

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 511 (Delegate Montague)

Judiciary

**Family Law - Involuntary Termination of Parental Rights Proceedings - Public
Defender Representation**

This bill eliminates the duty of the Public Defender to provide legal representation to an indigent parent in a private adoption proceeding in which the parent affirmatively withholds consent to the adoption.

Fiscal Summary

State Effect: The bill could prevent expenditure increases of approximately \$175,000 annually by the Office of the Public Defender for additional legal representation.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Background: There are two types of termination of parental rights proceedings -- cases in which the State is seeking to terminate the parental rights of a Child in Need of Assistance (CINA), and private adoptions in which a parent withholds consent to the adoption. The Office of the Public Defender currently provides representation to indigent parents in the former type of case, but not in the latter.

Current Law: The Office of the Public Defender is required to represent an indigent parent in an involuntary termination of parental rights case.

The Office of the Public Defender interprets current law as not requiring it to provide representation in private adoption cases.

State Fiscal Effect: The Office of the Public Defender estimates that each year there are approximately 175 private adoption cases in which an indigent parent withholds consent to the adoption. If the Office of the Public Defender were required to provide legal representation in those cases, it would be required to pay an estimated \$1,000 per case for contractual representation by a panel attorney. Therefore, this bill could prevent an expenditure increase of approximately \$175,000 annually by the Office of the Public Defender.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Legislative Services

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