

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1149
Judiciary

(Delegate McComas, *et al.*)

Family Law - Adoption – Child’s Age for Consent

This bill raises the minimum age of a child, from 10 to 14, for purposes of giving consent to be adopted.

Fiscal Summary

State Effect: This bill would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Unless a judicial proceeding terminates the natural parents’ rights, an individual may not be adopted without the consent of the natural mother and father and the individual, if the person is at least 10 years old. If a judicial proceeding terminated the natural parents’ rights, an individual may not be adopted without the consent of the executive head of the child placement agency that was awarded guardianship of the child and the child, if the child is at least 10 years old.

Background: Parental rights may only be terminated by court order. When both parents voluntarily consent to guardianship for their child, both parents are required to sign a written consent form. A consent to guardianship is valid only if it contains written notice of the: (1) birth parent’s right to withdraw consent; (2) search rights of birth parents and adoptees; and (3) birth parent’s right to file a disclosure veto.

Approximately 47 states and the District of Columbia require that older children give consent to their adoption. The age of consent is 14 in 23 states, 12 in 18 states, and 10 and older in seven states.

Additional Information

Prior Introductions: HB 1077, introduced in the 2003 session, had a hearing in the House Judiciary Committee and then was withdrawn.

Cross File: None.

Information Source(s): Department of Human Resources, Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2004
mh/hlb

Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510