

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 540
Judicial Proceedings

(Senator Kelley)

Family Law - Adoption of an Adult

This bill establishes that certain provisions of law requiring the issuance and service of a show cause order on a prospective adoptee's parents do not apply if the prospective adoptee is an adult. The bill creates a rebuttable presumption that a court-ordered investigation prior to ruling on a consensual adoption petition is not necessary if the prospective adoptee is an adult who has graduated from high school or has completed a general equivalency development exam. The bill establishes that parental consent to an adoption is not required if the prospective adoptee is an adult.

Fiscal Summary

State Effect: None. The bill does not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In an independent adoption case, a court must issue a show cause order that includes advice as to the parent's rights to have independent counsel and receive adoption counseling and guidance. This provision does not apply to an adoption by a spouse of the prospective adoptee's parent or a relative of the prospective adoptee. Service of the order must be in accordance with statutory guidelines.

Before ruling on a consensual adoption petition, a court may order any investigation that the court considers necessary.

A court may enter an order for adoption only if:

- each of the prospective adoptee's living parents consents in writing or by failure to timely file notice of objection after being served with a show cause order; an administrative, executive, or judicial body of a state or other jurisdiction has granted a governmental unit or person other than a parent the power to consent to adoption and the unit or person consents; or parental rights have been terminated in compliance with the laws of a state or other jurisdiction, and, if the prospective adoptee is at least 10 years old, the prospective adoptee consents; or
- the court orders adoption without consent as allowed by statute. If a parent affirmatively withholds consent by filing a notice of objection, the court may allow adoption by a petitioner who has exercised care, control, or custody over the prospective adoptee for at least 180 days without the parental consent that otherwise would be required. The court is authorized to allow this type of adoption if it makes certain findings by clear and convincing evidence, including that the parent has not had custody of the prospective adoptee for at least one year; has not maintained meaningful contact and has failed to contribute to the prospective adoptee's care or support; or has been convicted in any state or any federal court of a violent crime against a minor offspring of the parent, the child, or another parent of the child, or has aided, abetted, or solicited to commit such a crime.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mlm/kdm

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