

# HOUSE BILL 570

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By: **Chair, Judiciary Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: February 6, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Adoption – Child’s Age of Consent**

3 FOR the purpose of altering the age at which a child may consent to, or fail to object  
4 to, an adoption in certain provisions of law governing adoption through a local  
5 department of social services; and generally relating to adoption.

6 BY repealing and reenacting, with amendments,  
7 Article – Family Law  
8 Section 5–338 and 5–350  
9 Annotated Code of Maryland  
10 (2006 Replacement Volume and 2008 Supplement)

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

13 **Article – Family Law**

14 5–338.

15 (a) A juvenile court may enter an order for a child’s adoption under this Part  
16 III of this subtitle only if:

17 (1) (i) both the child’s parents are dead;

18 (ii) an administrative, executive, or judicial body of a state or  
19 other jurisdiction has granted a governmental unit or person other than a parent the  
20 power to consent to adoption, and the unit or person consents;

21 (iii) parental rights have been terminated in compliance with the  
22 laws of a state or other jurisdiction, as described in § 5–305 of this subtitle; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iv) 1. at least one of the child's parents:
- 2 A. is represented by an attorney;
- 3 B. has had an opportunity to receive adoption counseling  
4 and guidance services; and
- 5 C. consents to the adoption:
- 6 I. in writing; or
- 7 II. knowingly and voluntarily, on the record before the  
8 juvenile court; and
- 9 2. the parent who does not consent:
- 10 A. is dead; or
- 11 B. I. despite reasonable efforts as provided in §  
12 5-316 of this subtitle, cannot be located;
- 13 II. has not contacted the local department with custody  
14 of the child or the child for at least 180 days immediately before the filing of the  
15 petition; and
- 16 III. fails to respond to a show cause order served under §  
17 5-334 of this subtitle;
- 18 (2) the director of the local department with custody of the child  
19 consents; and
- 20 (3) the child:
- 21 (i) is represented by an attorney; and
- 22 (ii) 1. if at least [10] **14** years old, consents; or
- 23 2. if under the age of [10] **14** years, does not object.
- 24 (b) A local department may not withhold consent for the sole reason that the  
25 race, religion, color, or national origin of a prospective adoptive parent differs from  
26 that of the child or parent.
- 27 5-350.

1           (a)     A juvenile court may enter an order for a child's adoption under this Part  
2     IV of this subtitle only if:

3                   (1)     for an individual under the age of 18 years, the individual's  
4     guardian consents; and

5                   (2)     for an individual who is at least [10] **14** years old, the individual  
6     consents.

7           (b)     A guardian may not withhold consent for the sole reason that the race,  
8     religion, color, or national origin of a prospective adoptive parent differs from that of  
9     the child or parent.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11     October 1, 2009.