

Department of Legislative Services  
 Maryland General Assembly  
 2000 Session

FISCAL NOTE

House Bill 437 (Delegates Montague and Vallario)

Judiciary

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**Family Law - Petitions for Adoption or Guardianship - Notice to Parents**

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The bill repeals the ability of a court to waive the requirement of notice to a natural parent in a proceeding for adoption or guardianship. If the court finds that the petitioner is unable to locate the natural parent, the court must order notice to that parent by publication. The show cause order must be published at least once in one or more newspapers of general circulation in the county in which the petition was filed.

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**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$187,500 in FY 2001 to publish approximately 1,250 notices. Future year expenditures increase with annualization and inflation. Revenues would not be affected.

(in dollars)	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditures	\$187,500	\$252,500	\$255,000	\$258,000	\$260,000
Net Effect	(\$187,500)	(\$252,500)	(\$255,000)	(\$258,000)	(\$260,000)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - =indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** If a petition for guardianship is filed after a child has been adjudicated as a child in need of assistance, the petitioner must give notice to the child's natural parent by serving a show cause order by certified mail or private process. If a child has been adjudicated as a child in need of assistance, and the petitioner has made good faith efforts to locate the parent, the court will waive the requirement of notice to a natural parent in a proceeding for adoption or guardianship, except in an independent adoption. Publication of filing is not required.

**State Fiscal Effect:** General fund expenditures increase by \$187,500 in fiscal 2001, which accounts for the bill's October 1, 2000, effective date. This total assumes approximately 1,250 cases per year where the court is satisfied that a reasonable, good faith effort has been made to identify the last known address of the absent or non-involved parent, and a published notice is required.

The Department of Human Resources advises that the expenditure increase for implementation of the publication requirement for over 1,000 cases per year would total \$700,000 annually. The Department of Legislative Services (DLS) believes the total expenditures for meeting the bill's published notification requirements could be less. *The Baltimore Sun* charges an average of \$200 for publication of an adoption notice. Assuming a maximum of 1,250 annual cases requiring a published show cause order, and accounting for the bill's effective date, general fund expenditures increase by \$187,500 in fiscal 2001. Future year estimates increase with annualization and inflation.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Human Resources, *The Baltimore Sun*, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2000  
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