
By: **Delegates Montague, Cole, Dobson, and V. Jones**

Introduced and read first time: January 19, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Abandoned Infants**

3 FOR the purpose of reducing the period of time during which persons may claim to be
4 the natural parents of certain abandoned infants in order to prevent a finding of
5 abandonment for purposes of the termination of the natural parents' rights;
6 reducing the period of time that a court must wait before making a finding of
7 abandonment for purposes of the termination of the natural parents' rights as to
8 certain abandoned infants; defining a certain term; and generally relating to
9 abandoned infants.

10 BY renumbering

11 Article - Family Law
12 Section 5-301(b) through (j), respectively
13 to be Section 5-301(c) through (k), respectively
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2000 Supplement)

16 BY adding to

17 Article - Family Law
18 Section 5-301(b)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article - Family Law
23 Section 5-313(a)
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article - Family Law
28 Section 5-313(b)
29 Annotated Code of Maryland

1 (1999 Replacement Volume and 2000 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That Section(s) 5-301(b) through (j), respectively, of Article - Family
4 Law of the Annotated Code of Maryland be renumbered to be Section(s) 5-301(c)
5 through (k), respectively.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
7 read as follows:

8 **Article - Family Law**

9 5-301.

10 (B) "ABANDONED INFANT" MEANS A CHILD THAT:

11 (1) IS NOT MORE THAN 1 YEAR OLD; AND

12 (2) APPEARS TO HAVE BEEN DESERTED BY THE CHILD'S NATURAL
13 PARENTS OR LEGAL GUARDIAN.

14 5-313.

15 (a) A court may grant a decree of adoption or a decree of guardianship,
16 without the consent of a natural parent otherwise required by §§ 5-311 and 5-317 of
17 this subtitle, if the court finds by clear and convincing evidence that it is in the best
18 interest of the child to terminate the natural parent's rights as to the child and that:

19 (1) the child is abandoned as provided in subsection (b) of this section;

20 (2) in a prior juvenile proceeding, the child has been adjudicated to be a
21 child in need of assistance, a neglected child, an abused child, or a dependent child; or

22 (3) the following set of circumstances exists:

23 (i) the child has been continuously out of the custody of the natural
24 parent and in the custody of a child placement agency for at least 1 year;

25 (ii) the conditions that led to the separation from the natural
26 parent still exist or similar conditions of a potentially harmful nature still exist;

27 (iii) there is little likelihood that those conditions will be remedied
28 at an early date so that the child can be returned to the natural parent in the
29 immediate future; and

30 (iv) a continuation of the relationship between the natural parent
31 and the child would diminish greatly the child's prospects for early integration into a
32 stable and permanent family.

33 (b) The court may find that a child is abandoned for purposes of this section if,
34 after a thorough investigation by the child placement agency, the court finds that:

1 (1) (I) the identity of the child's natural parents is unknown; and

2 [~~(2)~~] (II) no one has claimed to be the child's natural parent within 2
3 months of the alleged abandonment of the child; OR

4 (2) **THE CHILD IS AN ABANDONED INFANT AND NO ONE HAS CLAIMED**
5 **TO BE THE CHILD'S NATURAL PARENT WITHIN 30 DAYS OF THE ABANDONMENT OF**
6 **THE CHILD.**

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2001.