

A014-0910

10 ACT CONCERNING
20 Family Law – Adoption – Revocation of Consent

30 FOR the purpose of ensuring the protection of investments, emotional and otherwise, of
40 Marylanders willing to adopt children; altering the length of time allowed to elapse during
50 which consenting parties are able to revoke consent.

60 BY repealing, and reenacting, with amendments
70 Article – Family Law
80 Title 5 – Adoption
90 Section § 5-339

100 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the
110 laws of Maryland read as follows:

130 § 5-339

140 (a) (1) Consent of a parent to an adoption under this Part III of this subtitle may include:
150 (i) a provision barring a petitioner from learning identifying information about the parent;
160 and,
170 (ii) a waiver of the right to notice of further proceedings under this Part III of this
subtitle.

180 ~~(2) Consent to adoption entered into before a judge on the record shall include a waiver of~~
190 ~~the revocation period.~~

200 (3) Consent of a party to an adoption under this Part III of this subtitle is not valid unless:

210 (i) the consent is given in a language that the party understands;
220 (ii) if given in a language other than English, the consent:
230 1. is given before a judge on the record; or
240 2. is accompanied by the affidavit of a translator stating that the translation of the
250 document of consent is accurate;
260 (iii) the consent names the child;
270 (iv) the consent contains enough information to identify the prospective adoptive parent;
280 (v) the party has received written notice or on the record notice of:
290 1. the revocation provisions in subsections ~~(a)(2)~~ and (b)(1) of this section;
300 2. the search rights of adoptees and parents under § 5-359 of this subtitle and the
310 search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and
320 3. the right to file a disclosure veto under § 5-359 of this subtitle; and
330 (vi) the consent is accompanied by an affidavit of counsel appointed under § 5-307(a) of
340 this subtitle, stating that a parent who is a minor or has a disability consents knowingly
350 and voluntarily.

360 ~~(b) (1) Subject to paragraph (2) of this subsection, a parent may revoke consent to adoption~~
370 ~~under this Part III of this subtitle at any time within the later of:~~

380 ~~(i) 30 days after the parent signs the consent; or~~
390 ~~(ii) 30 days after the adoption petition is filed.~~

400 (B) (1) A PARENT MAY REVOKE CONSENT ONLY IF:

420 (I) THE ADOPTIVE PARENT(S) PROVE TO BE LEGALLY UNFIT, OR ELSE HAVE A
430 DRAMATIC NEGATIVE CHANGE OF LIVING, MENTAL, OR FINANCIAL STATE WHICH
440 MAY PROVE HARMFUL TO THE WELL BEING OF THE ADOPTEE.

450 ~~(2) consent to adoption under subsection (a)(2) of this section is irrevocable.~~

460 (c) A local department may revoke consent to an adoption under this Part III of this subtitle at
470 any time before a juvenile court enters an order of adoption under this Part III of this
480 subtitle.

490 (d) A child may revoke consent or object to an adoption under this Part III of this subtitle at any
500 time before a juvenile court enters an order of adoption under this Part III of this subtitle

510 MANDATES
520 Martin O'Malley, Governor of Maryland
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540 Michael Busch, Speaker of the House
550 Thomas V. Mike Miller, President of the Senate
560 Kumar Barve, House Majority Leader
570 Anthony O'Donnell, House Minority Leader
580 Edward Kasemeyer, Senate Majority Leader
590 David Brinkley, Senate Minority Leader

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