

HB0428/138476/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 428
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with “prohibiting” in line 1 down through “child;” in line 2; in line 4, strike “authorizing” and substitute “requiring”; in line 6, after “circumstances;” insert “authorizing the court to stay or postpone a trial on termination of parental rights for good cause;”; strike beginning with “that” in line 7 down through “respondent” in line 8; strike beginning with “certain” in line 15 down through “indigent;” in line 20 and substitute “an unrepresented party to the Maryland Legal Services Corporation or its designee for assessment of counsel through a certain program;”.

AMENDMENT NO. 2

On page 2, in line 36, strike the first comma and substitute “OR”; and in the same line, strike “, OR § 3-323”.

AMENDMENT NO. 3

On page 3, in line 8, strike “THE MARYLAND RULES” and substitute “§ 5-1403(C) OF THIS SUBTITLE”.

On page 4, in line 24, strike “(3)” and substitute “(2)”; in line 25, strike “WHEN” and substitute “THE RESPONDENT SHALL BE SERVED IN ACCORDANCE WITH RULE 2-121(A)(1) OF THE MARYLAND RULES.”

(2) (1) WHEN”;

(Over)

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in line 26, after the first “RESPONDENT” insert “IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION”; in line 31, strike “(2)” and substitute “(II)”; and in line 32, strike “SUBSECTION” and substitute “PARAGRAPH”.

On page 5, strike in their entirety lines 1 and 2.

AMENDMENT NO. 4

On page 3, in line 22, after “UNLESS” insert a colon; in line 23, before “THE” insert “(1)”; in line 25, after “CHILD” insert “; OR”; and after line 25, insert:

“(2) THE PARENTS WERE SEPARATED IN ACCORDANCE WITH A PROTECTIVE ORDER DURING THE TIME OF THE CONCEPTION OF THE CHILD AND HAVE REMAINED SEPARATE AND APART SINCE THE TIME OF CONCEPTION.”

AMENDMENT NO. 5

On page 4, strike beginning with the comma in line 9 down through “ATTORNEY” in line 10.

On page 4, in line 11, strike “(1)”; in lines 11 and 12, strike “FILED BY A PARENT”; in line 12, strike “7” and substitute “3”; in lines 14 and 16, strike “(I)” and “(II)”, respectively, and substitute “(1)” and “(2)”, respectively; strike in their entirety lines 18 through 23, inclusive; and in line 24, strike “(D)” and substitute “(C)”.

On page 5, in line 3, strike “(E)” and substitute “(D)”.

AMENDMENT NO. 6

On page 5, strike in their entirety lines 1 and 2 and substitute:

“(III) IN GRANTING A MOTION FOR ALTERNATIVE SERVICE UNDER THIS SUBSECTION, THE COURT SHALL REQUIRE THE IDENTITY OF THE

PETITIONER AND THE CHILD TO BE PROTECTED TO THE FULLEST EXTENT
CONSISTENT WITH DUE PROCESS.”;

strike in their entirety lines 9 and 10 and substitute:

“(II) SHALL ADVISE THE RESPONDENT THAT:

1. THE RESPONDENT MAY REFUSE TO TESTIFY OR TO
OFFER EVIDENCE; AND

2. NO ADVERSE INFERENCE MAY BE DRAWN FROM
THE RESPONDENT’S REFUSAL TO TESTIFY OR TO OFFER EVIDENCE.”;

and in line 30, strike “THAT MAY INCRIMINATE THE RESPONDENT”.

On page 6, strike beginning with “IF” in line 5 down through “IMPEACHMENT”
in line 9.

AMENDMENT NO. 7

On page 5, in line 15, strike “PARAGRAPH” and substitute “PARAGRAPHS”; in
the same line, after “(2)” insert “AND (3)”; strike beginning with “OR” in line 18 down
through “PROCEED” in line 19; in line 24, strike “MAY” and substitute “SHALL”; and
after line 26, insert:

“(3) THE COURT MAY STAY OR POSTPONE A TRIAL ON TERMINATION
OF PARENTAL RIGHTS FOR GOOD CAUSE.”.

AMENDMENT NO. 8

On page 6, after line 12, insert:

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“(B) THE COURT SHALL REFER AN UNREPRESENTED PARTY TO THE MARYLAND LEGAL SERVICES CORPORATION OR ITS DESIGNEE FOR ASSIGNMENT OF COUNSEL THROUGH A QUALIFIED LEGAL SERVICES PROGRAM.”;

and strike in their entirety lines 13 through 26, inclusive.