

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 346 (Senators McCabe and Haines)

Judicial Proceedings

Family Law - Adoption and Guardianship - Revocation of Consent

This bill reduces the time period allowed for a natural parent, an individual, or a placement agency to revoke consent for an adoption or a guardianship from 30 to seven days after the required consent is signed.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: Circuit courts, sitting as juvenile court, could see an increase in the number of termination of parental rights trials to the extent that parents would not grant consent knowing that they only have seven days to revoke instead of the current 30 days. The impact on the Judiciary is expected to be small enough that it could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: An individual may not be adopted without the consent of the natural mother, the natural father, and the individual if at least ten years old unless a natural parent's rights have been terminated by a judicial proceeding. If the natural parents' rights have been terminated by a judicial proceeding, an individual may not be adopted without the consent of the executive head of the child placement agency that has been awarded guardianship and the individual if at least ten years old. The individual to be adopted or the agency executing the consent may revoke consent within 30 days.

In a guardianship proceeding, the consent of each living natural parent of the child is needed; the child's consent is not needed. Only the executive head of a child placement agency or the

attorney for the child on behalf of the child may file a petition for the agency to be granted guardianship. The time period allowed for revocation of the required consent in a petition for guardianship is 30 days.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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