

IN THE SUPREME COURT OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its Two Hundred and Eighteenth Report to the Supreme Court of Maryland, recommending proposed amendments to Rules 9-102, 9-103, 9-105, 9-106, 9-107, 9-112, and 11-319 of the Maryland Rules of Procedure; and

This Court having considered the proposed Rules changes, together with comments received, at an open meeting, notice of which was posted as prescribed by law, making on its own motion certain amendments to the proposed Rules changes, and finding that exigent circumstances exist with reference to the effective date of the proposed Rules changes, it is this 17th day of November, 2023

ORDERED, by the Supreme Court of Maryland, that amendments to Rules 9-102, 9-103, 9-105, 9-106, 9-107, 9-112, and 11-319 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the Rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their

attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after November 20, 2023 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be posted promptly on the website of the Maryland Judiciary.

/S/Matthew J. Fader
Matthew J. Fader

/S/Shirley M. Watts
Shirley M. Watts

/S/Michele D. Hotten
Michele D. Hotten

/S/Brynja M. Booth
Brynja M. Booth

/S/Jonathan Biran
Jonathan Biran

/S/Steven B. Gould
Steven B. Gould

/S/Angela M. Eaves
Angela M. Eaves

Filed: November 17, 2023

/S/ Gregory Hilton

Gregory Hilton, Clerk

Supreme Court of Maryland

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-102 by making stylistic changes in subsection (c) (2) (C), as follows:

Rule 9-102. CONSENTS; REVOCATION OF CONSENT

. . .

(c) Revocation of Consent

. . .

(2) Procedure for Revocation of Consent

. . .

(C) Notice

The court shall send to all parties, ~~including~~ and the person who revoked the consent, a copy of the revocation and notice of a hearing scheduled pursuant to subsection (c) (2) (D) of this Rule.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-103 by replacing references to "a party" with "an individual" in subsection (b)(1)(K); by altering a provision in section (d) pertaining to filing a document after the petition is filed; by adding to the tagline of section (e); by creating new subsection (e)(1) containing the current provisions of section (e), with amendments, and a new provision for submitting a document under seal; by adding new subsection (e)(2) governing sealing by agreement or motion; by adding a Committee note following subsection (e)(2); by adding new subsection (e)(3) requiring the clerk to make a docket entry regarding the filing; and by making stylistic changes, as follows:

Rule 9-103. PETITION

(a) Titling of Case

A proceeding shall be titled "In re Adoption/Guardianship of _____ "(first name and first initial of last name of prospective adoptee or ward)."

(b) Petition for Adoption

(1) Contents

A petition for adoption shall be signed and verified by each petitioner and shall contain the following information:

(A) The name, address, age, business or employment, and employer of each petitioner;

(B) The name, sex, and date and place of birth of the person to be adopted;

(C) The name, address, and age of each parent of the person to be adopted;

(D) Any relationship of the person to be adopted to each petitioner;

(E) The name, address, and age of each child of each petitioner;

(F) A statement of how the person to be adopted was located (including names and addresses of all intermediaries or surrogates), attaching a copy of all advertisements used to locate the person, and a copy of any surrogacy contract;

Committee note: If the text of an advertisement was used verbatim more than once, the requirement that a copy of all advertisements be attached to the petition may be satisfied by attaching a single copy of the advertisement, together with a list of the publications in which the advertisement appeared and the dates on which it appeared.

(G) If the person to be adopted is a minor, the names and addresses of all persons who have had legal or physical care, custody, or control of the minor since the minor's birth and the period of time during which each of those persons has had care,

custody, or control, but it is not necessary to identify the names and addresses of foster parents, other than a petitioner, who have taken care of the minor only while the minor has been committed to the custody of a child placement agency;

(H) If the person to be adopted is a minor who has been transported from another state to this State for purposes of placement for adoption, a statement of whether there has been compliance with the Interstate Compact on the Placement of Children (ICPC);

(I) If applicable, the reason why the spouse of the petitioner is not joining in the petition;

(J) If there is a guardian with the right to consent to adoption for the person to be adopted, the name and address of the guardian and a reference to the proceeding in which the guardian was appointed;

(K) Facts known to each petitioner that may indicate that ~~a party~~ an individual has a disability that makes ~~a party~~ an individual incapable of consenting or participating effectively in the proceedings, or, if no such facts are known to the petitioner, a statement to that effect;

(L) Facts known to each petitioner that may entitle the person to be adopted or a parent of that person to the appointment of an attorney by the court;

(M) If a petitioner desires to change the name of the person to be adopted, the name that is desired;

(N) As to each petitioner, a statement whether the petitioner has ever been convicted of a crime other than a minor traffic violation and, if so, the offense and the date and place of the conviction;

(O) That the petitioner is not aware that any required consent has been revoked; and

(P) If placement pending final action on the petition is sought in accordance with Code, Family Law Article, § 5-3B-12, a request that the court approve the proposed placement.

(2) Exhibits

(A) Except for an adoption pursuant to Code, Family Law Article, § 5-3B-27, the following documents shall accompany the petition as exhibits:

(i) A certified copy of the birth certificate or "proof of live birth" of the person to be adopted;

(ii) A certified copy of the marriage certificate of each married petitioner;

(iii) A certified copy of all judgments of divorce of each petitioner;

(iv) A certified copy of any death certificate of a person whose consent would be required if that person were living;

(v) A certified copy of all orders concerning temporary custody or guardianship of the person to be adopted;

(vi) A copy of any existing adoption home study by a licensed child placement agency concerning a petitioner, criminal background reports, or child abuse clearances;

(vii) A document evidencing the annual income of each petitioner;

(viii) The original of all consents to the adoption, any required affidavits of translators or attorneys, and, if available, a copy of any written statement by the consenting person indicating a desire to revoke the consent, whether or not that statement constitutes a valid revocation;

Cross reference: See Code, Family Law Article, §§ 5-331, 5-338, and 5-339 as to a Public Agency Adoption without Prior TPR; 5-345, 5-350, and 5-351 as to a Public Agency Adoption after TPR; 5-3A-13, 5-3A-18, and 5-3A-19 as to a Private Agency Guardianship; 5-3A-35 as to a Private Agency Adoption; and 5-3B-20 and 5-3B-21 as to an Independent Adoption.

(ix) If applicable, proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a state or other jurisdiction; a certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws; and any appropriate translation of documents required to allow the child to enter the United States;

Cross reference: See Code, Family Law Article, §§ 5-305, 5-331, and 5-338 as to a Public Agency Adoption without Prior TPR;

5-305 and 5-345 as to a Public Agency Adoption after TPR; 5-3A-05, 5-3A-13, and 5-3A-18 as to a Private Agency Guardianship; 5-3A-05 as to a Private Agency Adoption; and 5-3B-04 and 5-3B-20 as to an Independent Adoption.

(x) If a parent of the person to be adopted cannot be identified or located, an affidavit of each petitioner and the other parent describing the attempts to identify and locate the unknown or missing parent;

Cross reference: See Code, Family Law Article, §§ 5-331 and 5-334 as to a Public Agency Adoption without Prior TPR and 5-3B-15 as to an Independent Adoption.

(xi) A copy of any agreement between a parent of the person to be adopted and a petitioner relating to the proposed adoption with any required redaction;

Cross reference: See Code, Family Law Article, §§ 5-308 and 5-331 as to a Public Agency Adoption without Prior TPR; 5-308 and 5-345 as to a Public Agency Adoption after TPR; 5-3A-08 as to a Private Agency Adoption; and 5-3B-07 as to an Independent Adoption.

(xii) If the adoption is subject to the Interstate Compact on the Placement of Children, the appropriate ICPC approval forms;

Cross reference: Code, Family Law Article, § 5-601.

(xiii) A brief statement of the health of each petitioner signed by a physician or other health care provider if applicable; and

(xiv) If required, a notice of filing as prescribed by Code, Family Law Article:

(1) § 5-331 in a Public Agency Adoption without Prior TPR; or

(2) § 5-345 in a Public Agency Adoption after TPR.

(B) If the petition is filed pursuant to Code, Family Law Article, § 5-3B-27 by the spouse of the prospective adoptee's mother or an individual who consented to the prospective adoptee's conception by means of assisted reproduction, the following documents shall accompany the petition as exhibits:

(i) A certified copy of the petitioner's and prospective adoptee's mother's marriage certificate or evidence of the parties' shared express intent to become parents of the child by means of assisted reproduction, including a copy of any written agreement consenting to the conception of the prospective adoptee by means of assisted reproduction;

(ii) A certified copy of the prospective adoptee's birth certificate;

(iii) A statement explaining the circumstances of the prospective adoptee's conception in detail sufficient to identify any individual who may be entitled to notice or whose consent may be required under this subtitle;

(iv) The original of all consents to the adoption, any required affidavits of translators or attorneys, and, if available, a copy of any written statement by the consenting

person indicating a desire to revoke the consent, whether or not that statement constitutes a valid revocation; and

(v) An affidavit of counsel for a child, if the child is represented;

Cross reference: Code, Family Law Article, § 5-3B-27.

(C) The following documents shall be filed before a judgment of adoption is entered:

(i) Any post-placement report relating to the adoption, if applicable;

Cross reference: See Code, Family Law Article, §§ 5-337 as to a Public Agency Adoption without Prior TPR; 5-349 as to a Public Agency Adoption after TPR; 5-3A-31 and 5-3A-34 as to a Private Agency Adoption; and 5-3B-16 as to an Independent Adoption.

(ii) A brief statement of the health of the child by a physician or other health care provider;

(iii) If required by law, an accounting of all payments and disbursements of any money or item of value made by or on behalf of each petitioner in connection with the adoption;

Cross reference: Code, Family Law Article, § 5-3B-24 as to an Independent Adoption.

(iv) An affidavit of counsel for a parent, if required by Code, Family Law Article:

(1) §§ 5-307 and 5-339 in a Public Agency Adoption without Prior TPR;

(2) §§ 5-3A-07 and 5-3A-19 in a Private Agency Guardianship; or

(3) §§ 5-3B-06 and 5-3B-21 in an Independent Adoption;

(v) An affidavit of counsel for a child, if the child is represented;

Cross reference: See Code, Family Law Article, §§ 5-307 and 5-338 as to a Public Agency Adoption without Prior TPR; 5-307 and 5-350 as to a Public Agency Adoption after TPR; 5-3A-07 and 5-3A-35 as to a Private Agency Adoption; and 5-3B-06 and 5-3B-20 as to an Independent Adoption.

(vi) If the adoption is subject to the Interstate Compact on the Placement of Children, the required post-placement form;

(vii) A proposed judgment of adoption; and

(viii) A Maryland Department of Health Certificate of Adoption Form.

Cross reference: Code, Health-General Article, § 4-211 (f).

(c) Petition for Guardianship

A petition for guardianship shall state all facts required by subsection (b)(1) of this Rule, to the extent that the requirements are applicable and known to the ~~petition~~ petitioner. It shall be accompanied by all documents required to be filed as exhibits by subsection (b)(2) of this Rule, to the extent the documents are applicable. The petition shall also state the license number of the child placement agency.

Cross reference: See, Code, Family Law Article, § 5-3A-13 as to a Private Agency Guardianship.

(d) If Facts Unknown or Documents Unavailable

If a fact required by subsection (b)(1) or section (c) of this Rule is unknown to a petitioner or if a document required by subsection (b)(2) or section (c) is unavailable, the petitioner shall so state and give the reason in the petition or in a subsequent affidavit. If a document required to be submitted with the petition becomes available after the petition is filed, the petitioner shall ~~file it~~ ensure that the document is filed as soon as it becomes available.

(e) Disclosure of Facts Known or Documents Available to Child Placement Agency

(1) Filing by Agency

If any fact required by subsection (b)(1) of this Rule to be stated is known to a child placement agency, and the agency declines to disclose it to a petitioner, the agency shall disclose the fact to the court in writing under seal at the time the petition is filed. If any document required to be submitted with the petition under subsection (b)(2) of this Rule is available to the child placement agency, and the agency declines to provide the document to the petitioner, the agency shall provide the document to the court under seal.

(2) Agreement or Motion

A submission under this section shall be accompanied either by (A) a written agreement by the agency and the parties to seal the submission or (B) a motion to seal.

Committee note: Parties may agree at the outset of a proceeding that certain information and documents will be filed under seal. See Rule 20-201 (d).

(3) Docketing

The clerk shall make a docket entry of a filing under this section.

Source: This Rule is derived in part from former Rule D72, in part from former Rule D80, and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-105 by replacing certain references to "party" with "individual" in the Rule title, the tagline of section (b), and throughout that section; by correcting a statutory reference in the tagline of subsection (a)(3); by clarifying in subsection (b)(1) that the parties may agree that a parent or prospective adoptee who is not represented has a disability that prevents the individual from consenting or participating effectively; by requiring in subsection (b)(2)(C) that the court provide notice of a hearing to all parties and the alleged disabled individual; and by making stylistic changes in subsection (c)(2), as follows:

Rule 9-105. SHOW CAUSE ORDER; DISABILITY OF ~~A PARTY~~ AN INDIVIDUAL; OTHER NOTICE

(a) Requirement for Show Cause Order

Promptly upon the filing of a petition for adoption or guardianship, the court shall issue a show cause order in substantially the form set forth in section (e) of this Rule when required by Code, Family Law Article:

(1) § 5-334 in a Public Agency Adoption without Prior TPR;

(2) § 5-3A-15 in a Private Agency Guardianship;

(3) ~~§ 5-3B-14~~ § 5-3B-15 in an Independent Adoption.

If the petition seeks adoption of a minor, the show cause order shall not divulge the name of the petitioner. If the petition seeks appointment of a guardian, the show cause order shall state the name of the child placement agency seeking guardianship.

(b) Appointment of Attorney for Disabled ~~Party~~ Individual

(1) If the parties agree that a ~~party~~ parent or prospective adoptee who is not represented has a disability that makes ~~the party~~ that individual incapable of consenting or participating effectively in the proceeding, the court shall appoint an attorney who shall represent the disabled ~~party~~ individual throughout the proceeding.

(2) If there is a dispute as to whether a ~~party~~ an individual who is not represented has a disability that makes the ~~party~~ individual incapable of consenting or participating effectively in the proceeding, the court shall:

(A) hold a hearing promptly to resolve the dispute;

(B) appoint an attorney to represent the alleged disabled ~~party~~ individual at that hearing;

(C) provide notice of that hearing to all parties and the alleged disabled individual; and

(D) if the court finds at the hearing that the ~~party~~ individual has such a disability, appoint an attorney who shall represent the disabled ~~party~~ individual throughout the proceeding.

Cross reference: See Code, Family Law Article, §§ 5-307 as to a Public Agency Adoption without Prior TPR; 5-3A-07 as to a Private Agency Guardianship; and 5-3B-06 as to an Independent Adoption. For eligibility of an individual for representation by the Office of the Public Defender, see Code, Family Law Article, § 5-307 and Code, Criminal Procedure Article, § 16-204.

(c) Service of Show Cause Order

(1) Method of Service

The show cause order shall be served on those persons and in the manner required by Code, Family Law Article:

(A) § 5-334 in a Public Agency Adoption without Prior TPR;

(B) § 5-3A-15 in a Private Agency Guardianship; or

(C) § 5-3B-15 in an Independent Adoption.

(2) Time for Service

Unless the court orders otherwise, a show cause order shall be ~~service~~ served within 90 days after the date it is issued. If service is not made within the period, a new show cause order shall be issued at the request of the ~~petition~~ petitioner.

(3) Notice of Objection

A show cause order shall be served with two copies of a pre-captioned notice of objection form in substantially the form

set forth in section (f) of this Rule. In a public agency adoption, a copy of the petition shall be attached.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-106 by replacing "party" with "individual" in section (a), as follows:

Rule 9-106. APPOINTMENT OF ATTORNEY - ATTORNEY AFFIDAVIT - INVESTIGATION

(a) Appointment of Attorney

The court shall appoint an attorney for ~~a party~~ an individual when required by Code, Family Law Article:

- (1) § 5-307 in a Public Agency Adoption without Prior TPR;
- (2) § 5-307 in a Public Agency Adoption after TPR;
- (3) § 5-3A-07 in a Private Agency Guardianship;
- (4) § 5-3A-07 in a Private Agency Adoption; or
- (5) § 5-3B-06 in an Independent Adoption.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-107 by adding to section (a) a provision pertaining to a request for access to records, by adding to sections (c) and (d) a reference to a child placement agency, by adding to section (c) a requirement that the clerk serve a request for access to case records, by adding new subsection (d) (1) containing the current provisions of section (d), by adding new subsection (d) (2) pertaining to a response to a request for access to records, by adding a Committee note following subsection (d) (2), by adding to section (f) a provision that the court may not enter an order under that section until after the time for filing responses under subsections (d) (1) and (d) (2) has expired, by clarifying in section (f) that an order under that section may restrict or place conditions on access to certain papers filed in the proceeding, by adding a Committee note following section (f), and by making stylistic changes, as follows:

Rule 9-107. OBJECTION

(a) In General

Any person having a right to participate in a proceeding for adoption or guardianship may file a notice of objection to the adoption or guardianship. The notice may include a statement of the reasons for the objection and a request for the appointment of an attorney. The notice may be accompanied by a request for access to case records.

Cross reference: See Rule 9-105 for Form of Notice of Objection.

(b) Time for Filing Objection

(1) In General

Except as provided by subsections (b) (2) and (b) (3) of this Rule, any notice of objection to an adoption or guardianship shall be filed within 30 days after the show cause order is served.

(2) Service Outside of the State

If the show cause order is served outside the State but within the United States, the time for filing a notice of objection shall be within 60 days after service.

(3) Service Outside of the United States

If the show cause order is served outside the United States, the time for filing a notice of objection shall be within 90 days after service.

(4) Service by Publication in a Newspaper and on Website

If the court orders service by publication, the deadline for filing a notice of objection shall be not less than 30 days from the later of (A) the date that the notice is published in a newspaper of general circulation or (B) the last day that the notice is published on the Maryland Department of Human Services website.

(c) Service

The clerk shall serve a copy of any notice of objection and any request for access to case records on all parties and, if applicable, the child placement agency in the manner provided by Rule 1-321.

(d) Response

(1) Standing and Timeliness

Within 10 days after being served with a notice of objection, any party or, if applicable, the child placement agency may file a response challenging the standing of the person to file the notice or the timeliness of the filing of notice.

(2) Access to Records

Within 10 days after being served with a request for access to case records, any party or, if applicable, the child placement agency may file a response identifying papers in the proceeding as to which the party requests that the court deny

access or place conditions on access in an order entered pursuant to section (f) of this Rule.

Committee note: Examples of papers as to which the court may deny access or impose conditions, such as redaction, regarding access that is granted include financial records, personal identifying information, and a home study conducted by a child placement agency.

(e) Hearing

If any party files a response, the court shall hold a hearing promptly on the issues raised in the response.

(f) Determination; Access to Records

After expiration of the time to file any response under subsections (d) (1) and (d) (2), as applicable, if the court determines that shall (1) determine whether the person filing the notice of objection has standing to do so and that whether the notice of objection is was timely filed, it shall and (2) if so and a request for access to records was filed, enter an order permitting the person to inspect the all or certain specified papers filed in the proceeding. subject to An order permitting inspection may include reasonable conditions imposed in the order on access to papers as to which inspection is permitted.

The court may amend an order entered pursuant to this section at any time on its own initiative or on request of a party.

Committee note: When MDEC system limitations for electronically filed papers cannot prevent access in excess of that which is ordered by the court under section (f) of this Rule, the order should specify provisions for facilitating the permitted access. Examples of such provisions include requiring a party or child

placement agency to provide a redacted document to the court and requiring the clerk to provide access to a paper copy of the redacted document and each additional specified document or part thereof as to which inspection is permitted.

Source: This Rule is derived in part from former Rule D76 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; PRIVATE AGENCY GUARDIANSHIP

AMEND Rule 9-112 by adding new section (a) clarifying who is considered a party for the purpose of access to records; by adding a Committee note following new section (a); by re-lettering current sections (a) and (b) as (b) and (c), respectively; by adding "and Indices" to the tagline of section (b); by altering a provision in new section (b) pertaining to access to docket entries and indices; by adding "shielding and" to the tagline of new section (c); by creating new subsection (c) (1) containing updated provisions pertaining to shielding of records and access by a person filing a notice of objection; by adding a cross reference following subsection (c) (1); by creating new subsection (c) (2) (A) pertaining to sealing of records in guardianship proceedings; by creating new subsection (c) (2) (B) pertaining to sealing of records in adoption proceedings; by relocating a provision pertaining to adoption records prior to June 1, 1947 to new subsection (c) (3); by adding new subsection (c) (4) pertaining to inspection of sealed records; by adding a cross reference following subsection (c) (4); and by making stylistic changes, as follows:

Rule 9-112. COURT RECORDS

(a) Party

For purposes of this Rule, "party" includes (1) a petitioner, (2) the prospective adoptee, (3) in a Private Agency Guardianship or Private Agency Adoption, the agency, and (4) in a Public Agency Adoption after TPR or Public Agency Adoption without Prior TPR, the local department to which the prospective adoptee is committed.

Committee note: Unless the prospective adoptee's parent is also a petitioner, the parent is not a party to a proceeding under this Chapter except as provided by Code, Family Law Article, § 5-301 in a Public Agency Adoption without Prior TPR.

~~(a)~~ (b) Dockets and Indices

The clerk shall keep separate dockets for (1) adoption and guardianship proceedings and (2) revocations of consent to adoption or guardianship for which there are no pending adoption or guardianship proceedings in that county. These dockets are not open to inspection by any person, ~~including the parents,~~ except upon order of court, but docket entries in a proceeding shall be open to inspection by the parties to the proceeding. If the court maintains a non-electronic index to a docket that is kept apart from the docket itself, the index ~~is~~ shall be open to public inspection.

~~(b)~~ (c) Shielding and Sealing of Records

(1) Shielding of Records

All pleadings and other papers in adoption and guardianship proceedings shall be ~~sealed~~ shielded from public inspection when they are filed. Unless otherwise ordered by the court, and subject to Rule 9-103 (e) and subsection (c) (2) of this Rule, pleadings and other papers shall be open to inspection by parties to a proceeding. If a person files a notice of objection pursuant to Rule 9-107, the person's access to pleadings and papers filed in the proceeding is governed by the court's order entered pursuant to Rule 9-107 (f).

Cross reference: See Rule 16-914 (a), requiring denial of public inspection of case records in actions for adoption, guardianship, or revocation of consent to adoption or guardianship filed under this Chapter. See Rule 20-109 concerning remote access.

(2) Sealing of Records

(A) Guardianship Records

The case file for a guardianship proceeding shall be sealed and not open to inspection by any person, including the parties, upon the later of (i) 30 days after termination of the proceeding pursuant to Code, Family Law Article, § 5-3A-25 or, (ii) if an appeal is taken, dismissal of the appeal or exhaustion of appellate review.

(B) Adoption Records

Except as otherwise provided in subsections (c) (3) and (c) (4) of this Rule, the case file for an adoption proceeding shall be sealed and are not open to inspection by any person,

~~including the parents, except upon an order of court the parties, upon the later of (i) 30 days after entry of a judgment of adoption or, (ii) if an appeal is taken, dismissal of the appeal or exhaustion of appellate review. If a final decree of adoption was entered before June 1, 1947 and the record is not already sealed, the record may be sealed only on motion of a party. The~~ When an adoption becomes final, the clerk shall notify send notice of that event to each person entitled to notice that the adoption has been finalized.

Cross reference: See Code, Health - General Article, § 4-211, concerning the amendment and replacement of birth certificates following adoption and the requirement that the clerk transmit to the Maryland Department of Health a report of adoption or revocation of adoption.

(3) Adoption Records Prior to June 1, 1947

If a final decree of adoption was entered before June 1, 1947 and the record is not already sealed, the record may be sealed only on motion of a party.

(4) Inspection of Sealed Records

Sealed records of guardianship and adoption proceedings shall remain sealed and not be open to inspection except upon order of court.

Cross reference: See Code, Family Law Article, Title 5, Subtitle 3, Part V; Subtitle 3A, Part IV; and Subtitle 3B, Part III concerning access to records relating to an adoptee.

Source: This Rule is derived from former Rule D80 a and c and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 11 - JUVENILE CAUSES

CHAPTER 300 - GUARDIANSHIP TERMINATING PARENTAL RIGHTS

AMEND Rule 11-319 by adding "public" to the cross reference following subsection (b) (1), by replacing "all pleadings and other papers" with "the case file" in subsection (b) (2), and by making stylistic changes, as follows:

Rule 11-319. COURT RECORDS

(a) Dockets

The court shall keep a separate docket for guardianship proceedings, which shall be ~~confidential and~~ shielded from public inspection.

(b) Shielding and Sealing of Records

(1) Shielding of Records

All pleadings and other papers in guardianship proceedings shall be ~~confidential and~~ shielded from public inspection when they are filed.

Cross reference: See Rule 16-914 (a) requiring denial of public inspection of case records in actions for guardianship filed under this Chapter and Rule 20-109 concerning remote access.

(2) Sealing of Records

~~All pleadings and other papers~~ The case file shall be sealed and not open to inspection by any person, including a

parent, upon the later of (A) 30 days after the guardianship action is closed, or (B) if an appeal is taken, dismissal of the appeal or exhaustion of appellate review.

Cross reference: See Code, Family Law Article, § 5-328 and Rule 11-318 concerning termination of guardianship proceedings and a court order closing the guardianship action.

(3) Inspection of Sealed Records

Sealed records of guardianship proceedings shall remain sealed and not be ~~opened for~~ open to inspection except upon order of court.

Cross reference: See Code, Family Law Article, Title 5, Subtitle 3, Part V concerning access to records relating to an adoptee.

Source: This Rule is derived from Rule 9-112 and is in part new.