

Article - Family Law

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§5–316.

(a) Promptly after a petition for guardianship is filed under this Part II of this subtitle, a juvenile court shall issue a show–cause order that requires the party to whom it is issued to respond as required under the Maryland Rules.

(b) On issuance of a show–cause order as to guardianship of a child, a petitioner shall serve the order on:

(1) each of the child’s living parents who has not consented to the guardianship;

(2) each living parent’s last attorney of record in the CINA case; and

(3) the child’s last attorney of record in the CINA case.

(c) Service under this section shall be:

(1) on a parent, by:

(i) personal service; or

(ii) certified mail, restricted delivery, return receipt requested; and

(2) on an attorney, by:

(i) personal service; or

(ii) certified mail, return receipt requested.

(d) (1) Subject to paragraph (2) of this subsection, service on a parent under this section shall be attempted at:

(i) each address in records of a juvenile court kept under § 3–822 of the Courts Article within the 270 days immediately preceding the filing of the petition for guardianship;

(ii) each address in records of, or known to, the local department within the 270 days immediately preceding the filing of the petition for guardianship;

(iii) the last address in records of a child support agency; and

(iv) each other address provided by the child’s caregiver.

(2) If a local department has proof that a parent does not live at an address, the local department need not attempt service there.

(e) (1) If a juvenile court never notified a parent of the requirements of § 3–822 of the Courts Article and a petitioner cannot serve the parent at any of the addresses listed in subsection (d) of this section, the petitioner shall make a reasonable, good faith effort to identify an address for the parent and serve the parent at that address.

(2) A juvenile court shall find that a petitioner has met the requirements of paragraph (1) of this subsection if the petitioner shows, by affidavit or testimony, that the petitioner made inquiries after or within the 180 days immediately preceding the filing of the petition for guardianship:

- (i) with the Motor Vehicle Administration;
- (ii) with the Department;
- (iii) with the Department of Public Safety and Correctional Services, including its Division of Parole and Probation;
- (iv) with the detention center of the county where the petition is filed;
- (v) with the juvenile court;
- (vi) if the local department is aware that the parent has received benefits from a particular social services entity within the 180 days immediately preceding the filing of the petition, with that entity;
- (vii) if the local department is aware that the parent has been confined in a particular detention facility within the 180 days immediately preceding the filing of the petition, with that facility;
- (viii) with the child’s caregiver;
- (ix) if the petitioner is able to contact the child’s other parent, with that parent;
- (x) if the petitioner is able to contact known members of the parent’s immediate family, with those members; and
- (xi) if the petitioner is able to contact the parent’s current or last known employer, with that employer.

(3) A juvenile court shall consider an inquiry under this subsection sufficient if made by searching the computer files of, or making an inquiry by first-class mail to, a governmental unit or person listed in this subsection.

(4) A juvenile court shall consider failure to receive a response within 30 days after the petitioner mails an inquiry under this subsection to be a negative response to the inquiry.

(f) (1) If a juvenile court is satisfied, by affidavit or testimony, that a petitioner met the requirements of subsection (d) and, if applicable, subsection (e) of this section but could not effect service on a parent, the juvenile court shall order service through notice by publication as to that parent.

(2) Notice under this subsection shall consist of substantially the following statement:

To: (Father's name) To: (Mother's name) To: Unknown parent

“You are hereby notified that a guardianship case has been filed in the Circuit Court for (county name), Case No. (number). All persons who believe themselves to be parents of a (male or female) child born on (date of birth) in (city, state) to (mother's and father's names and dates of birth) shall file a written response. A copy of the show-cause order may be obtained from the juvenile clerk's office at (address) and (telephone number). If you do not file a written objection by (deadline), you will have agreed to the permanent loss of your parental rights to this child.”

(3) Service under this subsection shall be by:

(i) publication at least once in one or more newspapers in general circulation in the county where the parent last resided or, if unknown, where the petition is filed; and

(ii) posting for at least 30 days on a website of the Department.

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