

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 560

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 4 down through “circumstances;” in line 5; in line 10, strike “requiring” and substitute “authorizing”; and strike beginning with “requiring” in line 14 down through “manner” in line 15, and substitute “adding the Armed Forces of the United States to the list of agencies and persons that a local department of social services is required to contact before a court shall determine that a reasonable, good faith effort has been made to identify the address of a natural parent”.

On page 2, in lines 5 and 7, in each instance, strike “requiring” and substitute “authorizing”; in line 15, after “circumstances;” insert “requiring a court to evaluate certain factors and take certain actions at a certain review hearing;”; in line 23, strike “5-322(b)” and substitute “5-322”; and strike in their entirety lines 28 through 32, inclusive.

On page 3, strike in their entirety lines 1 through 9, inclusive.

AMENDMENT NO. 2

On page 3, in line 18, strike “THEIR EMOTIONAL, PSYCHOLOGICAL, AND PHYSICAL”.

On page 5, strike beginning with the second “THE” in line 7 down through “PHYSICAL” in line 8.

AMENDMENT NO. 3

On page 4, in line 20, strike “(1)”; in line 23, strike the brackets and “(I)”; in line 24, strike the brackets and “(II)”; and strike in their entirety lines 26 through 36, inclusive.

On page 5, strike in their entirety lines 1 through 3, inclusive.

(Over)

On page 8, in line 21, strike “(1)”; in line 25, strike the brackets and “(I)”; in line 27, strike the brackets and “1.”; in line 29, strike the brackets and “2.”; in line 31, strike the brackets and “3.”; and in line 34, strike the brackets and “(II)”.

On page 9, in line 1, strike the brackets and “1.”; in line 3, strike the brackets and “2.”; and strike in their entirety lines 5 through 10, inclusive.

AMENDMENT NO. 4

On page 5, in line 7, strike “PARAMOUNT” and substitute “PRIMARY”.

On page 12, in line 14, strike “PARAMOUNT” and substitute “PRIMARY”.

AMENDMENT NO. 5

On page 5, in line 19, strike “OUTCOME” and substitute “RESULT”.

AMENDMENT NO. 6

On page 5, in line 35, after “rehabilitation;” insert “and”.

On page 6, in line 3, strike “; AND” and substitute a period; and strike in their entirety lines 4 through 7, inclusive.

AMENDMENT NO. 7

On pages 6 and 7, strike beginning with the colon in line 33 on page 6 down through “SERVICES;” in line 2 on page 7 and substitute “ANY OF THE CONDITIONS SPECIFIED IN ITEM (I), (II), OR (III) OF THIS PARAGRAPH THAT ARE CHRONIC OR LIFE-THREATENING TO THE CHILD;”.

On page 18, strike beginning with the colon in line 22 down through “SERVICES;” in line 26, and substitute “ANY OF THE CONDITIONS SPECIFIED IN § 5-313(D)(1)(I), (II), OR (III) OF THE FAMILY LAW ARTICLE THAT ARE CHRONIC OR LIFE-THREATENING TO THE CHILD;”.

AMENDMENT NO. 8

On page 7, in lines 3, 5, and 18, in each instance, strike “COMMITTED” and substitute “BEEN CONVICTED OF”; and strike beginning with “AIDED” in line 15 down through “SOLICITED” in line 16, and substitute “BEEN CONVICTED OF AIDING OR ABETTING,”.

ATTEMPTING, CONSPIRING, OR SOLICITING”.

On page 14, in line 35, strike “COMMITTED” and substitute “BEEN CONVICTED OF”.

On page 15, in lines 1 and 6, in each instance, strike “COMMITTED” and substitute “BEEN CONVICTED OF”; and strike beginning with “AIDED” in line 3 down through “SOLICITED” in line 4, and substitute “BEEN CONVICTED OF AIDING OR ABETTING, ATTEMPTING, CONSPIRING, OR SOLICITING”.

On page 18, in lines 27 and 29, in each instance, strike “COMMITTED” and substitute “BEEN CONVICTED OF”; and in line 31, strike “AIDED OR ABETTED, ATTEMPTED, CONSPIRED, OR SOLICITED” and substitute “BEEN CONVICTED OF AIDING OR ABETTING, ATTEMPTING, CONSPIRING, OR SOLICITING”.

On page 19, in line 1, strike “COMMITTED” and substitute “BEEN CONVICTED OF”.

AMENDMENT NO. 9

On page 7, strike in their entirety lines 7 through 14, inclusive; and in lines 15 and 18, strike “6.” and “7.”, respectively, and substitute “4.” and “5.”, respectively.

AMENDMENT NO. 10

On page 7, in line 17, strike “OR”; and in line 20, after “PARENT” insert “; OR”

6. INVOLUNTARILY LOST PARENTAL RIGHTS OF A SIBLING OF THE CHILD”.

AMENDMENT NO. 11

On page 7, in lines 26 and 27, strike “paragraph (1)(I) THROUGH (IV)” and substitute “PARAGRAPH (1)”; and strike beginning with “(4)” in line 32 down through “(5)” in line 36 and substitute “(4)”.

On page 18, in line 16, strike “SHALL” and substitute “MAY”.

On page 19, in lines 7 and 12, in each instance, strike “SHALL” and substitute “MAY”.

AMENDMENT NO. 12

On page 9, after line 10, insert:

“(c) (1) Except in an independent adoption, if the court is satisfied by affidavit or testimony that the petitioner, after reasonable efforts in good faith, cannot learn the identity or location of a natural parent, the court may waive the requirement of notice to the natural parent.

(2) In an independent adoption, if the court is satisfied by affidavit or testimony that the petitioner, after reasonable efforts in good faith, cannot learn the identity or location of a natural parent, the court may not waive the requirement of notice to the natural parent, but the court shall:

(i) order notice by publication; or

(ii) if the court finds the petitioner to be indigent, order notice by posting.

(3) If the child has been adjudicated to be a child in need of assistance in a prior juvenile proceeding, and the court is satisfied by affidavit or testimony that the petitioner has made reasonable good faith efforts to serve by both certified mail and private process one show cause order on the parent at the addresses specified in subsection (b) of this section, but was not successful, the court shall waive the requirement of notice to the natural parent.

(d) If a person is notified under this section and fails to file notice of objection within the time stated in the show cause order or if a person's notification has been waived under subsection (c) of this section:

(1) the court shall consider the person who is notified or whose notice is waived to have consented to the adoption or to the guardianship; and

(2) the petition shall be treated in the same manner as a petition to which consent has been given.

(e) (1) For a petition filed by a local department of social services, the court shall determine that a reasonable, good faith effort has been made to identify the last known address of the parent if

the petitioner shows, by affidavit or testimony, that inquiries were made after the petition was filed, or within the 6 months preceding the filing of the petition, with the following:

(i) the State Motor Vehicle Administration;

(ii) the local department of social services;

(iii) the State Department of Public Safety and Correctional Services;

(iv) the State Division of Parole and Probation;

(V) THE ARMED FORCES OF THE UNITED STATES, INCLUDING THE NATIONAL GUARD AND RESERVE;

[(v)] (VI) the detention center for the local jurisdiction in which the petition is filed;

[(vi)] (VII) the records of the juvenile court for the jurisdiction in which the petition is filed;

[(vii)] (VIII) a particular social services agency or detention facility, if the local department is aware that the parent has received benefits from that social services agency, or has been confined in that detention facility, within the 9 months preceding the filing of the petition; and

[(viii)] (IX) each of the following individuals that the petitioner is able to locate and contact:

1. the other parent of the child;
2. known members of the parent's immediate family; and
3. the parent's current or last known employer.

(Over)

(2) (i) The inquiry shall be considered sufficient if made by searching the computer files of an identified agency or by making an inquiry to the agency or person by regular mail.

(ii) Failure to receive a response to an inquiry within 30 days of mailing shall constitute a negative response to the inquiry.”.

AMENDMENT NO. 13

On page 10, in lines 8 and 13, in each instance, after “PLACED” insert “BY A CHILD PLACEMENT AGENCY”.

AMENDMENT NO. 14

On page 14, in line 26, strike “(2)” and substitute “(3)”.

On page 15, in line 9, after “(2)” insert “FOR PURPOSES OF THIS SUBSECTION, A CHILD SHALL BE CONSIDERED TO HAVE ENTERED AN OUT-OF-HOME PLACEMENT 30 DAYS AFTER THE CHILD IS PLACED INTO AN OUT-OF-HOME PLACEMENT.”

(3)”;

in line 24, after “TO” insert “:

(1)”;

and in line 25, after “CIRCUMSTANCES” insert “: OR

(2) REQUIRE A LOCAL DEPARTMENT TO FILE A PETITION OR, EXCEPT AS OTHERWISE PROVIDED BY LAW, REQUIRE EXPEDITED TERMINATION OF PARENTAL RIGHTS FOR A CHILD IN KINSHIP CARE, AS DEFINED IN § 5-501 OF THIS SUBTITLE”.

AMENDMENT NO. 15

On page 17, in line 15, strike “foster”; in line 16, before “PLACEMENT” insert “OUT-OF-HOME”; and in lines 18 and 24, in each instance, after “juvenile” insert “OR FAMILY”.

AMENDMENT NO. 16

On page 19, strike beginning with “AND” in line 33 down through “PLACEMENT” in line 35, and substitute “, A CHILD SHALL BE CONSIDERED TO HAVE ENTERED AN OUT-OF-HOME PLACEMENT 30 DAYS AFTER THE CHILD IS PLACED INTO AN OUT-OF-HOME PLACEMENT”.

AMENDMENT NO. 17

On page 22, in line 25, strike “AT LEAST 7 DAYS”; and in line 26, strike “IF PRACTICABLE, BEFORE” and substitute “OF”.