

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 861
Judiciary

(Delegate Clippinger)

Independent Adoption – Consent of Petitioner’s Spouse

This bill repeals a requirement that, unless specified circumstances exist, the spouse of a petitioner in an independent adoption proceeding must join in the petition. The bill instead requires (unless the specified circumstances exist) the petitioner’s spouse to consent in writing to the petition. The provisions may not be construed to confer any rights or impose any responsibilities of a parent on the petitioner’s spouse.

Fiscal Summary

State Effect: The bill is procedural in nature and does not directly affect State finances or operations.

Local Effect: The bill is procedural in nature and does not directly affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: Statutory provisions establish a process by which any adult or minor may be adopted in an independent adoption (one without the use of a child placement agency). Any adult may petition a court for adoption. If a petitioner is married, the petitioner’s spouse must join in the petition unless the spouse (1) is separated from the petitioner under a circumstance that gives the petitioner a ground for annulment or divorce; (2) is not competent to join in the petition; or (3) is a parent of the prospective adoptee and has consented to the adoption in accordance with statutory provisions. If the marital status of a

petitioner changes before entry of an order, the petitioner must amend the petition accordingly.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 20, 2022
km/lgc

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