OF THIS TITLE;

32 (5) LEGAL SERVICES, COURT COSTS, AND TRAVEL OR OTHER
33 ADMINISTRATIVE EXPENSES CONNECTED WITH AN ADOPTION, INCLUDING THE
34 LEGAL SERVICES PERFORMED FOR A PARENT WHO RELINQUISHES A MINOR CHILD
35 TO THE AGENCY;

36 (6) PREPARATION OF A PREPLACEMENT EVALUATION AND AN
37 EVALUATION DURING THE PROCEEDING FOR ADOPTION; AND

1 (7) ANY OTHER SERVICE THE COURT FINDS IS REASONABLY
2 NECESSARY.

3 15-605.

4 (A) (1) A PERSON, OTHER THAN A PARENT, WHO HAS A DUTY TO FURNISH
5 THE NONIDENTIFYING INFORMATION REQUIRED BY § 15-206 OF THIS TITLE MAY NOT
6 INTENTIONALLY REFUSE TO PROVIDE THE INFORMATION.

7 (2) AN EMPLOYEE OR AGENT OF AN AGENCY, THE COURT, OR THE STATE
8 REGISTRAR OF VITAL RECORDS MAY NOT INTENTIONALLY DESTROY ANY
9 INFORMATION OR REPORT COMPILED PURSUANT TO § 15-206 OF THIS TITLE.

10 (3) A PROSPECTIVE ADOPTIVE PARENT MAY NOT KNOWINGLY FAIL TO
11 FURNISH INFORMATION OR KNOWINGLY FURNISH FALSE INFORMATION TO AN
12 EVALUATOR PREPARING AN EVALUATION PURSUANT TO SUBTITLE 2, PART II OF THIS
13 TITLE OR SUBTITLE 3, PART VI OF THIS TITLE, WITH THE INTENT TO DECEIVE THE
14 EVALUATOR.

15 (4) AN EVALUATOR WHO PREPARES AN EVALUATION PURSUANT TO
16 SUBTITLE 2, PART II OF THIS TITLE OR SUBTITLE 3, PART VI OF THIS TITLE MAY NOT
17 KNOWINGLY OMIT OR MISREPRESENT INFORMATION ABOUT THE INDIVIDUAL BEING
18 EVALUATED WITH THE INTENT TO DECEIVE A PERSON AUTHORIZED UNDER THIS
19 TITLE TO PLACE A MINOR FOR ADOPTION.

20 (5) A PARENT OF A MINOR CHILD MAY NOT KNOWINGLY MISIDENTIFY
21 THE MINOR'S OTHER PARENT WITH AN INTENT TO DECEIVE THE OTHER PARENT, AN
22 AGENCY, OR A PROSPECTIVE ADOPTIVE PARENT.

23 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR,
24 AND UPON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
25 IMPRISONMENT NOT EXCEEDING 1 YEAR, OR BOTH.

26 (C) AN ADOPTIVE PARENT, AN ADOPTEE, OR ANY PERSON WHO IS THE
27 SUBJECT OF ANY INFORMATION REQUIRED BY § 15-206 OF THIS TITLE MAY MAINTAIN
28 AN ACTION FOR DAMAGES OR EQUITABLE RELIEF AGAINST A PERSON, OTHER THAN
29 A PARENT WHO PLACED A MINOR FOR ADOPTION, WHO FAILS TO PERFORM THE
30 DUTIES REQUIRED BY § 15-206 OF THIS TITLE.

31 15-606.

32 (A) EXCEPT AS OTHERWISE AUTHORIZED BY LAW, A PERSON WHO FURNISHES
33 OR RETAINS A REPORT OR RECORDS PURSUANT TO THIS TITLE MAY NOT DISCLOSE
34 ANY IDENTIFYING OR NONIDENTIFYING INFORMATION CONTAINED IN THE REPORT
35 OR RECORDS.

36 (B) (1) A PERSON MAY NOT KNOWINGLY GIVE OR OFFER TO GIVE OR MAY
37 NOT ACCEPT OR AGREE TO ACCEPT ANYTHING OF VALUE FOR AN UNAUTHORIZED
38 DISCLOSURE OF IDENTIFYING INFORMATION MADE CONFIDENTIAL BY THIS TITLE.

1 15-704.

2 A PROCEEDING FOR ADOPTION COMMENCED BEFORE THE EFFECTIVE DATE OF
3 THIS TITLE MAY BE COMPLETED UNDER THE LAW IN EFFECT AT THE TIME THE
4 PROCEEDING WAS COMMENCED.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2000.