

Article - Family Law

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§5–338.

(a) A juvenile court may enter an order for a child’s adoption under this Part III of this subtitle only if:

(1) (i) both the child’s parents are dead;

(ii) an administrative, executive, or judicial body of a state or other jurisdiction has granted a governmental unit or person other than a parent the power to consent to adoption, and the unit or person consents;

(iii) parental rights have been terminated in compliance with the laws of a state or other jurisdiction, as described in § 5–305 of this subtitle; or

(iv) 1. at least one of the child’s parents:

A. is represented by an attorney;

B. has had an opportunity to receive adoption counseling and guidance services; and

C. consents to the adoption:

I. in writing; or

II. knowingly and voluntarily, on the record before the juvenile court; and

2. the parent who does not consent:

A. is dead; or

B.

I. despite reasonable efforts as provided in § 5–316 of this subtitle, cannot be located;

II. has not contacted the local department with custody of the child or the child for at least 180 days immediately before the filing of the petition; and

III. fails to respond to a show–cause order served under § 5–334 of this subtitle;

(2) the director of the local department with custody of the child consents; and

(3) the child:

(i) is represented by an attorney; and

(ii) 1. if at least 10 years old, consents; or

2. if under the age of 10 years, does not object.

(b) (1) (i) In this subsection, “disability” means:

1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

2. a mental impairment or deficiency;

3. a record of having a physical or mental impairment as defined under this paragraph; or

4. being regarded as having a physical or mental impairment as defined under this paragraph.

(ii) “Disability” includes:

1. any degree of paralysis or amputation;

2. blindness or visual impairment;

3. deafness or hearing impairment;

4. muteness or speech impediment;

5. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

6. intellectual disability, as defined in § 7–101 of the Health – General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(2) A local department may not withhold consent for the sole reason that:

(i) the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

(ii) a prospective adoptive parent has a disability.

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