

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 705 (Delegates Vallario and Giannetti)

Judiciary

Judicial Proceedings

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

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.

Fiscal Summary

State Effect: General fund expenditures could increase by \$131,300 in FY 2002 to publish approximately 750 notices. Future year expenditures increase with annualization and inflation. Revenues would not be affected.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	131,300	176,800	178,500	180,300	182,100
Net Effect	(\$131,300)	(\$176,800)	(\$178,500)	(\$180,300)	(\$182,100)

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

Local Effect: None.

Small Business Effect: None.

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 Expenditures: The Department of Human Resources advises that general fund expenditures could increase by an estimated \$525,000 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of publication of 1,000 cases per year in four newspapers, at an average rate of \$175 per notice.

The Department of Legislative Services (DLS) advises, however, that general fund expenditures would increase by an estimated \$131,250 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of publication of 1,000 cases per year in one newspaper, at an average rate of \$175 per notice. Future year estimates reflect annualization and inflation.

Additional Information

Prior Introductions: This bill was introduced during the 2000 session as HB 437; it received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

Fiscal Note History: First Reader – February 15, 2001
ncs/jr

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