

Article - Family Law

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§5–321.

(a) (1) Consent of a parent to guardianship may include a waiver of the right to notice of:

- (i) the filing of a petition under this subtitle; and
- (ii) a hearing under this subtitle.

(2) Consent to guardianship entered into before a judge on the record shall include a waiver of a revocation period.

(3) Consent of a party to guardianship is not valid unless:

- (i) the consent is given in a language that the party understands;
- (ii) if given in a language other than English, the consent:
 1. is given before a judge on the record; or
 2. is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(iii) the party has received written notice or on-the-record notice before a judge of:

1. the revocation provisions in subsections (a)(2) and (c)(1) of this section;
2. the search rights of adoptees and parents under § 5–359 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and
3. the right to file a disclosure veto under § 5–359 of this subtitle;

(iv) if signed after counsel enters an appearance for a parent, the consent is accompanied by an affidavit of counsel stating that:

1. counsel reviewed the consent with the parent; and
2. the parent consents knowingly and voluntarily; and

(v) the consent is accompanied by an affidavit of counsel appointed under § 5–307(a) of this subtitle stating that a parent who is a minor or has a disability consents knowingly and voluntarily.

(b) (1) Whenever a local department receives consent to guardianship of an individual before a guardianship petition is filed, the local department promptly shall:

- (i) file the consent in the individual's CINA case; and
- (ii) serve a copy of the consent on:
 - 1. each living parent of the individual;
 - 2. the parent's last attorney of record in the CINA case; and
 - 3. the individual's last attorney of record in the CINA case.

(2) Whenever a party obtains consent to guardianship after a guardianship petition is filed, the party promptly shall:

- (i) file the consent with the juvenile court in which the petition is pending; and
- (ii) serve a copy of the consent on each other party.

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

- (i) 30 days after the person signs the consent; or
- (ii) 30 days after the consent is filed as required under this section.

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

(d) If, at any time before a juvenile court enters an order for adoption of a child, the juvenile court finds that a condition of consent to guardianship will not be fulfilled, the consent or acquiescence becomes invalid.

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