

HOUSE BILL 1117

D4

3lr2055

By: **Delegate Boyce**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Adoption of an Adult**

3 FOR the purpose of establishing that certain provisions of law requiring the issuance and
4 service of a show-cause order on a prospective adoptee's parents do not apply if the
5 prospective adoptee is an adult; prohibiting certain investigations from being
6 performed before a court rules on certain adoption petitions involving a prospective
7 adoptee who is an adult; establishing that parental consent to an adoption is not
8 required if the prospective adoptee is an adult; and generally relating to the adoption
9 of an adult.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 5–3B–15, 5–3B–16, and 5–3B–20
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2022 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Family Law**

18 5–3B–15.

19 (a) **(1)** Subsection (b) of this section does not apply to an adoption by a spouse
20 of the prospective adoptee's parent or a relative of the prospective adoptee.

21 **(2) THE PROVISIONS OF THIS SECTION REQUIRING THE ISSUANCE**
22 **AND SERVICE OF A SHOW-CAUSE ORDER ON A PROSPECTIVE ADOPTEE'S PARENTS**
23 **DO NOT APPLY IF THE PROSPECTIVE ADOPTEE IS AN ADULT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) A court shall issue a show-cause order that includes advice as to the parent's rights to:

(1) have independent counsel; and

(2) receive adoption counseling and guidance.

(c) On issuance of a show-cause order as to a prospective adoptee, a petitioner shall serve the order:

(1) on each of the prospective adoptee's living parents who has not consented to the adoption; and

(2) if the prospective adoptee is at least 10 years old and has not consented to the adoption, on the prospective adoptee.

(d) Service under this section shall be by:

(1) personal service; or

(2) certified mail, restricted delivery, return receipt requested.

(e) Service under this section shall be attempted at the parent's last address known to the petitioner.

(f) (1) If a court is satisfied, by affidavit or testimony, that, after reasonable efforts in good faith, a petitioner could not identify a parent or could not effect service on a parent, the court shall order service through notice by publication as to that parent.

(2) Notice under this subsection shall consist of substantially the following statement:

To: (Father's name) To: (Mother's name) To: Unknown parent "You are hereby notified that an adoption case has been filed in the circuit court for (county name), case no. (number). All persons who believe themselves to be parents of a (male or female) child born on (date of birth) in (city, state) to (mother's and father's names and dates of birth) shall file a written response. A copy of the show-cause order may be obtained from the clerk's office at (address) and (telephone number). If you do not file a written objection by (deadline), you will have agreed to the permanent loss of your parental rights to this child."

(3) Service under this subsection shall be by:

(i) publication at least once in one or more newspapers in general circulation in the county where the petition is filed or, if different, where the parent's last address known to the petitioner is located; and

(ii) posting for at least 30 days on a website of the Department.

(4) The Department may charge a petitioner a reasonable fee to cover the cost of posting.

5-3B-16.

(a) Except as provided in § 5-3B-27 of this subtitle **AND SUBSECTION (C) OF THIS SECTION**, before ruling on a consensual adoption petition under § 5-3B-20(1) of this subtitle, a court may order a court investigator or child placement agency to conduct any investigation that the court considers necessary.

(b) [Before] **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, BEFORE** ruling on a nonconsensual adoption petition under §§ 5-3B-20(2) and 5-3B-22 of this subtitle, a court shall order a court investigator or an appropriate child placement agency to investigate and submit a report that includes summaries of:

(1) the prospective adoptee's emotional ties with and feelings toward the prospective adoptee's parents, the prospective adoptee's siblings, and others who may affect the prospective adoptee's best interests significantly; and

(2) the prospective adoptee's adjustment to:

(i) community;

(ii) home; and

(iii) school.

(C) INVESTIGATIONS UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION MAY NOT BE PERFORMED WHEN THE PROSPECTIVE ADOPTEE IS AN ADULT.

5-3B-20.

(A) A court may enter an order for adoption only if:

(1) (i) 1. each of the prospective adoptee's living parents consents:

A. in writing; or

B. by failure to timely file notice of objection after being served with a show-cause order in accordance with this subtitle;

2. 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

1 3. parental rights have been terminated in compliance with
2 the laws of a state or other jurisdiction, as described in § 5–3B–04 of this subtitle; and

3 (ii) if the prospective adoptee is at least 10 years old, the prospective
4 adoptee consents; or

5 (2) in accordance with § 5–3B–22 of this subtitle, the court orders adoption
6 without consent otherwise required under this section.

7 **(B) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, PARENTAL**
8 **CONSENT TO AN ADOPTION IS NOT REQUIRED IF THE PROSPECTIVE ADOPTEE IS AN**
9 **ADULT.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2023.