

HOUSE BILL 705

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HB 437/00 - JUD

2001 Regular Session
11r0504
CF 11r0503

By: **Delegates Vallario and Giannetti**
Introduced and read first time: February 8, 2001
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
4 natural parent of the filing of a petition for adoption or guardianship; repealing
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
7 circumstances; establishing the manner of notice by publication; clarifying
8 language; and generally relating to notice of the filing of a petition for adoption
9 or guardianship.

10 BY repealing and reenacting, with amendments,
11 Article - Family Law
12 Section 5-322
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2000 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Family Law**

18 5-322.

19 (a) (1) (i) Subject to paragraph (2) of this subsection, a petitioner shall
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 (ii) 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

1 (ii) if the court finds the petitioner to be indigent, order notice by
2 posting].

3 [(3)] (2) If the child has been adjudicated to be a child in need of
4 assistance in a prior juvenile proceeding, and the court is satisfied by affidavit or
5 testimony that the petitioner has made reasonable good faith efforts to serve by both
6 certified mail and private process one show cause order on the parent at the
7 addresses specified in subsection (b) of this section, but was not successful, the court
8 shall [waive the requirement of notice to the natural parent] ORDER NOTICE BY
9 PUBLICATION AS TO THAT PARENT.

10 (3) IF THE COURT ORDERS NOTICE BY PUBLICATION UNDER THIS
11 SUBSECTION, THE SHOW CAUSE ORDER SHALL BE PUBLISHED AT LEAST ONCE IN
12 ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY
13 IN WHICH THE PETITION IS FILED.

14 (d) If a person is notified under this section and fails to file notice of objection
15 within the time stated in the show cause order [or if a person's notification has been
16 waived under subsection (c) of this section]:

17 (1) the court shall consider the person who is notified [or whose notice is
18 waived] to have consented to the adoption or to the guardianship; and

19 (2) the petition shall be treated in the same manner as a petition to
20 which consent has been given.

21 (e) (1) For a petition filed by a local department of social services, the court
22 shall determine that a reasonable, good faith effort has been made to identify the last
23 known address of the parent if the petitioner shows, by affidavit or testimony, that
24 inquiries were made after the petition was filed, or within the 6 months preceding the
25 filing of the petition, with the following:

26 (i) the State Motor Vehicle Administration;

27 (ii) the local department of social services;

28 (iii) the State Department of Public Safety and Correctional
29 Services;

30 (iv) the State Division of Parole and Probation;

31 (v) the detention center for the local jurisdiction in which the
32 petition is filed;

33 (vi) the records of the juvenile court for the jurisdiction in which the
34 petition is filed;

35 (vii) a particular social services agency or detention facility, if the
36 local department is aware that the parent has received benefits from that social

1 services agency, or has been confined in that detention facility, within the 9 months
2 preceding the filing of the petition; and

3 (viii) each of the following individuals that the petitioner is able to
4 locate and contact:

- 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 (ii) Failure to receive a response to an inquiry within 30 days of
12 mailing shall constitute a negative response to the inquiry.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2001.