
By: **Delegates Redmer, Ports, and Klausmeier**

Rules suspended

Introduced and read first time: March 8, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Adoption - Child Abuse**

3 FOR the purpose of requiring the court to consider, in its decision of allowing a
4 natural parent's child to be adopted without the natural parent's consent,
5 whether the natural parent has been convicted of child abuse of any child.

6 BY repealing and reenacting, with amendments,
7 Article - Family Law
8 Section 5-312(b)
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2001 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - Family Law
13 Section 5-312(c)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2001 Supplement)

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

18 **Article - Family Law**

19 5-312.

20 (b) Without the consent of the child's natural parent, a court may grant a
21 decree of adoption to a stepparent, relative, or other individual who has exercised
22 physical care, custody, or control of a child for at least 6 months, if by clear and
23 convincing evidence the court finds that:

24 (1) it is in the best interest of the child to terminate the natural parent's
25 rights as to the child;

1 (2) the child has been out of the custody of the natural parent for at least
2 1 year;

3 (3) the child has developed significant feelings toward and emotional ties
4 with the petitioner; and

5 (4) the natural parent:

6 (i) has not maintained meaningful contact with the child during
7 the time the petitioner has had custody despite the opportunity to do so;

8 (ii) has repeatedly failed to contribute to the physical care and
9 support of the child although financially able to do so;

10 (iii) has been convicted of child abuse of [the] ANY child [or another
11 child of the natural parent]; or

12 (iv) has:

13 1. subjected the child to:

14 A. torture, chronic abuse, or sexual abuse; or

15 B. chronic and life-threatening neglect;

16 2. been convicted:

17 A. in this State of a crime of violence, as defined in Article 27,
18 § 643B of the Code, against the child, the other natural parent of the child, another
19 child of the natural parent, or any person who resides in the household of the natural
20 parent;

21 B. in any state or in any court of the United States of a crime
22 that would be a crime of violence, as defined in Article 27, § 643B of the Code, if
23 committed in this State against the child, the other natural parent of the child,
24 another child of the natural parent, or any person who resides in the household of the
25 natural parent; or

26 C. of aiding or abetting, conspiring, or soliciting to commit a
27 crime described in item A or B of this item; or

28 3. involuntarily lost parental rights of a sibling of the child.

29 (c) (1) If the court finds that any of the circumstances enumerated in
30 subsection (b)(4)(iii) or (iv) of this section exists, the court shall make a specific
31 finding, based on facts in the record, as to whether or not the return of the child to the
32 custody of the natural parent poses an unacceptable risk to the future safety of the
33 child.

34 (2) In determining whether it is in the best interest of the child to
35 terminate a natural parent's rights as to the child under this section, the court shall:

1 (i) give primary consideration to the safety and health of the child;

2 and

3 (ii) request an investigation by an appropriate agency and a report
4 of the investigation that includes summaries of:

5 1. the child's feelings toward and emotional ties with the
6 child's natural parents, the child's siblings, the petitioner, and any other individual
7 who may significantly affect the child's best interest;

8 2. the child's adjustment to home, school, and community;
9 and

10 3. if the natural parent is absent, an evaluation of the
11 petitioner's attempts to locate the absent natural parent.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2002.