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By: **Senator Astle**

Introduced and read first time: January 21, 2005

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER\_\_\_\_\_

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; providing for the application of this Act; and  
8 generally relating to adoption and the meaning of the term "child" and  
9 equivalent terms in written instruments.

10 BY repealing and reenacting, without amendments,  
11 Article - Estates and Trusts  
12 Section 1-205 and 1-207(a)  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Family Law  
17 Section 5-308  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume)

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

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**Article - Estates and Trusts**

2 1-205.

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

6 1-207.

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

11

**Article - Family Law**

12 5-308.

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

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

17 (1) the individual adopted:

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

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

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

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

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

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

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

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

31 (2) [In any instrument executed on or after June 1, 1947, unless the]  
32 UNLESS AN instrument clearly indicates otherwise, "child", "descendant", "heir",

1 "issue", or any equivalent term includes an adopted individual whether the  
2 instrument was executed 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       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
12 construed to apply only prospectively and may not be applied or interpreted to have  
13 any effect on or application to any property or interest in property that, before the  
14 effective date of this Act, was vested in possession by an instrument in a class of  
15 children, descendants, heirs, issue, or any equivalent class of which, after the  
16 application of this Act, the adopted individual is a member.

17       ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
18 effect ~~October~~ June 1, 2005.