Unofficial Copy D4 2000 Regular Session 0lr0343

By: Delegates Montague and Vallario Introduced and read first time: February 3, 2000 Assigned to: Judiciary A BILL ENTITLED 1 AN ACT concerning 2 Family Law - Petitions for Adoption or Guardianship - Notice to Parents 3 FOR the purpose of repealing provisions of law concerning waiver of notice to a natural parent of the filing of a petition for adoption or guardianship; repealing 4 5 a provision of law authorizing a court to order notice by posting under certain 6 circumstances; requiring a court to order notice by publication under certain circumstances; establishing the manner of notice by publication; clarifying 7 8 language; and generally relating to notice of the filing of a petition for adoption or guardianship. 9 10 BY repealing and reenacting, with amendments, Article - Family Law 11 12 Section 5-322 13 Annotated Code of Maryland 14 (1999 Replacement Volume and 1999 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 15 16 MARYLAND, That the Laws of Maryland read as follows: 17 **Article - Family Law** 18 5-322. Subject to paragraph (2) of this subsection, a petitioner shall 19 20 give to each person whose consent is required notice of the filing of a petition for 21 adoption or a petition for guardianship. 22 In addition to the notice of filing required under subparagraph 23 (i) of this paragraph, if a petition for guardianship is filed after a juvenile proceeding 24 in which the child has been adjudicated to be a child in need of assistance, a neglected 25 child, or an abused child, a petitioner shall give notice of the filing of the petition for 26 guardianship to: 27 1. the attorney who represented a natural parent in the 28 juvenile proceeding; and

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1 2	juvenile proceeding.		2. the attorney who represented the minor child in the
3			whose consent is filed with the petition need not be given waiver of the right to notice of the filing of the petition.
			tioner shall give notice by entry and service of a show cause dress that the petitioner has for each person whose
10	the child has been adjugive notice to [the chi	idicated t ld's] EAC	pardianship is filed after a juvenile proceeding in which to be a child in need of assistance, the petitioner shall CH natural parent OF THE CHILD by serving a show a private process on the natural parent:
12 13			tural parent was present at a CINA hearing and notified by f § 3-837 of the Courts Article:
14 15	in accordance with § 3		at the latest address listed in juvenile court records maintained the Courts Article;
16 17	department of social s		at the latest address listed in the records of the local or
		ocial serv	at any other address listed in the records of the juvenile court or ices within 6 months before the filing of the
21 22			tural parent was not present at a CINA hearing and notified at sof § 3-837 of the Courts Article:
23 24			at the latest address, if any, listed in juvenile court records § 3-837 of the Courts Article; or
25 26	reasonable good faith		at any other address for the natural parent identified after plocate the parent.
29	affidavit or testimony	that the jity or loc	in an independent adoption, if the court is satisfied by petitioner, after reasonable efforts in good faith, ation of a natural parent, the court may waive the tural parent.
33 34 35	ADJUDICATED TO PROCEEDING AND after reasonable effort	BE A CI the cour ts in good	dependent adoption, if] IF THE CHILD HAS NOT BEEN HILD IN NEED OF ASSISTANCE IN A PRIOR JUVENILE t is satisfied by affidavit or testimony that the petitioner, I faith, cannot learn the identity or location of a natural we the requirement of notice to the natural parent,
37		(i)]	order notice by publication AS TO THAT PARENT[; or

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1 2	posting].	(ii)	if the court finds the petitioner to be indigent, order notice by				
5 6 7 8	[(3)] (2) 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] ORDER NOTICE BY PUBLICATION AS TO THAT PARENT.						
12		SHOW (WSPAPE	COURT ORDERS NOTICE BY PUBLICATION UNDER THIS CAUSE ORDER SHALL BE PUBLISHED AT LEAST ONCE IN ERS OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY IS FILED.				
	(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]:						
17 18	(1) waived] to have cons		t shall consider the person who is notified [or whose notice is he adoption or to the guardianship; and				
19 20	(2) which consent has be		ion shall be treated in the same manner as a petition to				
23 24	(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:						
26		(i)	the State Motor Vehicle Administration;				
27		(ii)	the local department of social services;				
28 29	Services;	(iii)	the State Department of Public Safety and Correctional				
30		(iv)	the State Division of Parole and Probation;				
31 32	petition is filed;	(v)	the detention center for the local jurisdiction in which the				
33 34	petition is filed;	(vi)	the records of the juvenile court for the jurisdiction in which the				
35 36	local department is a	(vii) ware that	a particular social services agency or detention facility, if the the parent has received benefits from that social				

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	2 preceding the filing of the petition; and							
3	locate and contact:	(viii)	each of the following individuals that the petitioner is able to					
5			1.	the other parent of the child;				
6			2.	known members of the parent's immediate family; and				
7			3.	the parent's current or last known employer.				
	8 (2) (i) The inquiry shall be considered sufficient if made by searching 9 the computer files of an identified agency or by making an inquiry to the agency or 10 person by regular mail.							
11 12	mailing shall constit	(ii) ute a nega		to receive a response to an inquiry within 30 days of conse to the inquiry.				
13 14	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 14 October 1, 2000.							