



Family Law – Adoption of an Adult

Testimony of Judge Jennifer Fairfax
in Support of
Adoption of an Adult – House Bill 214

Chairman, Members of the Committee:

Thank you for the opportunity to offer my written testimony in support of HB214, the legislation known as Family Law – Adoption of an Adult.

My name is Jennifer Fairfax. I am a Judge for the Circuit Court of Montgomery County, Maryland. I was appointed to the bench by Governor Wes Moore on September 8, 2023, after owning my own Family Formation Law Firm for the prior 16 years. Throughout my career, I focused in the areas of adoption and ART law. I am licensed in District of Columbia, Maryland, and Virginia. During my career as a private attorney, I had the honor of representing adoptive parents, adoptees and expecting parents who are making adoption plans (often referred to as birth parents) albeit never in the same case. As a Judge, I will be honored and humbled to hear and rule on adoption cases in the coming years.

The Judiciary supports this Bill and I am testifying on behalf of the Judiciary bringing over two decades of experience as a former private adoption attorney to the conversation. I handled hundreds of adult adoptions across the region and want to note that in Virginia and the District of Columbia there are specific statutory provisions for adult adoptions that do not require notice or consent of the prospective adoptees legal (birth or adoptive) parents consistent with this proposed legislation. In addition, it was my experience as a practitioner that adult adoptions in Maryland were often three times as expensive due to the notice requirement and often took almost a year to complete compared to a few months in other jurisdictions. In a significant number of cases the legal parent was not known, had been abusive, or could not be located. Many times I would have to explain to adult adoptees or their prospective adoptive parents (often step-parents, foster parents, guardians or other adults who served as the adoptees parent figure for most of their life) the “notice” and “consent” requirement in Maryland and it would dissuade them from proceeding despite having strong emotional bonds with the

prospective adoptive parent and pursuing the adoption for reasons related to those emotional relationships as well as inheritance and estate planning. There are so many positive and sound reasons adults seek to have their parental figures adopt them and it was often disheartening when they did not proceed because of the financial burden and/or the trauma it would cause them in engaging with or finding their legal parent.

As a member of the bench, I believe each Judge would review any adoption carefully and would, if there were concerns related to motivation or any other issue, order an investigation or inquire of the Parties or adoptee at a hearing on the matter before ruling on the Petition. I know from experience as a practitioner and member of the bench that each Judge views adoptions as incredibly special hearings. I believe every Judge who felt there was good cause to order an investigation would do so and when that is not the case, grant adoptions that give adult adoptees the closure and hope they need to have the best life possible.

Respectfully,

/s/

Jennifer Fairfax