
By: Senator Boozer

Requested: September 26, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Adoption - Consent of Natural Parents - Parental Responsibility**

3 FOR the purpose of providing for the construction of certain provisions of law relating to
4 adoption; specifying certain means of identifying the natural father of an individual;
5 providing that an individual may be adopted without the consent of a natural parent
6 under certain circumstances; providing that a court is not required to make certain
7 findings in determining whether a natural parent's consent to an adoption is
8 required for an adoption; providing that lack of actual knowledge of the mother's
9 pregnancy or of the birth of a child is not a defense or justification for the failure of
10 a person claiming paternity to have taken certain actions; and generally relating to
11 adoption.

12 BY repealing and reenacting, with amendments,
13 Article - Family Law
14 Section 5-303, 5-310, and 5-311
15 Annotated Code of Maryland
16 (1991 Replacement Volume and 1995 Supplement)

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

19 **Article - Family Law**

20 5-303.

21 (a) The General Assembly finds that the policies and procedures of this subtitle
22 that concern adoption are socially necessary and desirable.

23 (b) The purposes of this subtitle are to protect:

24 (1) children from:

25 (i) unnecessary separation from their natural parents; and

26 (ii) adoption by individuals who are unfit for the responsibility;

27 (2) natural parents from a hurried or ill-considered decision to give up a
28 child; and

2

1 (3) adoptive parents:

2 (i) by providing them information about the child and the child's
3 background; and

4 (ii) from a future disturbance of their relationship with the child by a
5 natural parent.

6 (C) THIS SUBTITLE SHALL BE CONSTRUED LIBERALLY TO FURTHER THE BEST
7 INTERESTS OF THE CHILD.

8 5-310.

9 (a) "Natural father" of an individual means a man who:

10 (1) was married to the individual's natural mother at the time of conception;

11 (2) was married to the individual's natural mother at the time of the
12 individual's birth;

13 (3) is named as the father on the individual's birth certificate, unless the
14 man signs a denial of paternity or his nonpaternity has been established to the satisfaction
15 of the court by affidavit or testimony;

16 (4) is identified by the natural mother as the father of the individual ON AN
17 APPLICATION FOR PUBLIC ASSISTANCE OR IN A WRITTEN, SWORN STATEMENT,
18 unless the man signs a denial of paternity or his nonpaternity has been established to the
19 satisfaction of the court by affidavit or testimony;

20 (5) has been adjudicated to be the father of the individual; or

21 (6) has acknowledged himself to be the father of the individual, orally or in
22 writing, and the natural mother of the individual agrees that he is the individual's natural
23 father.

24 (b) (1) A petitioner under this subtitle shall notify the court if an individual who
25 does not meet the criteria for being a natural father under this section claims to be the
26 natural father.

27 (2) After receipt of notice under this subsection, the court shall hold a
28 hearing on the issue of paternity.

29 5-311.

30 (a) (1) [Unless] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
31 SUBSECTION, UNLESS the natural parents' rights have been terminated by a judicial
32 proceeding, an individual may not be adopted without the consent of:

33 [(1)] (I) the natural mother;

34 [(2)] (II) the natural father; and

35 [(3)] (III) the individual, if the individual is at least 10 years old.

1 (2) AN INDIVIDUAL MAY BE ADOPTED WITHOUT THE CONSENT OF A
2 NATURAL PARENT IF THE NATURAL PARENT HAS NOT:

3 (I) MADE REASONABLE AND CONSISTENT PAYMENTS FOR THE
4 SUPPORT OF THE CHILD IN ACCORDANCE WITH THE PARENT'S FINANCIAL MEANS,
5 UNLESS A COURT OF COMPETENT JURISDICTION HAS ORDERED THAT NO SUPPORT
6 BE PAID FOR THE CHILD OR SUPPORT PAYMENTS WERE REFUSED BY THE CHILD'S
7 CARETAKER; AND

8 (II) VISITED AND COMMUNICATED WITH THE CHILD, UNLESS THE
9 PARENT WAS REPEATEDLY DENIED THE OPPORTUNITY TO VISIT WITH OR CONTACT
10 THE CHILD.

11 (3) IN DETERMINING WHETHER A NATURAL PARENT'S CONSENT IS
12 REQUIRED, THE COURT IS NOT REQUIRED TO FIND THAT DILIGENT EFFORTS HAVE
13 BEEN MADE BY THE PETITIONER OR ANY OTHER PERSON TO ENCOURAGE THE
14 FATHER TO ESTABLISH OR ACKNOWLEDGE PATERNITY OR TO ENCOURAGE EITHER
15 PARENT TO UNDERTAKE PARENTAL RESPONSIBILITY.

16 (4) LACK OF ACTUAL KNOWLEDGE OF THE MOTHER'S PREGNANCY OR
17 OF THE BIRTH OF A CHILD IS NOT A DEFENSE OR A JUSTIFICATION FOR THE
18 FAILURE OF A PERSON CLAIMING PATERNITY TO HAVE UNDERTAKEN PARENTAL
19 RESPONSIBILITY, TO HAVE ACKNOWLEDGED PATERNITY, OR TO HAVE COMMENCED
20 PROCEEDINGS TO ESTABLISH PATERNITY.

21 (b) (1) If the natural parents' rights have been terminated by a judicial
22 proceeding, an individual may not be adopted without the consent of:

23 (i) the executive head of the child placement agency that has been
24 awarded guardianship of the individual; and

25 (ii) the individual, if the individual is at least 10 years old.

26 (2) The executive head of the child placement agency may not withhold
27 consent for the sole reason that the race or religion of the prospective adoptive parents is
28 different from that of the individual to be adopted or of the birth parents, where to do so
29 would be contrary to the best interests of the child.

30 (c) (1) Except as provided in paragraph (2) of this subsection, within 30
31 calendar days after the required consent to an adoption is signed, the individual or agency
32 executing the consent may revoke the consent.

33 (2) An individual to be adopted may revoke the individual's consent at any
34 time before a final decree of adoption or an interlocutory decree of adoption is entered.

35 (3) Except as provided in paragraphs (1) and (2) of this subsection, the
36 required consent to an adoption filed under this section may not be revoked at any time
37 by the individual or agency executing the consent.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 October 1, 1996.