

Written Testimony in support of
HB0861 Independent Adoption – Consent of Petitioner’s Spouse

Thank you to the Judiciary committee, in particular to the drafters of the bill.

My name is Marla Zide, I am a family law attorney, wife and was once the legal stepmother of two amazing ladies, Savannah and Juliette.

In July 2008, I married a wonderful man named Jeff. During our wedding ceremony, I made a vow/pledge to Jeff’s beautiful daughters who were 6 and just turned 8. I vowed that I would honor them and accept them as the children of my heart. Of course, it was not anything “legal”, but I believed it and it was a promise from my heart.

A little over two years later, Jeff died suddenly of a heart attack. The girls were then 8 and just turned 10 years old. Over the past 11.5 years, I have honored my vow and I am grateful for the relationship that I have with them both. For all intents and purposes, we are family. They consider my parents their grandparents.

Five years ago, I was married to a wonderful human who also accepted these incredible children of my heart.

Not too long ago, the girls asked why I did not adopt them, and I explained to them, that legally, I could not because I am married, and their mom is still living. Trying to explain the law that is in place requiring a spouse to join an adoption petition is complicated. Why is something so simple so complicated by a statute? The bottom line is that the way that the statute is written, it prevents me from legally adopting the children of my heart because I am married to someone to who is not their biological parent. The way that the law is written prevents me from leaving property to the children of my heart in the same manner as I would be able to do if they were legally related to me. It also prevents them from inheriting from my parents in the same way as my sister’s daughter can.

Whatever the intent of the legislature was years ago, it can be changed by a simple clarification in the law. The way that the revised bill is drafted allows for a Petition to be filed, by an unrelated person and simply requires the knowing consent of the spouse. The statute only creates a legal relationship between the person adopting and the person being adopted, not the spouse.

As a family law attorney, I have a client whose Petition for Adoption is pending before the Circuit Court and has yet to be set in for a hearing despite the consent of the biological mother and the adult adoptee having been filed with the Court. This case involves a scenario different from my own. In this case, the potential adoptive parent raised the adult adoptee since the age of 2. The adoptee’s biological mother was divorced from the biological father and had sole physical and legal custody of the adoptee. The biological father paid no support for the adoptee and had no contact with the adoptee until the adoptee turned 18. The biological mother and the potential adoptive parent jointly raised the adoptee since she was 2. The potential adoptive parent has

emotionally and financially supported the adoptee since they were a toddler. The potential adoptive parent and the biological mother have not been in a romantic relationship since the child was in their early teens. The potential adoptive parent is currently legally married. The spouse of the potential adoptive parent cannot join the petition because both legal parents are still living. The biological mother consents to the adoption. The adult adoptee consents to the adoption. The spouse has signed, under penalties of perjury that spouse consents to the adult adoptee being adopted by the potential adoptive parent, their spouse.

The irony of both cases is that if either myself or my client were to get a divorce, we could proceed with the adoptions and then re-marry our spouses after the adoption is legal. It seems a lot easier and more convenient to our judicial system that the statute be changed so that we could proceed while still married and with the knowing consent of our spouses.

Submitted by:

Marla Zide, Esquire
Law Office of Marla Zide, LLC
7310 Ritchie Highway, Suite 1001
Glen Burnie, MD 21061