
By: Delegate Preis

Introduced and read first time: February 23, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Placement Agency - Guardianship**

3 FOR the purpose of repealing a certain definition; authorizing a child placement agency
4 to consent to adoption, guardianship, custody, or other long-term placement of a
5 child under certain circumstances; altering a provision that specifies a circumstance
6 under which certain reports, notices, and hearings regarding long-term placement
7 of a child will not be required; and generally relating to child placement agencies
8 and guardianship.

9 BY repealing

10 Article - Family Law
11 Section 5-301(e)
12 Annotated Code of Maryland
13 (1991 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article - Family Law
16 Section 5-317(f) and 5-319(g)
17 Annotated Code of Maryland
18 (1991 Replacement Volume and 1995 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article - Family Law
21 Section 5-319(f)
22 Annotated Code of Maryland
23 (1991 Replacement Volume and 1995 Supplement)

24 BY renumbering

25 Article - Family Law
26 Section 5-301(f) through (i), respectively
27 to be Section 5-301(e) through (h), respectively
28 Annotated Code of Maryland
29 (1991 Replacement Volume and 1995 Supplement)

2

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

3 **Article - Family Law**

4 5-301.

5 [(e) "Guardianship" means guardianship with the right to consent to adoption or
6 long-term care short of adoption.]

7 5-317.

8 (f) A decree of guardianship:

9 (1) terminates the natural parents' rights, duties, and obligations toward the
10 child;

11 (2) subject to § 5-319 of this subtitle, eliminates the need to give notice to
12 the natural parents of the filing of a petition for adoption of the child; [and]

13 (3) eliminates the need for a further consent by the natural parents to an
14 adoption of the child; AND

15 (4) SUBJECT TO § 5-319 OF THIS SUBTITLE, AUTHORIZES THE CHILD
16 PLACEMENT AGENCY TO CONSENT TO ADOPTION, GUARDIANSHIP, CUSTODY, OR
17 OTHER LONG-TERM PLACEMENT THAT THE AGENCY AND THE COURT, AFTER A
18 HEARING, DETERMINE TO BE IN THE CHILD'S BEST INTEREST.

19 5-319.

20 (f) On receipt of the guardian's report under subsection (b) of this section, and
21 every 12 months thereafter, the court:

22 (1) shall hold a hearing to review the progress which has been made toward
23 the child's adoption and to review whether the child's current placement and
24 circumstances are in the child's best interest; and

25 (2) shall then take whatever action the court considers appropriate in the
26 child's best interest.

27 (g) (1) Further reports, notices to the natural parents, and hearings are not
28 required if the court determines after a hearing that it is in the best interest of the child
29 to remain [in long-term foster care] with a specified family which agrees to the
30 long-term placement.

31 (2) If the long-term [foster care] placement is subsequently changed, the
32 child is entitled to annual hearings under subsection (f) of this section.

33 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-301(f)
34 through (i), respectively, of Article - Family Law of the Annotated Code of Maryland be
35 renumbered to be Section(s) 5-301(e) through (h), respectively.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1996.