

Department of Legislative Services
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 243
Judiciary

(Delegate Boyce)

Judicial Proceedings

Family Law - Adoption of an Adult

This bill establishes that specified provisions of law regarding adoptions – including those requiring the issuance and service of a show cause order on a prospective adoptee’s parents and for a petitioner’s spouse to join in the petition for adoption (subject to limited exception) – do not apply if the prospective adoptee is an adult. The bill also (1) specifies that a court may order – *only on a showing of good cause* – specified investigations prior to ruling on an adoption petition if the prospective adoptee is an adult; (2) establishes that parental consent to an adoption is not required if the prospective adoptee is an adult; and (3) authorizes, but does not require, a petitioner’s spouse to join the petition for adoption if the adoptee is an adult.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: In an independent adoption case, if a petitioner is married, the petitioner’s spouse must join in the petition, subject to limited exceptions (*e.g.*, the spouse is separated from the petitioner under certain circumstances, etc.). 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.

Subject to limited exception, before ruling on a consensual adoption petition, a court may order a court investigator or child placement agency to conduct any investigation that the court considers necessary. For a nonconsensual adoption petition, the court must order a court investigator or child placement agency to investigate and submit a report that summarizes specified information, including the prospective adoptee's emotional ties with and feelings toward the prospective adoptee's parents.

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 age 10, the prospective adoptee consents; or
- the court orders adoption without consent as allowed by statute (circumstances when a parent affirmatively withholds consent by filing a notice of objection).

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 214 of 2024 and HB 1117 of 2023.

Designated Cross File: None.

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

Fiscal Note History: First Reader - January 29, 2025
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