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By: **Delegates V. Clagett, Jennings, and F. Turner**

Introduced and read first time: January 19, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Adoption - Written Instruments - Meaning of "Child"**

3 FOR the purpose of repealing a provision that limits the meaning of the term "child"  
4 or any equivalent term in certain written instruments to certain adopted  
5 individuals under certain circumstances; specifying that the term "child" or any  
6 equivalent term in a written instrument includes an adopted individual unless  
7 the instrument indicates otherwise; and generally relating to adoption and the  
8 meaning of the term "child" and equivalent terms in written instruments.

9 BY repealing and reenacting, without amendments,  
10 Article - Estates and Trusts  
11 Section 1-205 and 1-207(a)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Family Law  
16 Section 5-308  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume)

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

21 **Article - Estates and Trusts**

22 1-205.

23 A child includes a legitimate child, an adopted child, and an illegitimate child to  
24 the extent provided in §§ 1-206 through 1-208 of this title. A child does not include a  
25 stepchild, a foster child, or a grandchild or more remote descendant.

1 1-207.

2 (a) An adopted child shall be treated as a natural child of his adopting parent  
3 or parents. On adoption, a child no longer shall be considered a child of either natural  
4 parent, except that upon adoption by the spouse of a natural parent, the child shall  
5 still be considered the child of that natural parent.

6

#### Article - Family Law

7 5-308.

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

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

12 (1) the individual adopted:

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

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

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

17 (i) relieved of all parental duties and obligations to the individual  
18 adopted; and

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

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

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

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

26 (2) [In any instrument executed on or after June 1, 1947, unless the]  
27 UNLESS AN instrument clearly indicates otherwise, "child", "descendant", "heir",  
28 "issue", or any equivalent term includes an adopted individual whether the  
29 instrument was executed before or after the decree of adoption was entered.

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

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2005.