

IN THE COURT OF APPEALS 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 One Hundred Fifty-Seventh Report to the Court recommending thereby certain proposed Rules changes, as set forth in that Report published in the *Maryland Register*, Vol. 34, Issue 2, pages 74-135 (January 19, 2007); and

This Court by Rules Order filed May 8, 2007, having adopted, with certain amendments made on the Court's own motion, the Rules changes proposed in the One Hundred Fifty-Seventh Report, except the proposed amendments to Rules 1-101, 9-101, 9-102, 9-103, 9-104, 9-105, 9-106, 9-107, 9-108, 9-109, 9-110, 9-111, 9-112, and 9-113 and proposed new Forms 9-102.1, 9-102.2, 9-102.3, 9-102.4, 9-102.5, 9-102.6, 9-102.7, 9-102.8, 9-102.9, and 9-102.10, consideration of which was deferred pending further study; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, the deferred proposed rules changes, together with the comments received, and making certain amendments to the proposed rules changes on its own motion, it is this 4th day of June, 2007,

ORDERED, by the Court of Appeals of Maryland, that amendments to Rules 1-101, 9-101, 9-102, 9-103, 9-104, 9-105, 9-106, 9-107, 9-108, 9-109, 9-110, 9-111, 9-112, and 9-113 and new Forms 9-102.1, 9-102.2, 9-102.3, 9-102.4, 9-102.5, 9-102.6, 9-102.7, 9-102.8, 9-102.9, and 9-102.10 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 the 1st day of July, 2007, and insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

/s/ Robert M. Bell

Robert M. Bell

/s/ Irma S. Raker

Irma S. Raker

/s/ Dale R. Cathell

Dale R. Cathell

/s/ Glenn T. Harrell, Jr.

Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

Lynne A. Battaglia

/s/ Clayton Greene, Jr.

Clayton Greene, Jr.

Filed: June 4, 2007

/s/ Alexander L. Cummings

Clerk
Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING

PARENTAL RIGHTS

TABLE OF CONTENTS

Rule 9-101. APPLICABILITY; DEFINITIONS

- (a) Applicability
- (b) Definitions
 - (1) Independent Adoption
 - (2) Private Agency Adoption
 - (3) Private Agency Guardianship
 - (4) Public Agency Adoption after TPR
 - (5) Public Agency Adoption without Prior TPR
 - (6) Public Agency Guardianship
 - (7) TPR

Rule 9-102. CONSENTS; REVOCATION OF CONSENT

- (a) Consents Generally Required
- (b) Form of Consents, Affidavits of Attorneys, and Disclosure Vetoes
 - (1) Consent of Parent
 - (2) Consent of Child to Adoption
 - (3) Attorney Affidavit
 - (4) Disclosure Vetoes
- (c) Revocation of Consent
 - (1) Time for Revocation of Consent
 - (A) By Parent
 - (B) By Adoptee
 - (C) By Public or Private Agency or Guardian
 - (2) Procedure for Revocation of Consent
 - (A) By Parent - Delivery to Clerk
 - (B) By Agency, Guardian, or Adoptee
 - (C) Notice
 - (D) Court Hearing Upon Revocation of Consent

Rule 9-103. PETITION

- (a) Titling of Case

- (b) Petition for Adoption
 - (1) Contents
 - (2) Exhibits
- (c) Petition for Guardianship
- (d) If Facts Unknown or Documents Unavailable
- (e) Disclosure of Facts Known to Child Placement Agency

Rule 9-104. NOTICE OF FILING OF PETITION; STATUS CONFERENCE

- (a) Notice of Filing of Petition
- (b) Status Conference

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

- (a) Requirement for Show Cause Order
- (b) Appointment of Attorney for Disabled Party
- (c) Service of Show Cause Order
 - (1) Method of Service
 - (2) Time for Service
 - (3) Notice of Objection
- (d) Notice of Change of Name
- (e) Form of Show Cause Order
- (f) Form of Notice of Objection
- (g) Form of Notice for Service by Publication and Posting

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

- (a) Appointment of Attorney
- (b) Payment of Attorney's Fees
- (c) Affidavit of Attorney
 - (1) With a Parental Consent
 - (2) With a Consent of a Prospective Adoptee
- (d) Investigation by Court
 - (1) Optional
 - (2) Mandatory
 - (3) Recommendation of Investigator
 - (4) In Writing

Rule 9-107. OBJECTION

- (a) In General
- (b) Time for Filing Objection
 - (1) In General
 - (2) Service Outside of the State
 - (3) Service Outside of the United States

- (4) Service by Publication in a Newspaper and on Website
- (c) Service
- (d) Response
- (e) Hearing
- (f) Access to Records

Rule 9-108. TEMPORARY CUSTODY

Rule 9-109. HEARING ON MERITS

- (a) Requirement
 - (1) Generally
 - (2) Guardianship
- (b) Adoption
 - (1) Persons Present at Hearing
 - (2) Considerations
 - (3) Findings by the Court

Rule 9-110. ACCOUNTING REPORT

- (a) Duty to File
- (b) Contents

Rule 9-111. JUDGMENT OF ADOPTION OR GUARDIANSHIP

- (a) Time
- (b) Information from Other Court
- (c) Supplemental Report
- (d) Change of Name
- (e) Spouse of Parent

Rule 9-112. COURT RECORDS

- (a) Dockets
- (b) Sealing of Records

Rule 9-113. MEDICAL AND MENTAL HEALTH HISTORY

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-101 by adding new section (a), "Applicability," and by revising the applicable definitions as follows:

Rule 9-101. APPLICABILITY; DEFINITIONS

(a) Applicability

~~The words "child placement agency," "disability," "father," and "guardianship" as used in Rules 9-101 through 9-113 have the meanings stated in Code, Family Law Article, §5-301. In addition, the word "parent" includes the biological mother, a "natural father" as defined in Code, Family Law Article, §5-310, the biological father or one claiming to be the biological father who does not meet the criteria of §5-310, and a person who is a child's parent by reason of a previous adoption. The Rules in this Chapter apply to proceedings under Code, Family Law Article, Title 5, Subtitles 3 (Guardianship to and Adoption through Local Department), 3A (Private Agency Guardianship and Adoption), and 3B (Independent Adoption).~~

Committee note: ~~This Rule does~~ The Rules in this Chapter do not apply to the guardianship of persons and property of minors and disabled persons governed by Code, Estates and Trusts Article, §13-101 et seq.

(b) Definitions

The terms used in this Chapter that are defined in Code,

Family Law Article, Titles 1 and 5 shall have the meanings stated in those Titles. In addition, in this Chapter, the following definitions apply except as expressly otherwise provided or as necessary implication requires.

(1) Independent Adoption

"Independent Adoption" means an adoption under Code, Family Law Article, Title 5, Subtitle 3B.

(2) Private Agency Adoption

"Private Agency Adoption" means an adoption under Code, Family Law Article, Title 5, Subtitle 3A, Part III.

(3) Private Agency Guardianship

"Private Agency Guardianship" means a guardianship under Code, Family Law Article, Title 5, Subtitle 3A, Part II.

(4) Public Agency Adoption after TPR

"Public Agency Adoption after TPR" means an adoption under Code, Family Law Article, Title 5, Subtitle 3, Part IV, after termination of parental rights.

(5) Public Agency Adoption without Prior TPR

"Public Agency Adoption without Prior TRP" means an adoption under Code, Family Law Article, Title 5, Subtitle 3, Part III, without prior termination of parental rights.

(6) Public Agency Guardianship

"Public Agency Guardianship" means a guardianship under Code, Family Law Article, Title 5, Subtitle 3, Part II.

(7) TPR

"TPR" means termination of parental rights.

Source: This Rule is in part derived from former Rule D71 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-102 by deleting language from section (a), by updating the cross reference after section (a), by adding a new section (b) pertaining to certain forms, by relettering the Rule, by replacing the language in subsection (c)(1) with references to certain Code provisions, by conforming the provisions pertaining to revocation of a consent to statutory changes, by adding a new subsection (c)(2)(C) pertaining to notice, by deleting and adding language to subsection (c)(2)(D) pertaining to scheduling an immediate hearing upon revocation of a consent, and by deleting all forms from the Rule, as follows:

Rule 9-102. CONSENTS; ~~REQUESTS FOR ATTORNEY OR COUNSELING~~
REVOCATION OF CONSENT

(a) Consents Generally Required

Except when otherwise permitted, ~~by Code, Family Law Article, §5-312, §5-313, or §5-313.1,~~ a judgment of adoption or guardianship may not be entered without the consents prescribed by Code, Family Law Article, ~~§5-311 or §5-317 (c)(2).~~

Cross reference: ~~See Code, Family Law Article, §5-314 for provisions governing the validity of consents.~~ For provisions governing the authority to grant guardianships or adoptions and the validity of consents, see Code, Family Law Article, §§5-320 and 5-321 as to a Public Agency Guardianship; 5-338 and 5-339 as to a Public Agency Adoption without Prior TPR; 5-350 and 5-351 as

to a Public Agency Adoption after TPR; 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.

(b) Form of Consents, Affidavits of Attorneys, and Disclosure Vetoes

(1) Consent of Parent

If signed on or after July 1, 2007, the consent of a parent to a guardianship or to an adoption shall be substantially in the applicable form set forth at the end of this Title as Form 9-102.1 (Consent of Parent to a Public Agency Guardianship), Form 9-102.2 (Consent of Parent to a Private Agency Guardianship), Form 9-102.3 (Consent of Parent to a Public Agency Adoption without Prior TPR), Form 9-102.4 (Consent of Parent to an Independent Adoption with Termination of Parental Rights), or Form 9-102.5 (Consent of Parent to an Independent Adoption without Termination of Parental Rights).

(2) Consent of Child to Adoption

If signed on or after July 1, 2007, the consent of a child to an adoption shall be substantially in the applicable form set forth at the end of this Title as Form 9-102.6 (Consent of Child to a Public Agency Adoption or Private Agency Adoption) or Form 9-102.7 (Consent of Child to an Independent Adoption).

(3) Attorney Affidavit

When required and if signed on or after July 1, 2007, the affidavit by an attorney as to the validity of the consent of a parent to a guardianship or adoption or a child to an adoption shall be substantially in the applicable form set forth at the

end of this Title as Form 9-102.8 (Attorney Affidavit as to Consent of a Parent to a Public Agency Guardianship or Private Agency Guardianship), Form 9-102.9 (Attorney Affidavit as to Consent of a Parent to Adoption), or Form 9-102.10 (Attorney Affidavit as to Consent of a Child to Adoption).

Cross reference: See Rule 9-106 (c).

(4) Disclosure Vetoes

The disclosure vetoes that are required to be attached to the consent forms may be found on the website of the Maryland Department of Human Resources.

~~(b)~~ (c) Revocation of Consent

~~(1) Time for Revoking~~ Revocation of Consent

~~An individual to be adopted may revoke his or her consent at any time before entry of a judgment of adoption. Any other person or agency executing a required consent to an adoption or guardianship may revoke the consent within 30 days after the consent is signed.~~

(A) By Parent

The time for revocation of consent by a parent is as provided in Code, Family Law Article, §5-321 (Public Agency Guardianship), §5-339 (Public Agency Adoption without Prior TPR), §5-3A-19 (Private Agency Guardianship), and §5-3B-21 (Independent Adoption).

(B) By Adoptee

The time for revocation of consent by an adoptee is as provided in Code, Family Law Article, §5-339 (Public Agency

Adoption without Prior TPR), §5-351 (Public Agency Adoption after TPR), §5-3A-35 (Private Agency Adoption), and §5-3B-21 (Independent Adoption).

(C) By Public or Private Agency or Guardian

The time for revocation of consent by a public or private agency or guardian is as provided in Code, Family Law Article, §5-339 (Public Agency Adoption without Prior TPR), §5-351 (Public Agency Adoption after TPR), and §5-3A-35 (Private Agency Adoption).

(2) Procedure for ~~Revoking~~ Revocation of Consent

(A) By Parent - Delivery to Clerk

~~An individual~~ A parent may revoke a consent to an adoption or guardianship only by a signed writing actually delivered by mail or in person to the clerk of the circuit court designated in the consent to receive the revocation. If the revocation is delivered to an agent of a public or private agency, the agent shall deliver the revocation promptly to the court.

(B) By Agency, Guardian, or Adoptee

An agency, ~~entitled to~~ guardian, or adoptee may revoke a consent to an adoption ~~may do so (A) by (i) in person or through counsel on the record at the a hearing required by Rule 9-109 or (B) (ii) in a writing signed by the executive head of the agency, the guardian, or the adoptee and filed with the court. If the revocation is delivered to an agent of a public or private agency, the agent shall deliver the revocation promptly to the~~

court.

Cross reference: Rule 9-112.

(C) Notice

The court shall send to all parties, including 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.

~~(3) (D) Action by Court Hearing Upon Revocation of Consent~~

~~If a consent is revoked pursuant to this Rule, the court shall (A) schedule a hearing within three days to determine the status of the petition and temporary custody of the child, (B) determine the immediate custody of the child pending that hearing, and (C) send to all parties and all persons who previously consented to the adoption or guardianship, including the person who revoked the consent, a copy of the revocation, notice of the immediate custody determination, and notice of the scheduled hearing. This subsection does not apply to actions governed by Code, Family Law Article, §5-312, §5-313, or §5-313.1~~
schedule an immediate hearing to determine the status of the petition and, if necessary, temporary custody of the child.

~~Cross reference: Code, Family Law Article, §§5-311 and 5-317.~~

~~(c) Form of Consent of Parent to Adoption~~

~~The consent of a parent to an adoption shall be in substantially the following form.~~

~~CONSENT TO ADOPTION/GUARDIANSHIP~~

~~OR~~

~~REQUEST FOR ATTORNEY OR COUNSELING~~

~~1. Name.~~

~~My name is _____.~~

~~2. Age and Competence.~~

~~My date of birth is _____ and I am capable of understanding what this consent means.~~

~~3. Status as Parent. Check all that apply.~~

~~(a) I am [] the mother [] the father (or) [] alleged to be the father of _____, born on _____, _____ at _____, _____ (name of hospital or address of birthplace) in _____ (city, state, and county of birth).~~

~~(b) I was married to the mother of the child [] at the time of conception [] at the time the child was born.~~

~~4. RIGHT TO ATTORNEY.~~

~~I understand that:~~

~~(a) The court will appoint an attorney for me if I am under 18 years of age or if, because of a disability, I am incapable of consenting to the adoption/guardianship or of effectively participating in the adoption/guardianship proceeding.~~

~~(b) Even if I am not entitled to a court-appointed attorney, I am entitled to consult an attorney chosen by me. If this is a~~

~~consent to an adoption, the adoptive parents may agree to pay all or part of the attorney's fees on my behalf and, if this is an independent adoption (that is, where an agency is not involved), the court may order the adoptive parents to do so.~~

~~(c) If I choose to seek the appointment or advice of an attorney, I cannot now consent to the adoption/guardianship and this Consent Form will be ineffective as a consent.~~

~~**Check one of the following statements:**~~

~~I do not want an attorney.~~

~~I already have an attorney whose name, address, and~~

~~telephone number are _____~~

~~_____.~~

~~(Name) _____ (Address) _____ (Telephone Number) _____~~

~~I want an attorney.~~

~~**5. OPTION OF ADOPTION COUNSELING.**~~

~~I understand that, if this is an independent adoption, I have the option of receiving adoption counseling and guidance for which a court may require the adoptive parents to pay. I also understand that if I choose to seek such counseling or guidance, I cannot now consent to the adoption and this Consent Form will be ineffective as a consent to adoption.~~

~~**Check one of the following statements:**~~

~~I do not want adoption counseling and guidance.~~

~~I am already receiving or have received adoption~~

~~counseling and guidance.~~

~~[] I want adoption counseling and guidance.~~

~~[IF A REQUEST IS MADE FOR AN ATTORNEY OR FOR YOU CHECKED THAT YOU WANT ADOPTION COUNSELING AND GUIDANCE, SIGN HERE AND DO NOT COMPLETE THE REST OF THIS FORM]~~

(Date)

(Signature)

(Address)

(Telephone Number)

~~6. COMPENSATION.~~

~~I understand that by Maryland law I am not allowed to receive compensation of any kind for the placement of my child, except that reasonable and customary charges or fees for hospital or medical or legal services may be paid on my behalf.~~

~~7. ACCESS TO BIRTH AND ADOPTION RECORDS.~~

~~I understand that when my child is at least 21 years old, my child or I or my child's other biological parent may apply to the Secretary of Health and Mental Hygiene for access to certain birth and adoption records. If I do not want information about me to be disclosed, I have the right to prevent disclosure by filing a disclosure veto. I acknowledge receiving a copy of the Maryland Code, Family Law Article, Title 5, Subtitle 3A and a form that I may use if I want to file a disclosure veto.~~

(Initials)

~~(This paragraph applies to adoptions finalized on or after
January 1, 2000.)~~

~~8. ADOPTION SEARCH, CONTACT, AND REUNION SERVICES.~~

~~I understand that when my child is at least 21 years old, my
child or I or my child's other biological parent may apply to the
Director of the Social Services Administration of the Department
of Human Resources for adoption search, contact, and reunion
services. By my initials, I acknowledge receiving a copy of the
Maryland Code, Family Law Article, Title 5, Subtitle 4B.~~

(Initials)

~~9. EFFECT OF CONSENT.~~

~~I UNDERSTAND THAT, BY SIGNING THIS CONSENT, I AGREE TO THE
CONTENTS OF IT, AND THAT, UNLESS THIS IS A STEPPARENT ADOPTION IN
WHICH MY (HUSBAND)(WIFE) IS PROPOSING TO ADOPT MY CHILD, I AM
GIVING UP ALL RIGHTS, DUTIES, AND OBLIGATIONS WITH RESPECT TO MY
CHILD AND ALL RIGHTS TO PARTICIPATE IN ANY PROCEEDING FOR
ADOPTION OR GUARDIANSHIP OF MY CHILD.~~

~~10. RIGHT TO REVOKE CONSENT -- LIMITATIONS.~~

~~I understand that the only way in which I can revoke this
consent is by delivering my revocation to the following person:~~

~~Clerk of the Circuit Court for _____
(Name of County)~~

~~Attention: Adoption Clerk~~

(Address and Telephone Number of Court)

~~**in writing** no later than _____ ,~~
which is 30 days from the date I sign this consent, that my
consent is revoked. The revocation must be signed by me and
should contain my printed name and address and, to the extent
known, the name, sex, and date of birth of my child.

~~I understand that revocation by telephone or other oral
conversation or by writing to anyone other than the person named
above will not constitute a valid revocation. I understand that I
may deliver my written revocation by mail or in person, but if it
is not received by the clerk by the date stated above, it will
not constitute a valid revocation.~~

~~11. **CONSENT.**~~

~~Having read carefully all of the above statements (**check one
of the following statements**):~~

~~I freely, voluntarily, and unequivocally consent to the
adoption of my child by _____ and _____
or the person or persons whose name(s) is/are unknown to
me, but known to the court. I further consent that
the prospective adoptive parents may have immediate and
temporary custody of my child.~~

~~I freely, voluntarily, and unequivocally consent to a
judgment appointing _____ as the guardian of my
child, with the right of the guardian to consent to~~

~~adoption or long-term care short of adoption.~~

~~12. WAIVER OF NOTICE OF ADOPTION OR GUARDIANSHIP~~

~~PROCEEDING.~~

~~I understand that, based on this Consent, a petition for adoption or guardianship will be filed in court and that I have the right to be notified when the petition is filed and of further proceedings concerning the guardianship or adoption. I also understand that I may waive my right to notice.~~

~~Check one of the following statements:~~

~~I waive notice of all proceedings concerning the adoption or guardianship, including entry of judgment. I understand that a court representative may nonetheless contact me in connection with these proceedings.~~

~~I want to receive notice of the filing of the petition but waive notice of all further proceedings concerning the adoption or guardianship. I understand that notice will be sent to the address given by me on this form unless I advise the clerk of the court stated in Paragraph 10 of this Consent, in writing, of a change in my address.~~

~~I want to receive notice of the filing of the petition and of further proceedings concerning the adoption or guardianship until my parental rights have been terminated. I understand that notice will be sent to the address given by me on this form unless I advise the clerk of the court stated in Paragraph 10 of this Consent, in~~

~~writing, of a change in my address.~~

~~13. I acknowledge that I have read this Consent or have had it read to me, that I understand it, and that I have received a copy of the signed Consent to keep. I further acknowledge that no one has persuaded me to sign this consent or any other form or paper regarding this adoption or guardianship against my will.~~

~~I solemnly affirm under the penalties of perjury that the contents of the foregoing Consent Form are true to the best of my knowledge, information, and belief.~~

(Date)

(Signature)

(Address)

(Telephone Number)

~~(d) Form of Consent of Person to be Adopted~~

~~The consent of a person to be adopted shall be in substantially the following form.~~

~~CONSENT TO ADOPTION~~

~~OR~~

~~REQUEST FOR ATTORNEY~~

~~1. Name.~~

~~My name is _____.~~

~~2. Age and Place of Birth.~~

~~(a) I am at least 10 years old. My date of birth is _____
_____.~~

~~(b) I was born at _____

(name of hospital or address of birthplace)
in _____
(city, state, and county of birth).~~

~~3. Right to Attorney.~~

~~I understand that:~~

~~(a) The court will appoint an attorney for me if (i) because of a disability, I am incapable of consenting to the adoption or of effectively participating in the adoption proceeding or (ii) my adoption or guardianship would involuntarily terminate the parental rights of at least one of my parents.~~

~~(b) Even if the court is not required to appoint an attorney for me, if I am under 18 years of age the court may nevertheless appoint an attorney for me.~~

~~(c) If I choose to seek the appointment or advice of an attorney, I cannot now consent to the adoption and this Consent Form will be ineffective as a consent.~~

~~**Check one of the following statements:**~~

~~I do not want an attorney.~~

~~I already have an attorney whose name, address, and~~

~~telephone number are _____~~

~~_____

(Name) (Address) (Telephone Number)~~

~~{ } I want an attorney.~~

~~[IF A REQUEST IS MADE FOR AN ATTORNEY, SIGN HERE AND DO NOT COMPLETE THE REST OF THIS FORM]~~

~~(Date)~~

~~(Signature)~~

~~(Address)~~

~~(Telephone Number)~~

~~4. Access to Birth and Adoption Records.~~

~~I understand that when I am at least 21 years old, my biological parents or I may apply to the Secretary of Health and Mental Hygiene for access to certain birth and adoption records. If I do not want information about me to be disclosed, I have the right to prevent disclosure by filing a disclosure veto when I am at least 20 years old. I acknowledge receiving a copy of the Maryland Code, Family Law Article, Title 5, Subtitle 3A and a form that I may use if I want to file a disclosure veto.~~

~~(Initials)~~

~~(This paragraph applies to adoptions finalized on or after January 1, 2000.)~~

~~5. Adoption Search, Contact, and Reunion Services.~~

~~I understand that when I am at least 21 years old, my biological parents or I may apply to the Director of the Social Services Administration of the Department of Human Resources for adoption search, contact, and reunion services. I acknowledge~~

~~receiving a copy of the Maryland Code, Family Law Article, Title 5, Subtitle 4B.~~

~~_____~~
~~_____~~
~~(Initials)~~

~~6. Effect of Consent and Adoption~~

~~I understand that, by signing this Consent, I agree to the contents of it. I also understand that, if a court enters a judgment of adoption, I will become the child of the persons who adopt me and I will no longer be the legal child of any parent whose parental relationship to me is terminated by the judgment.~~

~~7. Right to Revoke Consent - Limitations~~

~~I understand that the only way in which I can revoke this Consent is by delivering my revocation to the following person:~~

~~Clerk of the Circuit Court for _____~~
~~(Name of County)~~

~~Attention: Adoption Clerk~~

~~_____~~
~~(Address and Telephone Number of Court)~~
~~_____~~

~~in writing, prior to entry of a judgment of adoption by a court, that my consent is revoked. The revocation must be signed by me and should contain my printed name, address, sex, date of birth, and the names of my parents or guardian.~~

~~I understand that revocation by telephone or other oral conversation or by writing to anyone other than the person named above will not constitute a valid revocation. I understand that I may deliver my written revocation by mail or in person, but if~~

~~it is not received by the clerk prior to entry of a judgment of adoption by a court, it will not constitute a valid revocation.~~

~~8. Consent~~

~~Having read carefully all of the above statements, I freely, voluntarily, and unequivocally consent to being adopted by~~

~~_____ and _____~~

~~and (if applicable) I consent to the change of my name to~~

~~_____.~~

~~9. Waiver of Notice of Adoption Proceeding~~

~~I understand that, based on this Consent, a petition for adoption will be filed in court and that I have the right to be notified when the petition is filed and of further proceedings concerning the adoption. I also understand that I may waive my right to notice.~~

~~**Check one of the following statements:**~~

~~I waive notice of all proceedings concerning the adoption, including entry of judgment. I understand that a court representative may nonetheless contact me in connection with these proceedings.~~

~~I want to receive notice of the filing of the petition but waive notice of all further proceedings concerning the adoption. I understand that notice will be sent to the address given by me on this form unless I advise the clerk of the court stated in Paragraph 7 of this Consent, in writing, of a change in my address.~~

~~{ } I want to receive notice of the filing of the petition and of further proceedings concerning the adoption. I understand that notice will be sent to the address given by me on this form unless I advise the clerk of the court stated in Paragraph 7 of this Consent, in writing, of a change in my address.~~

~~10. I acknowledge that I have read this Consent or have had it read to me in a language that I understand, that I understand it, and that I have received a copy of the signed Consent to keep. I further acknowledge that no one has persuaded me to sign this consent or any other form or paper regarding this adoption against my will.~~

~~I solemnly affirm under the penalties of perjury that the contents of the foregoing consent form are true to the best of my knowledge, information, and belief.~~

~~_____
(Date) _____ (Signature)~~

~~_____
(Address)~~

~~_____
(Telephone Number)~~

Source: This Rule is derived in part from former Rule D73 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING

PARENTAL RIGHTS

AMEND Rule 9-103 by changing the titling of a case in section (a); by adding the word "effectively" to subsection (b)(1)(K); by updating a statutory reference in subsection (b)(1)(P); by modifying subsection (b)(2)(A)(vi) to delete language pertaining to a "pre-placement report" and to add language pertaining to an "adoption home study," "criminal background reports," and "child abuse clearances;" by adding language pertaining to "affidavits of translators or attorneys" and an expanded cross reference to subsection (b)(2)(A)(viii); by adding a new subsection (b)(2)(A)(ix) pertaining to proof of guardianship or relinquishment of parental rights; by adding a cross reference after subsection (b)(2)(A)(ix); by adding a new cross reference after subsection (b)(2)(A)(x); by adding language to subsection (b)(2)(A)(xi) pertaining to redaction of language in adoption agreements; by adding a cross reference after subsection (b)(2)(A)(xi); by adding the phrase "if applicable" to subsection (b)(2)(A)(xiii); by adding subsection (b)(2)(A)(xiv) pertaining to a notice of filing; by adding the phrase "if applicable" to subsection (b)(2)(B)(i); by adding a cross reference after subsection (b)(2)(B)(i); by updating the cross reference after subsection (b)(2)(B)(iii), by deleting language

in subsection (b)(2)(B)(iv) and adding references to certain Code sections; by adding a new subsection (b)(2)(B)(v) pertaining to an affidavit of counsel; by updating the cross reference after subsection (b)(2)(B)(v); by updating the cross reference after section (c); by deleting section (e); and by relettering certain sections and subsections; as follows:

Rule 9-103. PETITION

(a) Titling of Case

~~Except as otherwise provided in Rule 9-105, a proceeding shall be titled, "In the matter of the Petition of _____~~

~~_____~~

~~(name of petitioner(s))~~

~~for the Adoption of [a Minor] [an Adult], " or "In the matter of the Petition of _____~~

~~_____~~

~~(name of petitioner(s))~~

~~for Guardianship with Right to Consent to Adoption or Long-Term Care Short of Adoption," as the case may be.~~

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 has a disability that makes the party 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, ~~§5-507 (c)~~ §5-3B-12, a request that the court approve the proposed placement.

(2) Exhibits

(A) 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 ~~pre-placement report~~ 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, §§~~5-311~~ §§5-313, 5-320, and 5-321 as to a Public Agency Guardianship; 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, 5-313, and 5-320 as to a Public Agency Guardianship; 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.

~~(ix)~~ (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.

~~(x)~~ (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.

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

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

~~(xii)~~ (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) §5-313 in a Public Agency Guardianship;

(2) §5-331 in a Public Agency Adoption without Prior TPR; or

(3) §5-345 in a Public Agency Adoption after TPR.

(B) 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: See Code, Family Law Article, ~~§5-327 (c)~~ §5-3B-24 as to an Independent Adoption.

(iv) An affidavit of counsel for a parent, if ~~any, for a~~ ~~minor parent or parent under a disability attesting to the~~ ~~voluntariness of the parent's consent~~; required by Code, Family Law Article:

(1) §§5-307 and 5-321 in a Public Agency Guardianship;

(2) §§5-307 and 5-339 in a Public Agency Adoption

without Prior TPR;

(3) §§5-3A-07 and 5-3A-19 in a Private Agency

Guardianship; or

(4) §§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, ~~§5-314 (b)~~ §§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.

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

~~(vi)~~ (vii) A proposed judgment of adoption; and

~~(vii)~~ (viii) A Department of Health and Mental Hygiene 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 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, ~~§5-317 (b)~~ §§5-313 as to a Public Agency Guardianship and 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 as soon as it becomes available.

~~(e) Judgment from Foreign Country~~

~~When a judgment of adoption or guardianship is sought pursuant to Code, Family Law Article, §5-313.1, an exemplified copy of the judgment granted by the foreign jurisdiction shall be filed with the petition.~~

~~Committee note: For exemplification procedure, see Federal Rule of Civil Procedure 44 (a)(2).~~

~~(f)~~ (e) Disclosure of Facts Known to Child Placement 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 at the time the petition is filed.

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; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-104 by deleting the text of the existing Rule, by adding a new section (a) referring to certain Code sections, and by adding a new section (b) pertaining to a status conference, as follows:

Rule 9-104. NOTICE TO ~~CONSENTING PERSONS~~ OF FILING OF PETITION; STATUS CONFERENCE

~~(a) Upon the filing of a petition for adoption or guardianship, the court shall send a notice of the filing to each person whose parental rights have not previously been terminated and who, pursuant to Rule 9-102, has consented to the adoption or guardianship but has requested notice of the filing of the petition. If the person has also requested notice of further proceedings concerning the adoption or guardianship, the court shall send notice of any hearing to be held prior to the entry of a judgment terminating that person's parental rights and of the entry of any judgment terminating those parental rights.~~

~~(b) Notice under this Rule shall be sent by first class mail to the address given on the consent form unless the person has, in writing, provided a new address.~~

~~(c) The sending of notice pursuant to this Rule does not~~

~~affect the consent signed by the person or give the person any standing to participate in the action.~~

(a) Notice of Filing of Petition

Notice of the filing of a petition for guardianship or adoption shall be given as required by Code, Family Law Article:

- (1) §5-315 in a Public Agency Guardianship;
- (2) §5-333 in a Public Agency Adoption without Prior TPR;
- (3) §5-346 in a Public Agency Adoption after TPR;
- (4) §5-3A-14 in a Private Agency Guardianship;
- (5) §5-3A-30 in a Private Agency Adoption; and
- (6) §5-3B-14 in an Independent Adoption.

(b) Status Conference

In a public agency guardianship or adoption, at the time the notice of filing is sent, the court shall schedule a status conference no later than 60 days after the filing of the petition.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-105 by deleting language from and adding language to section (a) referring to certain Code provisions; by deleting existing subsection (a)(2); by deleting existing section (b) and adding a new section (b) pertaining to the appointment of an attorney for a disabled party; by adding a cross reference after section (b); by deleting existing section (c); by relettering certain sections; by modifying the service provisions in relettered section (c) to refer to certain Code provisions; by adding to relettered subsection (c)(3) language that includes a reference to attaching a copy of the petition in certain proceedings; by deleting existing section (f); by revising the form of the show cause order to clarify it and conform it to statutory changes; by making stylistic changes to the notice of objection/request for appointment of attorney form and conforming it to statutory changes; by adding a new section (g) referring to certain Code provisions for the form of notice for service by publication and posting, and by deleting a certain Committee note, as follows:

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

(a) Requirement for Show Cause Order

~~(1) Generally~~

~~Promptly ~~Upon~~ upon the filing of a petition for adoption or guardianship, the court shall ~~enter~~ issue a show cause order in substantially the form set forth in section ~~(h)~~ (e) of this Rule ~~unless all parties entitled to service of the show cause order under section (b) of this Rule have consented to the adoption or guardianship when required by Code, Family Law Article:~~~~

~~(1) §5-316 in a Public Agency Guardianship;~~

~~(2) §5-334 in a Public Agency Adoption without Prior TPR;~~

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

~~(4) §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.

~~(2) (b) Determination of Disability of a Appointment of Attorney for Disabled Party~~

~~If the petition alleges facts that indicate that a party has a disability, the court shall (A) appoint an attorney for the party if the party is not represented, (B) set a prompt hearing to determine whether the party has a disability that makes the party incapable of consenting or participating in the proceeding, and (C) cause subpoenas to be issued and served upon the petitioner and the party requiring their attendance at the hearing.~~

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

(2) If there is a dispute as to whether a party who is not represented has a disability that makes the party 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 at that hearing;

(C) provide notice of that hearing to all parties; and

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

Cross reference: See Code, Family Law Article, §§5-307 as to a Public Agency Guardianship; 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, Article 27A, §4.

~~(b) Persons to be Served~~

~~(1) In Adoption Proceeding~~

~~(A) Subject to paragraphs (1)(B), (1)(C), (1)(D), and (1)(E) of this section, if the petition seeks adoption, the show cause order shall be served on (i) the person to be adopted, if the person is 10 years old or older; (ii) the parents of the~~

~~person to be adopted; and (iii) any other person the court directs to be served.~~

~~(B) If the parental rights of the parents of the person to be adopted have been terminated by a judgment of guardianship with the right to consent to adoption, service shall be on the guardian instead of the parents.~~

~~(C) If an attorney has been appointed to represent a parent or the person to be adopted, service shall be on the attorney instead of the parent or person to be adopted.~~

~~Cross reference: See Rule 9-106 (a) concerning appointment of attorney.~~

~~(D) If a person to be adopted has been adjudicated to be a child in need of assistance in a prior juvenile proceeding and the court is satisfied by affidavit or testimony that the petitioner has made reasonable good faith efforts to serve the show cause order on the person's parent by both certified mail and private process at the addresses specified in Code, Family Law Article, §5-322 (b) and at any other address actually known to the petitioner as one where the parent may be found, the court shall order notice to that parent by publication pursuant to section (c) of this Rule.~~

~~(E) The show cause order need not be served on a person who has executed a written consent pursuant to Rule 9-102.~~

~~(2) In a Guardianship Proceeding~~

~~(A) Subject to paragraphs (2)(B), (2)(C), and (2)(D) of this section, if the petition seeks guardianship, the show cause~~

~~order shall be served on (i) the parents of the person for whom a guardian is to be appointed and (ii) any other person that the court directs to be served.~~

~~(B) If an attorney has been appointed to represent a parent or the person for whom a guardian is to be appointed, service shall be on the attorney instead of the parent or person for whom a guardian is to be appointed.~~

~~(C) If a person for whom a guardian is to be appointed has been adjudicated to be a child in need of assistance in a prior juvenile proceeding and the court is satisfied by affidavit or testimony that the petitioner has made reasonable good faith efforts to serve the show cause order on the person's parent by both certified mail and private process at the addresses specified in Code, Family Law Article, §5-322 (b) and at any other address actually known to the petitioner as one where the parent may be found, the court shall order notice to that parent by publication pursuant to section (c) of this Rule.~~

~~(D) The show cause order need not be served on a person who has executed a written consent pursuant to Rule 9-102.~~

~~(c) Method of Service~~

~~Except as otherwise provided in this Rule, the show cause order shall be served in the manner provided by Rule 2-121. If the court is satisfied by affidavit or testimony that the petitioner or a parent, after reasonable efforts made in good faith, has been unable to ascertain the identity or whereabouts of a parent entitled to service under section (b) of this Rule,~~

~~the court may order, as to that parent, that the show cause order be published at least one time in one or more newspapers of general circulation published in the county in which the petition is filed and, if different, in the county of that parent's last known address. When a show cause order is published, unless the court orders otherwise, the show cause order shall identify the individual who is the subject of the proceeding only as "a child born to" followed by the name of any known parent of the child and shall set forth the month, year, county, and state of the child's birth, to the extent known.~~

~~Cross reference: See Code, Family Law Article, §5-322 (e), setting forth the efforts necessary to support a finding that a reasonable, good faith effort has been made by a local department of social services to locate a parent.~~

(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) §5-316 in a Public Agency Guardianship;

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

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

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

~~(d)~~ (2) Time for Service

~~Unless the court orders otherwise, a show cause order that is served in the manner provided by Rule 2-121 shall be served within 90 days after the date it is issued. If service is not made within that period, a new show cause order shall be issued~~

at the request of the petitioner.

~~(e)~~ (3) Notice of Objection

A show cause order ~~served pursuant to Rule 2-121~~ shall be ~~accompanied by~~ served with two copies of a pre-captioned notice of objection form in substantially the form set forth in section ~~(i)~~ (f) of this Rule. In a public agency guardianship or adoption, a copy of the petition shall be attached.

~~(f)~~ Additional Notice in a Guardianship

~~The petitioner in an action for guardianship of a child who has been adjudicated a child in need of assistance in a prior juvenile proceeding shall also send a copy of the petition and show cause order by first class mail to each attorney who represented a parent and to the attorney who represented the child in the juvenile proceeding.~~

~~(g)~~ (d) Notice of Change of Name

If the person to be adopted is an adult and the petitioner desires to change the name of the person to be adopted to a surname other than that of the petitioner, notice of a proposed change of name shall also be given in the manner provided in Rule 15-901.

~~(h)~~ (e) Form of Show Cause Order

Except as provided in section (g) of this Rule, The the show cause order shall be ~~in~~ substantially in the following form:

IMPORTANT

THIS IS A COURT ORDER. IF YOU DO NOT UNDERSTAND WHAT THE ORDER

SAYS, HAVE SOMEONE EXPLAIN IT TO YOU. YOUR RIGHT TO AN ATTORNEY IS EXPLAINED IN PARAGRAPH 3 OF THIS ORDER. **IF YOU DO NOT MAKE SURE THAT THE COURT RECEIVES YOUR NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE STATED IN PARAGRAPH 2 OF THIS ORDER, YOU HAVE AGREED TO A TERMINATION OF YOUR PARENTAL RIGHTS.**

~~IN THE MATTER OF A PETITION~~ _____ ~~IN THE~~

~~FOR~~ _____ ~~CIRCUIT COURT~~
~~(Adoption/Guardianship)~~ _____ ~~FOR~~

~~OF~~ _____
~~(Name of Individual who is~~ _____ ~~(County)~~
~~the Subject of the Proceeding)~~

_____ ~~(Docket Reference)~~

(Note to Drafter of Show Cause Order: For the form of the caption of the Show Cause Order, see Rule 9-103 (a).)

SHOW CAUSE ORDER

TO:

(Name of Person to be Served)

(Address, including County)

(Relationship of person served to individual who is the subject of the proceeding)

You are hereby notified that:

- 1. Filing of Petition.

A petition has been filed for _____
(Adoption/Guardianship)

of _____ who
(Name of individual who is the subject of the proceeding)

was born at _____ on _____.
(Birthplace) (Date of Birth)

(If the petition is for guardianship, include the following

sentence: The petition was filed by _____

_____.)
(Name of child placement agency seeking guardianship)

2. Right to Object; Time for Objecting

~~(A. This portion should be included when the show cause order is to be served pursuant to Rule 2-121.)~~

If you wish to object to the _____,
(Adoption/Guardianship)

you must file a notice of objection with the clerk of the court
at _____
(Address of Courthouse)

within _____ days after this Order is served on you. For
your convenience, a form notice of objection is attached to this
Order.

~~(B. This portion should be included when the show cause order is to be published or posted.)~~

If you wish to object to the _____
(adoption/guardianship)

~~you must file a notice of objection with the clerk of the court
on or before _____ at _____.
(date) (address of courthouse)~~

**WHETHER THE PETITION REQUESTS ADOPTION OR GUARDIANSHIP, IF YOU
DO NOT MAKE SURE THAT THE COURT RECEIVES YOUR NOTICE OF OBJECTION**

ON OR BEFORE THE DEADLINE STATED ABOVE, YOU HAVE AGREED TO A THE
TERMINATION OF YOUR PARENTAL RIGHTS.

3. Right to an Attorney

(a) You have the right to ~~consult~~ speak with an attorney and obtain independent legal advice.

(b) An attorney may already have been appointed for you ~~based on statements in the petition~~. If you have been notified that an attorney has been appointed ~~and has already contacted~~ for you, you should ~~consult~~ speak immediately with that attorney.

(c) If an attorney has not already contacted you, you may be entitled to have the court appoint an attorney for you if:

~~(1) you are the person to be adopted and:~~

~~(A) you are at least ten years old but are not yet 18;~~
or

~~(B) you are at least ten years old and have a disability that makes you incapable of consenting to the adoption or of participating effectively in the proceeding.~~

~~(2) you are the person to be adopted or the person for whom a guardian is sought and the proceeding involves the involuntary termination of the parental rights of your parents.~~

~~(3) you are a parent of the person to be adopted or for whom a guardian is sought and:~~

~~(A) you are under 18 years of age; or~~

~~(B) because of a disability, you are incapable of consenting to the adoption or guardianship or of participating effectively in the proceeding; or~~

~~(C) you object to the adoption and cannot afford to hire an attorney because you are indigent.~~

(Note to Drafter of Show Cause Order: Include only those of the following paragraphs that are applicable to the type of guardianship or adoption proceeding that has been filed.)

[In a Public Agency Guardianship:]

You are a parent of the person for whom a guardian is sought and:

(A) you are under 18 years of age; or

(B) you have a disability that makes you unable to participate effectively in the case; or

(C) you object to the guardianship and cannot afford to hire an attorney because you are indigent.

[In a Public Agency Adoption without Prior TPR:]

(1) You are the person to be adopted;

OR

(2) You are a parent of the person to be adopted and:

(A) you are under 18 years of age; or

(B) you have a disability that makes you unable to participate effectively in the adoption case; or

(C) you object to the adoption and cannot afford to hire an attorney because you are indigent.

[In a Public Agency Adoption after TPR:]

You are the person to be adopted.

[In a Private Agency Guardianship:]

You are a parent of the person for whom a guardian is sought and:

(A) you are under 18 years of age; or

(B) you have a disability that makes you unable to participate effectively in the case.

[In a Private Agency Adoption:]

You are the person to be adopted and:

(A) you are at least 10 years old but are not yet 18; or

(B) you have a disability that makes you unable to participate effectively in the adoption case.

[In an Independent Adoption:]

(1) You are the person to be adopted and:

(A) you are at least 10 years old; and

(B) you have a disability that makes you unable to participate effectively in the adoption case;

OR

(2) You are a parent of the person to be adopted and:

(A) you are under 18 years of age; or

(B) you have a disability that makes you unable to participate effectively in the adoption case.

IF YOU BELIEVE YOU ARE ENTITLED TO HAVE THE COURT APPOINT AN ATTORNEY FOR YOU AND YOU WANT AN ATTORNEY, YOU MUST NOTIFY THE COURT BEFORE THE TIME YOUR NOTICE OF OBJECTION MUST BE FILED. HOWEVER, EVEN IF YOU HAVE OR WANT TO HAVE AN ATTORNEY, YOU MUST

STILL FILE THE NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE
STATED IN PARAGRAPH 2 OF THIS ORDER. IF YOU DO NOT MAKE SURE
THAT THE COURT RECEIVES YOUR NOTICE OF OBJECTION ON OR BEFORE THE
DEADLINE STATED, YOU HAVE AGREED TO A THE TERMINATION OF YOUR
PARENTAL RIGHTS.

For your convenience, a request for appointment of an attorney is printed on the notice of objection form attached to this Order. ~~(Omit the last sentence from a published or posted show cause order.)~~

~~(d) If you are a parent of the person to be adopted, you~~ You are entitled to consult an attorney chosen by you, even if you are not entitled to an attorney appointed by the court. If you employ an attorney, you may be responsible for any fees and costs charged by that attorney unless ~~this is an adoption proceeding and the adoptive parents agree to pay, or~~ the court orders them another party to pay all or part of those fees or expenses.

(e) If you wish further information concerning appointment of an attorney by the court or concerning adoption counseling and guidance, you may contact

(Name of Court Official)

(Address)

(Telephone Number)

4. Option to Receive Adoption Counseling

If this is an adoption proceeding, you also may have the option to receive adoption counseling and guidance. You may have to pay for that service unless ~~the adoptive parents agree~~ another party agrees to pay or the court orders ~~them~~ another party to pay all or part of those charges.

Date of issue: _____

(Judge)

~~(i)~~ (f) Form of Notice of Objection

The notice of objection shall be ~~in~~ substantially in the following form:

~~IN THE MATTER OF A PETITION~~ _____ ~~IN THE~~
~~FOR~~ _____ ~~CIRCUIT COURT FOR~~
~~(Adoption/Guardianship)~~

~~OF~~ _____
~~(Name of individual who is~~ _____ ~~(County)~~
~~the subject of the proceeding)~~

~~(Docket Reference)~~

(Note to Drafter of the Notice of Objection/Request for Appointment of Attorney: For the caption of the form, see Rule 9-103 (a).)

NOTICE OF OBJECTION/REQUEST FOR APPOINTMENT OF ATTORNEY

(Instructions to the person served with the show cause order:

IF YOU WISH TO OBJECT, YOU MUST MAKE SURE THAT THE COURT

RECEIVES YOUR NOTICE OF OBJECTION ON OR BEFORE THE DEADLINE

STATED IN THE SHOW CAUSE ORDER. You may use this form to do so.

You need only sign this form, print or type your name, address, and telephone number underneath your signature, and mail or

deliver it to the court at the address shown in paragraph 2 of

the show cause order. **IF THE COURT HAS NOT RECEIVED YOUR NOTICE**

OF OBJECTION ON OR BEFORE THE DEADLINE STATED IN PARAGRAPH 2 OF

THE SHOW CAUSE ORDER, YOU HAVE AGREED TO A THE TERMINATION OF

YOUR PARENTAL RIGHTS. If you wish to state your reasons, you may

state them on this sheet.)

1. I object to the _____ of the
(Adoption/Guardianship)

above-named individual. My reasons for objecting are as follows:

2. I do/do not want the Court to appoint an attorney to
(Circle one)
represent me. If I circled that I do want the court to appoint
an attorney for me, I believe that I am entitled to a court-
appointed attorney because:

(Check appropriate box or boxes)

I am the person to be adopted and:

I am at least ten years old but am not yet 18; or

I am at least ten years old and I have a

~~disability that makes me incapable of consenting to the adoption or of participating effectively in the proceeding; or~~

~~[] the proceeding involves the involuntary termination of the parental rights of my parents.~~

~~[] I am a parent of the person to be adopted or for whom a guardian is sought and:~~

~~[] I am under 18 years of age; or~~

~~[] because of a disability, I am incapable of consenting to the adoption or guardianship or of participating effectively in the proceeding; or~~

~~[] I object to the adoption or guardianship and cannot afford to hire an attorney because I am indigent.~~

(Note to Drafter of the Notice of Objection/Request for Appointment of Attorney: Include only those of the following paragraphs which are applicable to the type of guardianship or adoption proceeding that has been filed.)

[In a Public Agency Guardianship:]

[] I am the parent of the person for whom a guardian is sought and:

[] I am under 18 years of age.

[] I have a disability that makes me unable to participate effectively in the case.

[] I object to the guardianship and cannot afford to hire an attorney because I am indigent.

[In a Public Agency Adoption without Prior TPR:]

[] I am the person to be adopted.

OR

[] I am the parent of the person to be adopted and:

[] I am under 18 years of age.

[] I have a disability that makes me unable to participate effectively in the adoption case.

[] I object to the adoption and cannot afford to hire an attorney because I am indigent.

[In a Public Agency Adoption after TPR:]

[] I am the person to be adopted.

[In a Private Agency Guardianship:]

[] I am a parent of the person for whom a guardian is sought and:

[] I am under 18 years of age.

[] I have a disability that makes me unable to participate effectively in the case.

[In a Private Agency Adoption:]

[] I am the person to be adopted and:

[] I am at least 10 years old but am not yet 18.

[] I have a disability that makes me unable to participate effectively in the adoption case.

[In an Independent Adoption:]

[] I am the person to be adopted and:

[] I am at least 10 years old and I have a disability that makes me unable to participate effectively in the adoption case.

OR

[] I am the parent of the person to be adopted and:

[] I am under 18 years of age.

[] I have a disability that makes me unable to participate effectively in the adoption case.

(Signature)

(Name, printed or typed)

(Address)

(Telephone Number)

(g) Form of Notice for Service by Publication and Posting

The notice for service by publication and posting shall be in the form required by Code, Family Law Article:

(1) §5-316 in a Public Agency Guardianship;

(2) §5-334 in a Public Agency Adoption without Prior TPR;

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

(4) §5-3B-15 in an Independent Adoption.

~~Committee note: See Rule 9-103 (a). The caption of the petition designated in the show cause order is different from the caption of the case record referred to in Rule 9-103, which is kept by the clerk. The caption in the show cause order preserves the anonymity of the prospective adoptive parents. The caption in the case record preserves the anonymity of the adoptee.~~

Source: This Rule is in part derived from former Rule D74 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-106 by deleting the text of existing section (a) and replacing it with references to certain Code provisions pertaining to appointment of an attorney; by adding a new section (b) and cross reference after section (b) pertaining to payment of attorneys' fees; by adding a new section (c) pertaining to an affidavit of attorney; by deleting the text of existing section (b), relettering the section (d), and replacing the text of the section with references to certain Code provisions and new language pertaining to investigations; by deleting existing section (c); and by relettering the Rule, as follows:

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

(a) Appointment of Attorney

~~The court shall appoint an attorney for any person entitled to the appointment pursuant to Code, Family Law Article, §5-323. The court may appoint an attorney for a minor who is not otherwise entitled by statute to a court-appointed attorney. If the petition shows that a person is entitled to a court-appointed attorney, the court shall appoint an attorney for that person promptly after the filing of the petition.~~

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

- (1) §5-307 in a Public Agency Guardianship;
- (2) §5-307 in a Public Agency Adoption without Prior TPR;
- (3) §5-307 in a Public Agency Adoption after TPR;
- (4) §5-3A-07 in a Private Agency Guardianship;
- (5) §5-3A-07 in a Private Agency Adoption; or
- (6) §5-3B-06 in an Independent Adoption.

(b) Payment of Attorney's Fees

Even if the prospective adoptee is not entitled to a court-appointed attorney, the person is entitled to consult an attorney chosen by that person. The adoptive parents or agency may agree to pay all or part of the attorney's fees on behalf of the person, or the court may order the adoptive parents or agency to do so.

Cross reference: See Code, Family Law Article, §§5-309 as to a Public Agency Guardianship; 5-309 as to a Public Agency Adoption without Prior TPR; 5-3A-09 as to a Private Agency Guardianship; and 5-3B-08 as to an Independent Adoption. See *In Re Adoption No. A91-71A*, 334 Md. 538 (1994).

(c) Affidavit of Attorney

- (1) With a Parental Consent

The attorney shall file an affidavit in the applicable form set forth at the end of this Title with a consent signed by a parent when required by Code, Family Law Article:

- (A) §5-321 in a Public Agency Guardianship;
- (B) §5-339 in a Public Agency Adoption without Prior TPR;

(C) §5-3A-19 in a Private Agency Guardianship; or

(D) §5-3B-21 in an Independent Adoption.

(2) With a Consent of a Prospective Adoptee

The attorney shall file an affidavit in the applicable form set forth at the end of this Title with a consent signed by a prospective adoptee if the adoptee is represented and

(A) is a minor; or

(B) has a disability that makes the prospective adoptee incapable of effectively participating in a case.

Cross reference: See Rule 9-102 (b)(3).

~~(b) (d) Investigation by Court~~

~~If the proceeding is contested, the court shall order an investigation of the facts of the case and if the proceeding is uncontested, the court may order an investigation. The court may designate any person or agency to conduct the investigation. That person or agency shall report the findings of the investigation to the court in writing and, also, if requested by the court, the recommendation of the person or agency.~~

(1) Optional

The court may order an investigation as provided by Code, Family Law Article:

(A) §5-317 in a Public Agency Guardianship;

(B) §5-3A-16 in a Private Agency Guardianship; or

(C) §5-3B-16 in an Independent Adoption.

(2) Mandatory

The court shall order an investigation in a

nonconsensual Independent Adoption as provided in Code, Family Law Article, §5-3B-16.

(3) Recommendation of Investigator

If requested by the court, the report of any investigation may include the recommendation of the investigator.

(4) In Writing

The report of any investigation shall be submitted to the court in writing and filed among the records of the proceeding.

~~(c) Reports~~

~~The reports of any investigation shall be filed among the records of the proceeding.~~

Source: This Rule is ~~derived from former Rule D75~~ new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-107 by deleting language from subsection (b)(4) and replacing it with new language that conforms to statutory changes, by changing the words "the petitioner" to the words "all parties" in section (c), and by changing the words "the petitioner" to the words "any party" in sections (d) and (e), 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.

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 ~~or Posting~~ in a Newspaper and on Website

~~If the show cause order is served by publication or posting, the time for filing a notice of objection shall be the date stated in the show cause order, which shall be not earlier than 30 days after the posting or first publication of the show cause order.~~ 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 or (B) the last day that the notice is published on the Maryland Department of Human Resources website.

(c) Service

The clerk shall serve a copy of any notice of objection on ~~the petitioner~~ all parties in the manner provided by Rule 1-321.

(d) Response

Within ~~ten~~ 10 days after being served with a notice of objection, ~~the petitioner~~ any party may file a response challenging the standing of the person to file the notice or the

timeliness of the filing of the notice of ~~objection~~.

(e) Hearing

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

(f) Access to Records

If the court determines that the person filing the notice of objection has standing to do so and that the notice is timely filed, it shall enter an order permitting the person to inspect the papers filed in the proceeding subject to reasonable conditions imposed in the order.

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; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-108 by adding a new cross reference, as follows:

Rule 9-108. TEMPORARY CUSTODY

The court may make an award of temporary custody of a minor prior to a hearing.

Cross reference: See Code, Family Law Article, §5-3B-12.

Source: This Rule is derived from former Rule D78 (d).

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-109 by adding references to certain Code provisions to subsection (a)(1); by making optional the holding of a hearing in a consensual public or private agency guardianship; by adding a cross reference after subsection (a)(2); by deleting section (b); by adding a new subsection (b)(2) referring to certain Code provisions; by changing the words "are in order" to the words "have been filed" in subsection (b)(3)(D); by revising subsection (b)(3)(F) to apply only to a nonconsensual independent adoption, including a reference to certain Code provisions; and by adding a cross reference after subsection (b)(3)(I), as follows:

Rule 9-109. HEARING ON MERITS

(a) Requirement

(1) Generally

The court shall hold a hearing and make findings on the record on the merits in of a ~~contested~~ guardianship ~~action and in every~~ or adoption ~~action prior to entering a judgment of adoption or guardianship.~~ petition as provided by Code, Family Law Article:

(A) §5-318 in a nonconsensual Public Agency Guardianship;

(B) §5-335 in a Public Agency Adoption without Prior TPR;

(C) §5-347 in a Public Agency Adoption after TPR;

(D) §5-3A-32 in a Private Agency Adoption; or

(E) §5-3B-17 in an Independent Adoption.

(2) Guardianship

The court may hold a hearing on the merits ~~in any guardianship action. The hearing shall be on the record. of a~~ consensual Public or Private Agency Guardianship petition.

Cross reference: See Code, Family Law Article, §5-318 as to Public Agency Guardianship.

~~(b) Guardianship~~

~~When the court holds a hearing in a guardianship action, it shall make the findings required by Code, Family Law Article, §5-313 on the record.~~

~~(c) (b) Adoption~~

(1) Persons Present at Hearing

Unless excused for good cause shown, each petitioner and the person to be adopted shall be present at the hearing on the merits in an adoption action. The hearing shall be conducted out of the presence of all persons other than the petitioners, the person to be adopted, and those persons whose presence the court deems necessary or desirable.

Committee note: Social policy against public disclosure of adoption proceedings compels all hearings to be as private as possible. This Rule leaves to the discretion of the trial court the extent to which this consideration must be relaxed in the interest of fair trial.

(2) Considerations

In ruling on a petition for adoption, the court shall make the considerations required by Code, Family Law Article:

(A) §5-337 in a Public Agency Adoption without Prior TPR;

(B) §5-349 in a Public Agency Adoption after TPR;

(C) §5-3A-34 in a Private Agency Adoption; or

(D) §5-3B-19 in an Independent Adoption.

+2) (3) Findings by the Court

In an adoption action, the court shall determine on the record whether:

(A) Necessary consents have been filed;

(B) Any required consents have been revoked;

Cross reference: Rules 9-111 (b) and 9-112 (a).

(C) Appropriate notices have been served;

(D) Any investigative reports ~~are in order~~ have been filed;

(E) All questioned or disputed issues have been resolved;

(F) In a contested case a nonconsensual independent adoption, where adoption will terminate a parent's rights, the parents are unfit or extraordinary circumstances exist whether the findings required by Code, Family Law Article, §5-3B-21 have been met;

(G) The adoptive parents are fit and proper to be the parents of the person to be adopted;

(H) The best interests of the person to be adopted will be served by the adoption; and

(I) Other appropriate matters have been resolved.

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-34 as to a Private Agency Adoption; and 5-3B-19, 5-3B-22, and 5-3B-23 as to an Independent Adoption.

Source: This Rule is in part derived from former Rule D77 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-110 by updating the cross reference at the end of the Rule and to make a stylistic change, as follows:

Rule 9-110. ACCOUNTING REPORT

(a) Duty to File

In an independent adoption other than an adoption by a stepparent or relative of the person to be adopted, each petitioner shall file an accounting report before the entry of a final judgment of adoption.

(b) Contents

The accounting report shall include:

(1) a statement of all payments and disbursements of money or ~~any item~~ anything of value, including benefits in kind, made by or on behalf of any petitioner in connection with the adoption;

(2) the approximate date the payment or disbursement was made or the benefit was provided;

(3) the name of the payee and the beneficiary; and

(4) the amount of the payment or disbursement or the reasonable value of the benefit provided.

The court may require the production of documentation to substantiate the accounting report.

Cross reference: See Code, Family Law Article, ~~§§5-321 and 5-327~~
(c) §5-3B-24 as to an Independent Adoption.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-111 by deleting language from section (a) and adding language referring to certain Code provisions, by deleting the words "natural or biological" from section (e), and by updating statutory references in the Committee note at the end of the Rule, as follows:

Rule 9-111. JUDGMENT OF ADOPTION OR GUARDIANSHIP

(a) Time

The court may not enter a judgment of adoption or guardianship before the ~~later of (1) 30 days after the birth of the child or (2) expiration of the time for revoking all required consents.~~ time set forth in Code, Family Law Article:

- (1) §5-319 in a Public Agency Guardianship;
- (2) §5-336 in a Public Agency Adoption without Prior TPR;
- (3) §5-348 in a Public Agency Adoption after TPR;
- (4) §5-3A-17 in a Private Agency Guardianship;
- (5) §5-3A-33 in a Private Agency Adoption; or
- (6) §5-3B-18 in an Independent Adoption.

(b) Information from Other Court

If a required consent indicates that any revocation of the consent must be filed in a court other than the trial court, the

trial court may not enter a judgment of adoption or guardianship until it has obtained from the other court a copy of all papers filed in connection with the consent or an affidavit of the clerk of the other court that no papers were filed in connection with the consent.

(c) Supplemental Report

Before entering a judgment of adoption or guardianship, the court may require a supplemental written report from the investigating officer or agency.

(d) Change of Name

If the name of the person adopted is changed, the judgment of adoption shall state the new name of the person adopted and the names of the adopting parents.

(e) Spouse of Parent

If the adopting parent is the spouse of a ~~natural or biological~~ parent of the person to be adopted, the judgment shall specifically state whether and to what extent the parental rights of the ~~natural or biological~~ parent are affected.

Committee note: Any attempt to set aside a judgment of adoption by reason of a procedural defect shall be filed with the court within one year following entry of the judgment. See Code, Family Law Article, §5-325 §§5-342 as to a Public Agency Adoption without Prior TPR; 5-353 as to a Public Agency Adoption after TPR; 5-3A-37 as to a Private Agency Adoption; and 5-3B-26 as to an Independent Adoption.

An adoptive relationship created by a judgment of adoption in another jurisdiction shall be given full faith and credit by the courts of this State. See Code, Family Law Article, §5-326 §§5-305 as to a Public Agency Adoption without Prior TPR; 5-305 as to a Public Agency Adoption after TPR; 5-3A-05 as to a Private Agency Adoption; and 5-3B-04 as to an Independent Adoption.

For the legal effect of adoption ~~of an adult~~, see Code, Family Law Article, ~~§5-308~~ §§5-341 as to a Public Agency Adoption without Prior TPR; 5-352 as to a Public Agency Adoption after TPR; 5-3A-36 as to a Private Agency Adoption; and 5-3B-25 as to an Independent Adoption.

Source: This Rule is derived in part from former Rule D79 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-112 by adding a sentence at the end of section (b) providing for the clerk to notify each person entitled to notice of the finalization of the adoption, as follows:

Rule 9-112. COURT RECORDS

(a) Dockets

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. If the index to a docket is kept apart from the docket itself, the index is open to inspection.

(b) Sealing of Records

All pleadings and other papers in adoption and guardianship proceedings shall be sealed when they are filed and are not open to inspection by any person, including the parents, except upon an order of court. 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 clerk shall notify 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 Department of Health and Mental Hygiene a report of adoption or revocation of adoption.

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

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING
PARENTAL RIGHTS

AMEND Rule 9-113 by changing the name of the Rule, by deleting the tagline to section (a), by revising language pertaining to certain medical and mental health records and history, by providing for an affirmation to the court of reasonable efforts to compile a prospective adoptee's and the adoptee's parents' medical and mental health information, by deleting section (b), and by updating the cross reference at the end of the Rule, as follows:

Rule 9-113. MEDICAL AND MENTAL HEALTH HISTORY

~~(a) Duty to Provide~~

Except in an adoption by a stepparent or relative, the person authorized to place a minor child for adoption shall ~~compile~~ affirm to the court that the person has made reasonable efforts to compile a medical history of the child, file it with the court, and make it available to a prospective adoptive parent and to the adoptive parent (1) all of the prospective adoptee's medical and mental health records that the person has or (2) a comprehensive medical and mental health history of the prospective adoptee and the prospective adoptee's parents, except that the records of the parents shall contain no identifying

information unless identifying information was previously exchanged by agreement.

~~(b) Contents~~

~~The medical history shall contain to the extent obtainable:~~

- ~~(1) current physical and mental health status of the child;~~
- ~~(2) the prenatal history of the child;~~
- ~~(3) the birth history of the child;~~
- ~~(4) the health history of both biological parents; and~~
- ~~(5) the family health history of both biological parents.~~

Cross reference: See Code, Family Law Article, §§5-328 5-356 as to a Public Agency Adoption without Prior TPR; 5-356 as to a Public Agency Adoption after TPR; and 5-3A-39 as to a Private Agency Adoption.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

TABLE OF CONTENTS

Form 9-102.1.	CONSENT OF PARENT TO A PUBLIC AGENCY GUARDIANSHIP
Form 9-102.2.	CONSENT OF PARENT TO A PRIVATE AGENCY GUARDIANSHIP
Form 9-102.3.	CONSENT OF PARENT TO A PUBLIC AGENCY ADOPTION WITHOUT PRIOR TERMINATION OF PARENTAL RIGHTS
Form 9-102.4.	CONSENT OF PARENT TO AN INDEPENDENT ADOPTION WITH TERMINATION OF PARENTAL RIGHTS
Form 9-102.5.	CONSENT OF PARENT TO AN INDEPENDENT ADOPTION WITHOUT TERMINATION OF PARENTAL RIGHTS
Form 9-102.6.	CONSENT OF CHILD TO A PUBLIC AGENCY ADOPTION OR PRIVATE AGENCY ADOPTION
Form 9-102.7.	CONSENT OF CHILD TO AN INDEPENDENT ADOPTION
Form 9-102.8.	ATTORNEY AFFIDAVIT AS TO CONSENT OF A PARENT TO A PUBLIC AGENCY GUARDIANSHIP OR PRIVATE AGENCY GUARDIANSHIP
Form 9-102.9.	ATTORNEY AFFIDAVIT AS TO CONSENT OF A PARENT TO ADOPTION
Form 9-102.10.	ATTORNEY AFFIDAVIT AS TO CONSENT OF A CHILD TO ADOPTION

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.1, as follows:

Form 9-102.1. CONSENT OF PARENT TO A PUBLIC AGENCY GUARDIANSHIP

CONSENT OF PARENT TO GUARDIANSHIP WITH THE RIGHT TO
CONSENT TO ADOPTION OF _____ TO THE
_____ DEPARTMENT OF SOCIAL SERVICES

INSTRUCTIONS

These instructions and attached consent form may be used only in cases where the child is a Child in Need of Assistance. Code, Family Law Article, Title 5, Subtitle 3, Part II.

The attached consent form is an important legal document. You must read all of these instructions BEFORE you sign the consent form. If you do not understand the instructions or the consent form, you should not sign it. If you are under 18 years old or if you have a disability that makes it difficult for you to understand, do not sign the consent form unless you have a lawyer.

A. Right to Have This Information in a Language You Understand

You have the right to have these instructions and the consent form translated into a language that you understand. If you cannot read or understand English, you should not sign the consent form. You should have this form translated for you into a language you do understand. The translated consent form is the one you should read and decide whether or not to sign. Any translation must have an affidavit attached in which the translator states that it is a true and accurate translation of this document.

B. Right to Speak with a Lawyer

You have the right to speak with a lawyer before you decide

whether or not to consent.

If you are unable to afford a lawyer, you may be eligible for a lawyer through the Office of the Public Defender. You should contact the Office of the Public Defender, and ask for a lawyer to represent you in a D.S.S. (Department of Social Services) guardianship case.

You should not sign the consent form without a lawyer if you are under 18 years old or have a disability that makes it difficult for you to understand this document. If you are under 18 years old or have a disability that makes it difficult for you to understand this document, you are required to have a lawyer review the form with you before you can consent to the guardianship. You should contact the Office of the Public Defender, or let the Juvenile Court know that you need to have a lawyer appointed for you.

Even if you do not have the right to have the court appoint a lawyer for you or to be represented through the Office of the Public Defender, you have the right to speak with a lawyer you choose before you decide whether to consent.

C. Post-adoption Agreement

If you have made a written agreement with the adoptive parents for future contact (known as a post-adoption agreement), a copy of that agreement must be attached to the signed consent form. If you have a post-adoption agreement, and, after the adoption, the adoptive parents do not do what they agreed to do, it will not affect your consent to the guardianship or the adoption. However, if that happens, you have the right to ask a judge to make them do what they agreed to do. The judge can order you and the adoptive parents to go to mediation, order the adoptive parents to do what they agreed to do, or change the agreement if the judge decides that it is in the child's best interest.

D. Conditional Consent

If you decide to sign the consent form, you will have two choices:

(1) you can consent to the guardianship and the adoption of your child by a family approved by D.S.S.; or

(2) you can consent to the guardianship only if the child is adopted into a specific family. This is called a "conditional consent." If you sign a conditional consent, and the family whose name is on the consent cannot adopt the child, your consent will no longer be valid. The court will try to locate you to find out if you want to sign a new consent. If you do not sign a

new consent, the court can have a trial to decide whether or not your parental rights should be ended (terminated) and whether or not guardianship with the right to consent to adoption should be granted to D.S.S., even without your consent.

E. Effect of Signing the Consent Form

IF YOU SIGN THE CONSENT FORM, AND THE GUARDIANSHIP IS GRANTED, YOU WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD.

If you have a post-adoption agreement, you will keep only the rights the agreement gives you. Violation of the agreement will not affect your consent or the adoption.

After you sign the consent form, the person or agency to whom you give the form must file it in the Juvenile Court promptly. If a guardianship case has been filed, it will be filed in the guardianship case. If a guardianship case has not been filed, it will be filed in the child's CINA (Child in Need of Assistance) case. When it is filed, a copy of the filed consent form will be sent to you at the address you list at the end of the consent form. It is your responsibility to let the court know if your address changes.

F. Right to Revoke Consent

If you sign the consent form and then change your mind and no longer want to consent, you have the right to revoke (cancel) the consent **within 30 days after the date that it is filed in Juvenile Court**. The only way that you can revoke this consent is by giving a **signed written revocation statement** with the name, sex, and date of birth of the child (if you know it) to:

Juvenile Clerk, Circuit Court for _____, at
_____(Address).

The written and signed revocation statement must be sent to the court, not to your social worker or lawyer. You may deliver your written revocation of consent in person or by mail. If it is not received by the Juvenile Clerk's office **within 30 days after the date the consent form was filed in court**, it will be too late, and you will not be able to withdraw the consent or stop the guardianship from being granted.

G. Further Notice of Guardianship and Adoption Proceedings

A petition for guardianship with the right to consent to

adoption has been or will be filed in _____
Juvenile Court. If you sign the consent form, your written
consent form will also be filed in the Juvenile Court. You have
the right to be notified when the petition is filed, about any
hearings before or after guardianship is granted, if and when
guardianship is granted, and if and when the child is adopted.
Any notices will be sent to the address given by you on the
consent form, unless you write to the Juvenile Clerk at
_____ (court's address) and give
the clerk your new address. You may waive (give up) your right
to notice if you wish to do so. Even if you give up your right
to notice, someone from the court may contact you if further
information is needed.

H. Compensation

Under Maryland law, you are not allowed to charge or receive
money or compensation of any kind for the placement for adoption
of your child or for your agreement to the adoptive parent having
custody of your child, except that reasonable and customary
charges or fees for adoption counseling, hospital, legal, or
medical services may be paid.

I. Access to Birth and Adoption Records

When your child is at least 21 years old, your child, your
child's other parent, or you may apply to the Maryland Secretary
of the Department of Health and Mental Hygiene for access to
certain birth and adoption records. If you do not want
information about you to be disclosed (given) to that person, you
have the right to prevent disclosure by filing a **disclosure veto**.
Attached to this document is a copy of the form that you may use
if you want to file a disclosure veto.

J. Adoption Search, Contact, and Reunion Services

When your child is at least 21 years old, your child, your child's other parent or siblings, or you may apply to the Director of the Social Services Administration of the Maryland Department of Human Resources for adoption search, contact, and reunion services.

K. Rights Under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

L. Authorization for Access to Medical and Mental Health Records

You may be asked to sign a separate form (authorization) to allow the adoptive parents and D.S.S. to get your child's medical and mental health records or your medical and mental health records. If you agree to allow access to this information, the records given to the adoptive parents will not include identifying information about you unless identifying information was previously exchanged by agreement.

M. Signature, Witness, and Copy

If you decide to complete and sign the consent form, you must have a witness present when you sign it. The witness must be someone 18 or older and should not be the child or the child's other parent. You must complete and sign the form with a pen and print or type in your name, address, and telephone number. The witness also must sign the form and print or type in the witness' name, address, and telephone number in the blanks on the last page.

If you have a post-adoption agreement, you must attach a copy to the signed consent form.

You have the right to receive a copy of the signed consent form.

STOP HERE IF YOU DID NOT UNDERSTAND SOMETHING YOU HAVE READ OR IF YOU WANT TO SPEAK WITH A LAWYER BEFORE YOU DECIDE IF YOU WANT TO SIGN THE CONSENT FORM.

If you wish to sign the consent form, you must also sign here to verify that you read these instructions and understand them:

(Signature)

(Date)

You must attach a copy of these signed instructions to the signed consent form.

CONSENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT TO ADOPTION OF

TO

DEPARTMENT OF SOCIAL SERVICES

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into _____, a language that I understand.

2. Name.

My name is _____.

3. Age.

My date of birth is _____.

4. Child.

The child who is the subject of this consent was born on _____ at _____, in _____.
(date) (name of hospital or address of birthplace)
(city, state, and county of birth)

5. Status as Parent. Check **all** that apply.

(a) I am

[] the mother of the child

[] the father of the child

[] alleged to be the father of the child

- (b) I was married to the mother of the child
[] at the time of conception of the child
[] at the time the child was born.

B. Right to Speak with a Lawyer

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

- [] I already have spoken with a lawyer whose name and telephone number are _____.
I have read the instructions in front of this form, and I am ready to consent to the guardianship with the right to consent to adoption.

OR

- [] I am at least 18 years old and am able to understand this document. I have read the instructions at the front of this form, and I do not want to speak with a lawyer before I consent to the guardianship with the right to consent to adoption.

C. Consent

Check **one** of the following statements:

- [] I voluntarily and of my own free will consent to the ending (termination) of my parental rights and to the appointment of _____ Department of Social Services to be the guardian of my child, with the right of the guardian to consent to adoption.

OR

- [] I voluntarily and of my own free will consent to the

ending (termination) of my parental rights and to the appointment of _____ Department of Social Services, to be the guardian of my child as long as my child is adopted by _____.

D. Notice

Check **one** of the following:

I give up (waive) the right to any further notice of the guardianship case, any reviews after guardianship is granted, or when my child is adopted.

OR

I give up (waive) the right to any further notice of the guardianship case or any reviews after guardianship is granted, but I want to be notified when my child is adopted.

OR

I want to be notified about anything that happens in the guardianship case, any reviews after guardianship is granted, and when my child is adopted.

E. Revocation Rights

I understand that if I change my mind and no longer consent to the guardianship with the right to consent to adoption, I have the right to revoke this consent **within 30 days after it is filed in Juvenile Court**. I understand that the only way that I can revoke this consent is by giving a **signed written revocation** to the Juvenile Clerk, Circuit Court for _____ at _____.

F. Effect of this Consent

I UNDERSTAND THAT IF I SIGN THIS CONSENT FORM, AND GUARDIANSHIP IS GRANTED, I WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD, EXCEPT THOSE RIGHTS THAT I HAVE KEPT UNDER ANY WRITTEN POST-ADOPTION AGREEMENT.

G. Oath and Signature

I have read carefully and understand the instructions at the front of this consent form. I am signing this consent form voluntarily and of my own free will.

I solemnly affirm under the penalties of perjury that the contents of this consent form are true to the best of my knowledge, information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Witness:

(Signature)

(Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

A COPY OF THE INSTRUCTIONS WITH YOUR SIGNATURE MUST BE ATTACHED TO THIS CONSENT FORM.

IF YOU HAVE A POST-ADOPTION AGREEMENT, ATTACH A COPY TO THIS CONSENT FORM.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.2, as follows:

Form 9-102.2. CONSENT OF PARENT TO A PRIVATE AGENCY GUARDIANSHIP

CONSENT OF PARENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT
TO ADOPTION OF _____ TO
_____, A LICENSED PRIVATE
ADOPTION AGENCY

INSTRUCTIONS

*These instructions and attached consent form may be used only in cases where the child is being placed for adoption with the assistance of a licensed **private** adoption agency. Code, Family Law Article, Title 5, Subtitle 3A.*

The attached consent form is an important legal document. You must read all of these instructions BEFORE you sign the consent form. If you do not understand the instructions or the consent form, you should not sign it. If you are under 18 years old or if you have a disability that makes it difficult for you to understand, do not sign the consent form unless you have a lawyer.

A. Right to Have This Information in a Language You Understand

You have the right to have these instructions and the consent form translated into a language that you understand. If you cannot read or understand English, you should not sign the consent form. You should have this form translated for you into a language you do understand. The translated consent form is the one you should read and decide whether or not to sign. Any translation must have an affidavit attached in which the translator states that it is a true and accurate translation of this document.

B. Right to Speak with a Lawyer

You have the right to speak with a lawyer before you decide whether or not to consent.

You should not sign the consent form without a lawyer if you are under 18 years old or have a disability that makes it difficult for you to understand this document. If you are under 18 years old or have a disability that makes it difficult for you to understand this document, you are required to have a lawyer review the form with you before you can consent to the guardianship.

Even if you are not required to have a lawyer, you have the right to speak with a lawyer you choose before you decide whether to consent.

You can ask the court to require the agency seeking guardianship of your child to pay the costs of the lawyer. The judge does not have to grant that request but may do so.

C. Post-adoption Agreement

If you have made a written agreement with the adoptive parents for future contact (known as a post-adoption agreement), a copy of that agreement must be attached to the signed consent form. If you have a post-adoption agreement, and, after adoption, the adoptive parents do not do what they agreed to do, it will not affect your consent to the guardianship or the adoption. However, if that happens, you have the right to ask a judge to make them do what they agreed to do. The judge can order you and the adoptive parents to go to mediation, order the adoptive parents to do what they agreed to do, or change the agreement if the judge decides that it is in the child's best interest.

D. Conditional Consent

If you decide to sign the consent form, you will have two choices:

(1) you can consent to the guardianship and the adoption of your child by a family approved by the adoption agency; or

(2) you can consent to the guardianship only if the child is adopted into a specific family. This is called a "conditional consent." If you sign a conditional consent, and the family whose name is on the consent cannot adopt the child, your consent will no longer be valid. The adoption agency will try to locate you to find out if you want to sign a new consent. If your parental rights have not been taken away (guardianship has not yet been granted), and you do not sign a new consent, the court will end the guardianship case. If your parental rights have

been taken away (guardianship has been granted), and you do not sign a new consent, the court will decide whether it is in the child's best interests to continue the guardianship.

E. Effect of Signing the Consent Form

IF YOU SIGN THE CONSENT FORM, AND GUARDIANSHIP IS GRANTED, YOU WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD.

If you have a post-adoption agreement, you will keep only the rights the agreement gives you. Violation of the agreement will not affect your consent or the adoption.

F. Right to Revoke Consent

If you sign the consent form and then change your mind and no longer want to consent, you have the right to revoke (cancel) the consent **within 30 days after the date that you sign the consent form**. The only way that you can revoke this consent is by giving a **signed written revocation statement** with the name, sex, and date of birth of the child (if you know it) to:

Adoption Clerk, Circuit Court for _____ at _____.
(Address)

The revocation must be sent to the court, not to the lawyers, or the agency, or the people adopting the child. You may deliver your written revocation of consent in person or by mail. If it is not **received** by the Adoption Clerk's office within 30 days after the date you signed the consent form, it will be too late, and you will not be able to withdraw the consent or stop the guardianship from being granted.

If you sign the consent form, and then revoke your consent, and then decide to consent to the guardianship again, you will not be able to revoke your second consent if you give your second consent in court within one year of your revocation of this consent.

G. Further Notice of Guardianship and Adoption Proceedings

A petition for guardianship with the right to consent to adoption has been or will be filed in _____ Circuit Court. If you sign the consent form, your written consent form will also be filed in the Circuit Court. You have the right to be notified when the petition is filed, about any hearings, if and when the guardianship is granted, and when the child is adopted. You also have the right to be notified if

there is a delay in your child's adoption because:

1. The adoption agency does not place your child with an adoptive family within 270 days of being appointed the guardian of your child;
2. The adoption agency does not place your child with an adoptive family within 180 days of the disruption of a prior adoptive placement; or
3. The adoption is not completed within 2 years after your child's placement with the adoptive family.

Any notices will be sent to the address given by you on the consent form, unless you write to the Adoption Clerk at _____ (court's address) and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed.

H. Compensation

Under Maryland law, you are not allowed to charge or receive money or compensation of any kind for the placement for adoption of your child or for your agreement to the adoptive parent having custody of your child, except that reasonable and customary charges or fees for adoption counseling, hospital, legal, or medical services may be paid.

I. Access to Birth and Adoption Records

When your child is at least 21 years old, your child, your child's other parent, or you may apply to the Maryland Secretary of the Department of Health and Mental Hygiene for access to certain birth and adoption records. If you do not want information about you to be disclosed (given) to that person, you have the right to prevent disclosure by filing a **disclosure veto**. Attached to this document is a copy of the form that you may use if you want to file a disclosure veto.

J. Adoption Search, Contact, and Reunion Services

When your child is at least 21 years old, your child, your child's other parent or siblings, or you may apply to the Director of the Social Services Administration of the Maryland Department of Human Resources for adoption search, contact, and reunion services.

K. Rights Under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

L. Authorization for Access to Medical and Mental Health Records

You may be asked to sign a separate form (authorization) to allow the adoptive parents and adoption agency to get your child's medical and mental health records or your medical and mental health records. If you agree to allow access to this information, the records given to the adoptive parents will not include identifying information about you unless identifying information was previously exchanged by agreement.

M. Signature, Witness, and Copy

If you decide to complete and sign the consent form, you must have a witness present when you sign it. The witness must be someone 18 or older and should not be the child or the child's other parent. You must complete and sign the form with a pen and print or type in your name, address, and telephone number. The witness also must sign the form and print or type in the witness' name, address, and telephone number in the blanks on the last page.

If you have a post-adoption agreement, you must attach a copy to the signed consent form.

You have the right to receive a copy of the signed consent form.

STOP HERE IF YOU DID NOT UNDERSTAND SOMETHING YOU HAVE READ OR IF YOU WANT TO SPEAK WITH A LAWYER BEFORE YOU DECIDE IF YOU WANT TO SIGN THE CONSENT FORM.

If you wish to sign the consent form, you must also sign here to verify that you read these instructions and understand them:

(Signature)

(Date)

You must attach a copy of these signed instructions to the signed

consent form.

CONSENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT TO ADOPTION OF

_____ TO _____,

A LICENSED PRIVATE ADOPTION AGENCY

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into _____, a language that I understand.

2. Name.

My name is _____.

3. Age.

My date of birth is _____.

4. Child.

The child who is the subject of this consent was born on _____ at _____,
(date) (name of hospital or address of birthplace)
in _____.
(city, state, and county of birth)

5. Status as Parent. Check **all** that apply.

(a) I am

[] the mother of the child

[] the father of the child

[] alleged to be the father of the child

- (b) I was married to the mother of the child
[] at the time of conception of the child
[] at the time the child was born.

B. Right to Speak with a Lawyer

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

- [] I already have spoken with a lawyer whose name and telephone number are _____.
I have read the instructions at the front of this form, and I am ready to consent to the guardianship with the right to consent to adoption.

OR

- [] I am at least 18 years old and am able to understand this document. I have read the instructions at the front of this form, and I do not want to speak with a lawyer before I consent to the guardianship with the right to consent to adoption.

C. Consent

Check **one** of the following:

- [] I voluntarily and of my own free will consent to the ending (termination) of my parental rights and to the appointment of _____, a licensed private adoption agency, to be the guardian of my child, with the right of the guardian to consent to adoption.

OR

[] I voluntarily and of my own free will consent to the ending (termination) of my parental rights and to the appointment of _____, a licensed private adoption agency, to be the guardian of my child as long as my child is adopted by _____.

D. Notice

Check **one** of the following:

[] I give up (waive) the right to any further notice of the guardianship case, any delays in the adoption of my child, or when my child is adopted.

OR

[] I give up (waive) the right to any further notice of the guardianship case or any delays in the adoption of my child, but I want to be notified when my child is adopted.

OR

[] I want to be notified about anything that happens in the guardianship case, any delays in the adoption of my child, and when my child is adopted.

E. Revocation Rights

I understand that if I change my mind and no longer consent to the guardianship with the right to consent to adoption, I have the right to revoke this consent **within 30 days after I sign this consent form**. I understand that the only way that I can revoke this consent is by giving a **signed written revocation** to the Adoption Clerk, Circuit Court for _____

at _____.

F. Effect of this Consent

I UNDERSTAND THAT IF I SIGN THIS CONSENT FORM, AND GUARDIANSHIP IS GRANTED, I WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD, EXCEPT THOSE RIGHTS THAT I HAVE KEPT UNDER ANY WRITTEN POST-ADOPTION AGREEMENT.

G. Oath and Signature

I have read carefully and understand the instructions at the front of this consent form. I am signing this consent form voluntarily and of my own free will.

I solemnly affirm under the penalties of perjury that the contents of this consent form are true to the best of my knowledge, information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Witness:

(Signature)

(Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

A COPY OF THE INSTRUCTIONS WITH YOUR SIGNATURE MUST BE ATTACHED TO THIS CONSENT FORM.

IF YOU HAVE A POST-ADOPTION AGREEMENT, ATTACH A COPY TO THIS CONSENT FORM.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.3, as follows:

Form 9-102.3. CONSENT OF PARENT TO A PUBLIC AGENCY ADOPTION
WITHOUT PRIOR TERMINATION OF PARENTAL RIGHTS

CONSENT OF PARENT TO ADOPTION OF _____

Adoption of CINA without Prior Termination of Parental Rights

INSTRUCTIONS

These instructions and attached consent form may be used only in cases where the child is a Child in Need of Assistance and the petitioner is seeking to adopt the child without prior termination of parental rights. Code, Family Law Article, Title 5, Subtitle 3, Part III.

The attached consent form is an important legal document. You must read all of these instructions BEFORE you sign the consent form. If you do not understand the instructions or the consent form, you should not sign it. If you are under 18 years old or if you have a disability that makes it difficult for you to understand, do not sign the consent form unless you have a lawyer.

A. Right to Have This Information in a Language You Understand

You have the right to have these instructions and the consent form translated into a language that you understand. If you cannot read or understand English, you should not sign the consent form. You should have this form translated for you into a language you do understand. The translated consent form is the one you should read and decide whether or not to sign. Any translation must have an affidavit attached in which the translator states that it is a true and accurate translation of this document.

B. Right to Speak with a Lawyer

You have the right to speak with a lawyer before you decide whether or not to consent. If you are unable to afford a lawyer, you may be eligible for a lawyer through the Office of the Public Defender. You should contact the Office of the Public Defender, and ask for a lawyer to represent you in a D.S.S. (Department of Social Services) case.

You should not sign the consent form without a lawyer if you are under 18 years old or have a disability that makes it difficult for you to understand this document. If you are under 18 years old or have a disability that makes it difficult for you to understand this document, you are required to have a lawyer review the form with you before you can consent to the adoption. You should contact the Office of the Public Defender, or let the Juvenile Court know you need to have a lawyer appointed for you.

Even if you do not have the right to have the court appoint a lawyer for you or to be represented through the Office of the Public Defender, you have the right to speak with a lawyer you choose before you decide whether to consent.

C. Right to Adoption Counseling

You have the right to receive adoption counseling and guidance. The court may require D.S.S. or the adoptive parents to pay for the adoption counseling and guidance but does not have to do so. If you want adoption counseling or guidance, you should not complete this consent form until after you have gotten adoption counseling or guidance.

D. Post-adoption Agreement

If you have made a written agreement with the adoptive parents for future contact (known as a post-adoption agreement), a copy of that agreement must be attached to the signed consent form. If you have a post-adoption agreement, and, after the adoption, the adoptive parents do not do what they agreed to do, it will not affect the adoption or your consent to the adoption. However, if that happens, you have the right to ask a judge to make them do what they agreed to do. The judge can order you and the adoptive parents to go to mediation, order the adoptive parents to do what they agreed to do, or change the agreement if the judge decides that it is in the child's best interest.

E. Effect of Signing the Consent Form

IF YOU SIGN THE CONSENT FORM, AND ADOPTION IS GRANTED, YOU WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD. If you have a post-adoption agreement, you will keep only

the rights the agreement gives you. Violation of the agreement will not affect your consent or the adoption.

F. Right to Revoke Consent

If you sign the consent form and then change your mind and no longer want to consent, you have the right to revoke (cancel) the consent. If the adoption case is already filed in court, you must revoke your consent **within 30 days after the date that you sign the consent form**. If the adoption case has not been filed in court, you must revoke your consent **within 30 days after the adoption petition is filed**. The only way that you can revoke this consent is by giving a **signed written revocation statement** with the name, sex, and date of birth of the child (if you know it) to:

Juvenile Clerk, Circuit Court for _____ at

(Address).

The revocation must be sent to the court, not to your social worker, lawyer, or the people adopting the child. You may deliver your written revocation of consent in person or by mail. If it is not **received** by the Juvenile Clerk's office within the later of 30 days after the date you sign the consent form or 30 days after the date the adoption petition is filed, it will be too late, and you will not be able to withdraw the consent or stop the adoption from being granted.

G. Further Notice of Adoption Proceedings

A petition for adoption has been or will be filed in the Circuit Court for _____. If you sign the consent form, your written consent will also be filed in the court. You have the right to be notified when the petition is filed, when any hearings are held before the adoption is granted, and if and when the adoption is granted. Any notices will be sent to the address given by you on the consent form, unless you write to the Juvenile Clerk at _____ (court's address) and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed.

H. Compensation

Under Maryland law, you are not allowed to charge or receive money or compensation of any kind for the placement for adoption of your child or for your agreement to the adoptive parent having custody of your child, except that reasonable and customary

charges or fees for adoption counseling, hospital, legal, or medical services may be paid.

I. Access to Birth and Adoption Records

When your child is at least 21 years old, your child, your child's other parent, or you may apply to the Maryland Secretary of the Department of Health and Mental Hygiene for access to certain birth and adoption records. If you do not want information about you to be disclosed (given) to that person, you have the right to prevent disclosure by filing a **disclosure veto**. Attached to this document is a copy of the form that you may use if you want to file a disclosure veto.

J. Adoption Search, Contact and Reunion Services

When your child is at least 21 years old, your child, your child's other parent or siblings, or you may apply to the Director of the Social Services Administration of the Maryland Department of Human Resources for adoption search, contact, and reunion services.

K. Rights under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

L. Authorization for Access to Medical and Mental Health Records

You may be asked to sign a separate form (authorization) to allow the adoptive parents to get your child's medical and mental health records or your medical and mental health records. If you agree to allow access to this information, the records given to the adoptive parents will not include identifying information about you unless identifying information was previously exchanged by agreement.

M. Signature, Witness, and Copy

If you decide to complete and sign the consent form, you must have a witness present when you sign it. The witness must be someone 18 or older and should not be the child or the child's other parent. You must complete and sign the form with a pen and print or type in your name, address, and telephone number. The witness also must sign the form and print or type in the witness' name, address, and telephone number in the blanks on the last page.

If you have a post-adoption agreement, you must attach a copy to the signed consent form.

You have the right to receive a copy of the signed consent form.

STOP HERE IF YOU DID NOT UNDERSTAND SOMETHING YOU HAVE READ OR IF YOU WANT TO SPEAK WITH A LAWYER OR GET ADOPTION COUNSELING BEFORE YOU DECIDE IF YOU WANT TO SIGN THE CONSENT FORM.

If you wish to sign the consent form, you must also sign here to verify that you read these instructions and understood them:

(Signature)

(Date)

You must attach a copy of these signed instructions to the signed consent form.

CONSENT OF PARENT TO ADOPTION OF _____

Adoption of CINA without PRIOR Termination of Parental Rights

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into _____, a language that I understand.

2. Name.

My name is _____.

3. Age.

My date of birth is _____.

4. Child.

The child who is the subject of this consent was born on _____ at _____, in _____.
(date) (name of hospital or address of birthplace) (city, state, and county of birth)

5. Status as Parent. Check **all** that apply.

(a) I am

the mother of the child

the father of the child

alleged to be the father of the child

(b) I was married to the mother of the child

at the time of conception of the child

at the time the child was born.

B. Right to Speak with a Lawyer

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

I already have spoken with a lawyer whose name and telephone number are _____.

I have read the instructions at the front of this form, and I am ready to consent to the adoption.

OR

I am at least 18 years old and am able to understand this document. I have read the instructions at the front of this form, and I do not want to speak with a lawyer before I consent to the adoption.

C. Right to Counseling and Guidance

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

I have already spoken with a counselor. I have read the instructions at the front of this form, and I am ready to consent to the adoption.

OR

I do not want to speak with a counselor. I have read the instructions at the front of this form, and I am ready to consent to the adoption.

D. Consent

I voluntarily and of my own free will consent to the ending (termination) of my rights as parent to and to the adoption of my child, _____, by a person(s) known to me as _____.

E. Notice

Check **one** of the following:

I give up (waive) the right to any further notice of the adoption case.

OR

I want to be notified when the adoption case is filed, of any hearings, and if and when my child is adopted.

F. Revocation Rights

I understand that if I change my mind and no longer consent to the adoption, I have the right to revoke this consent **within the later of 30 days after I sign this form or 30 days after the adoption case is filed in court.** I understand that the only way that I can revoke this consent is by giving a **signed written revocation statement** to the Juvenile Clerk, Circuit Court for _____ at _____.

G. Effect of this Consent

I UNDERSTAND THAT IF I SIGN THIS CONSENT FORM, AND ADOPTION IS GRANTED, I WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD, EXCEPT THOSE RIGHTS THAT I HAVE KEPT UNDER ANY WRITTEN POST-ADOPTION AGREEMENT.

H. Oath and Signature

I have read carefully and understand the instructions in front of this consent form. I am signing this consent form voluntarily and of my own free will.

I solemnly affirm under the penalties of perjury that the contents of this consent form are true to the best of my knowledge, information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Witness:

(Signature)

(Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

A COPY OF THE INSTRUCTIONS WITH YOUR SIGNATURE MUST BE ATTACHED TO THIS CONSENT FORM.

IF YOU HAVE A POST-ADOPTION AGREEMENT, ATTACH A COPY TO THIS CONSENT FORM.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.4, as follows:

Form 9-102.4. CONSENT OF PARENT TO AN INDEPENDENT ADOPTION WITH
TERMINATION OF PARENTAL RIGHTS

CONSENT OF PARENT TO ADOPTION OF _____

Independent Adoption with Termination of Parental Rights

INSTRUCTIONS

These instructions and attached consent form may be used only in independent adoptions, not those that are arranged by an adoption agency. This form should only be used for a parent whose parental rights are being terminated. It should not be used for a parent who is retaining parental rights, for example, a custodial parent in a step-parent adoption. Code, Family Law Article, Title 5, Subtitle 3B.

The attached consent form is an important legal document. You must read all of these instructions BEFORE you sign the consent form. If you do not understand the instructions or the consent form, you should not sign it. If you are under 18 years old or if you have a disability that makes it difficult for you to understand, do not sign the consent form unless you have a lawyer.

A. Right to Have This Information in a Language You Understand

You have the right to have these instructions and the consent form translated into a language that you understand. If you cannot read or understand English, you should not sign the consent form. You should have this form translated for you into a language you do understand. The translated consent form is the one you should read and decide whether or not to sign. Any translation must have an affidavit attached in which the translator states that it is a true and accurate translation of

this document.

B. Right to Speak with a Lawyer

You have the right to speak with a lawyer before you decide whether or not to consent.

You should not sign the consent form without a lawyer if you are under 18 years old or have a disability that makes it difficult for you to understand this document. If you are under 18 years old or have a disability that makes it difficult for you to understand this document, you are required to have a lawyer review the form with you before you can consent to the adoption.

Even if you are not required to have a lawyer, you have the right to speak with a lawyer you choose before you decide whether to consent.

You can ask the court to require the people adopting your child to pay the costs of the lawyer. The judge does not have to grant that request but may do so.

C. Right to Adoption Counseling

You have the right to receive adoption counseling and guidance. The court may require the adoptive parents to pay for the adoption counseling and guidance but does not have to do so. If you want adoption counseling or guidance, you should not complete this consent form until after you have gotten adoption counseling or guidance.

D. Post-adoption Agreement

If you have made a written agreement with the adoptive parents for future contact (known as a post-adoption agreement), a copy of that agreement must be attached to the signed consent form. If you have a post-adoption agreement, and, after the adoption, the adoptive parents do not do what they agreed to do, it will not affect the adoption or your consent to the adoption. However, if that happens, you have the right to ask a judge to make them do what they agreed to do. The judge can order you and the adoptive parents to go to mediation, order the adoptive parents to do what they agreed to do, or change the agreement if the judge decides that it is in the child's best interest.

E. Effect of Signing the Consent Form

IF YOU SIGN THE CONSENT FORM, AND ADOPTION IS GRANTED, YOU WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD. If you have a post-adoption agreement, you will keep only

the rights the agreement gives you. Violation of the agreement will not affect your consent or the adoption.

F. Right to Revoke Consent

If you sign the consent form and then change your mind and no longer want to consent, you have the right to revoke (cancel) the consent **within 30 days after the date that you sign the consent form**. The only way that you can revoke this consent is by giving a **signed written revocation statement** with the name, sex, and date of birth of the child (if you know it) to:

Adoption Clerk, Circuit Court for _____, at

(Address).

The revocation must be sent to the court, not to the lawyers or the people adopting the child. You may deliver your written revocation of consent in person or by mail. If it is not **received** by the Adoption Clerk's office within 30 days after the date you signed the consent form, it will be too late, and you will not be able to withdraw the consent or stop the adoption from being granted.

If you sign this consent form, and then revoke your consent, and then decide to consent to the adoption again, you will not be able to revoke your second consent if you give your second consent in court within one year of your revocation of this consent.

G. Further Notice of Adoption Proceedings

A petition for adoption has been or will be filed in the Circuit Court for _____. If you sign the consent form, your written consent will also be filed in the court. You have the right to be notified when the petition is filed, when any hearings are held before the adoption is granted, and if and when the adoption is granted. Any notices will be sent to the address given by you on the consent form, unless you write to the Adoption Clerk at _____ (court's address) and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed.

H. Compensation

Under Maryland law, you are not allowed to charge or receive money or compensation of any kind for the placement for adoption

of your child or for your agreement to the adoptive parent having custody of your child, except that reasonable and customary charges or fees for adoption counseling, hospital, legal, or medical services may be paid.

I. Access to Birth and Adoption Records

When your child is at least 21 years old, your child, your child's other parent, or you may apply to the Maryland Secretary of the Department of Health and Mental Hygiene for access to certain birth and adoption records. If you do not want information about you to be disclosed (given) to that person, you have the right to prevent disclosure by filing a **disclosure veto**. Attached to this document is a copy of the form that you may use if you want to file a disclosure veto.

J. Adoption Search, Contact, and Reunion Services

When your child is at least 21 years old, your child, your child's other parent or siblings, or you may apply to the Director of the Social Services Administration of the Maryland Department of Human Resources for adoption search, contact, and reunion services.

K. Rights under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

L. Authorization for Access to Medical and Mental Health Records

You may be asked to sign a separate form (authorization) to allow the adoptive parents to get your child's medical and mental health records or your medical and mental health records. If you agree to allow access to this information, the records given to the adoptive parents will not include identifying information about you unless identifying information was previously exchanged by agreement.

M. Signature, Witness, and Copy

If you decide to complete and sign the consent form, you must have a witness present when you sign it. The witness must be someone 18 or older and should not be the child or the child's

other parent. You must complete and sign the form with a pen and print or type in your name, address, and telephone number. The witness also must sign the form and print or type in the witness' name, address, and telephone number in the blanks on the last page.

If you have a post-adoption agreement, you must attach a copy to the signed consent form.

You have the right to receive a copy of the signed consent form.

STOP HERE IF YOU DID NOT UNDERSTAND SOMETHING YOU HAVE READ OR IF YOU WANT TO SPEAK WITH A LAWYER OR GET ADOPTION COUNSELING BEFORE YOU DECIDE IF YOU WANT TO SIGN THE CONSENT FORM.

If you wish to sign the consent form, you must also sign here to verify that you read these instructions and understand them:

(Signature)

(Date)

You must attach a copy of these signed instructions to the signed consent form.

CONSENT TO INDEPENDENT ADOPTION OF

WITH TERMINATION OF PARENTAL RIGHTS

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into _____, a language that I understand.

2. Name.

My name is _____.

3. Age.

My date of birth is _____.

4. Child.

The child who is the subject of this consent was born on _____ at _____,
(date) (name of hospital or address of birthplace)
in _____.
(city, state, and county of birth)

5. Status as Parent. Check **all** that apply.

(a) I am

[] the mother of the child

[] the father of the child

[] alleged to be the father of the child

- (b) I was married to the mother of the child
[] at the time of conception of the child
[] at the time the child was born.

B. Right to Speak with a Lawyer

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

- [] I already have spoken with a lawyer whose name and
telephone number are _____

_____. I
have read the instructions at the front of this form, and I am
ready to consent to the adoption.

OR

- [] I am at least 18 years old and am able to understand
this document. I have read the instructions at the
front of this form, and I do not want to speak with a
lawyer before I consent to the adoption.

C. Right to Counseling and Guidance

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

- [] I have already spoken with a counselor. I have read
the instructions at the front of this form, and I am
ready to consent to the adoption.

OR

- [] I do not want to speak with a counselor. I have read
the instructions at the front of this form, and I am
ready to consent to the adoption.

D. Consent

I voluntarily and of my own free will consent to the ending (termination) of my rights as parent to and to the adoption of my child, _____, by person(s) known to me as _____.

I also agree that such person(s) shall have temporary custody of the child until the completion of the adoption.

E. Notice

Check **one** of the following:

I give up (waive) the right to any further notice of the adoption case.

OR

I want to be notified when the adoption case is filed, of any hearings and if and when my child is adopted.

F. Revocation Rights

I understand that if I change my mind and no longer consent to the adoption, I have the right to revoke this consent **within 30 days after the date that I signed this consent form.** I understand that the only way that I can revoke this consent is by giving a **signed written revocation** to the Adoption Clerk, Circuit Court for _____ at _____.

G. Effect of this Consent

I UNDERSTAND THAT IF I SIGN THIS CONSENT FORM, AND ADOPTION IS GRANTED, I WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD, EXCEPT THOSE RIGHTS THAT I HAVE KEPT UNDER

ANY WRITTEN POST-ADOPTION AGREEMENT.

H. Oath and Signature

I have read carefully and understand the instructions in front of this consent form. I am signing this consent form voluntarily and of my own free will.

I solemnly affirm under the penalties of perjury that the contents of this consent form are true to the best of my knowledge, information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Witness:

(Signature)

(Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

A COPY OF THE INSTRUCTIONS WITH YOUR SIGNATURE MUST BE ATTACHED TO THIS CONSENT.

IF YOU HAVE A POST-ADOPTION AGREEMENT, ATTACH A COPY TO THIS
CONSENT FORM.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.5, as follows:

Form 9-102.5. CONSENT OF PARENT TO AN INDEPENDENT ADOPTION
WITHOUT TERMINATION OF PARENTAL RIGHTS

CONSENT OF PARENT TO ADOPTION OF _____

Independent Adoption without Termination of Parental Rights

INSTRUCTIONS

These instructions and attached consent form may be used only in independent adoptions, not those that are arranged by an adoption agency. This form should only be used for a parent whose parental rights are not being terminated. It should be used for a parent who is retaining parental rights, for example, a custodial parent in a step-parent adoption. Code, Family Law Article, Title 5, Subtitle 3B.

The attached consent form is an important legal document. You must read all of these instructions BEFORE you sign the consent form. If you do not understand the instructions or the consent form, you should not sign it. If you are under 18 years old or if you have a disability that makes it difficult for you to understand, do not sign the consent form unless you have a lawyer.

A. Right to Have This Information in a Language You Understand

You have the right to have these instructions and the consent form translated into a language that you understand. If you cannot read or understand English, you should not sign the consent form. You should have this form translated for you into a language you do understand. The translated consent form is the one you should read and decide whether or not to sign. Any translation must have an affidavit attached in which the translator states that it is a true and accurate translation of this document.

B. Right to Speak with a Lawyer

You have the right to speak with a lawyer before you decide whether or not to consent.

You should not sign the consent form without a lawyer if you are under 18 years old or have a disability that makes it difficult for you to understand this document. If you are under 18 years old or have a disability that makes it difficult for you to understand this document, you are required to have a lawyer review the form with you before you can consent to the adoption.

Even if you are not required to have a lawyer, you have the right to speak with a lawyer you choose before you decide whether to consent.

C. Right to Adoption Counseling

You have the right to receive adoption counseling and guidance. If you want adoption counseling or guidance, you should not complete this consent form until after you have gotten adoption counseling or guidance.

D. Effect of Signing the Consent Form

IF YOU SIGN THE CONSENT FORM, YOU WILL NOT BE GIVING UP ANY RIGHTS OR RESPONSIBILITIES RELATING TO THE CHILD.

E. Right to Revoke Consent

If you sign the consent form and then change your mind and no longer want to consent, you have the right to revoke (cancel) the consent **within 30 days after the date that you sign the consent form**. The only way that you can revoke this consent is by giving a **signed written revocation statement** with the name, sex, and date of birth of the child (if you know it) to:

Adoption Clerk, Circuit Court for _____, at
_____(Address).

The revocation must be sent to the court, not to the lawyers or the people adopting the child. You may deliver your written revocation of consent in person or by mail. If it is not **received** by the Adoption Clerk's office within 30 days after the date you signed the consent form, it will be too late, and you will not be able to withdraw the consent or stop the adoption from being granted.

If you sign this consent form, and then revoke your consent, and then decide to consent to the adoption again, you will not be able to revoke your second consent if you give your second consent in court within one year of your revocation of this consent.

G. Further Notice of Adoption Proceedings

A petition for adoption has been or will be filed in the Circuit Court for _____. If you sign the consent form, your written consent will also be filed in the court. You have the right to be notified when the petition is filed, when any hearings are held before the adoption is granted, and if and when the adoption is granted. Any notices will be sent to the address given by you on the consent form, unless you write to the Adoption Clerk at _____ (court's address) and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed.

H. Compensation

Under Maryland law, you are not allowed to charge or receive money or compensation of any kind for the placement for adoption of your child or for your agreement to the adoptive parent having custody of your child, except that reasonable and customary charges or fees for adoption counseling, hospital, legal, or medical services may be paid.

I. Access to Birth and Adoption Records

When your child is at least 21 years old, your child, your child's other parent, or you may apply to the Maryland Secretary of the Department of Health and Mental Hygiene for access to certain birth and adoption records. If you do not want information about you to be disclosed (given) to that person, you have the right to prevent disclosure by filing a **disclosure veto**.

Attached to this document is a copy of the form that you may use if you want to file a disclosure veto.

J. Adoption Search, Contact, and Reunion Services

When your child is at least 21 years old, your child, your child's other parent or siblings, or you may apply to the Director of the Social Services Administration of the Maryland Department of Human Resources for adoption search, contact, and reunion services.

K. Rights under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

L. Signature, Witness, and Copy

If you decide to complete and sign the consent form, you must have a witness present when you sign it. The witness must be someone 18 or older and should not be the child or the child's other parent. You must complete and sign the form with a pen and print or type in your name, address, and telephone number. The witness also must sign the form and print or type in the witness' name, address, and telephone number in the blanks on the last page.

If you have a post-adoption agreement, you must attach a copy to the signed consent form.

You have the right to receive a copy of the signed consent form.

STOP HERE IF YOU DID NOT UNDERSTAND SOMETHING YOU HAVE READ OR IF YOU WANT TO SPEAK WITH A LAWYER OR GET ADOPTION COUNSELING BEFORE YOU DECIDE IF YOU WANT TO SIGN THE CONSENT FORM.

If you wish to sign the consent form, you must also sign here to verify that you read these instructions and understand them:

(Signature)

(Date)

You must attach a copy of these signed instructions to the signed consent form.

**CONSENT TO INDEPENDENT ADOPTION
WITHOUT TERMINATION OF PARENTAL RIGHTS**

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into _____, a language that I understand.

2. Name.

My name is _____.

3. Age.

My date of birth is _____.

4. Child.

The child who is the subject of this consent was born on _____ at _____,
(name of hospital or address of birthplace)
in _____.
(city, state, and county of birth)

5. Status as Parent. Check all that apply.

(a) I am

[] the mother of the child

[] the father of the child

[] alleged to be the father of the child

(b) I was married to the mother of the child

[] at the time of conception of the child

[] at the time the child was born.

B. Right to Speak with a Lawyer

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

I already have spoken with a lawyer whose name and telephone number are _____
_____. I have read the instructions at the front of this form, and I am ready to consent to the adoption.

OR

I am at least 18 years old and am able to understand this document. I have read the instructions at the front of this form, and I do not want to speak with a lawyer before I consent to the adoption.

C. Right to Counseling and Guidance

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

I have already spoken with a counselor. I have read the instructions at the front of this form, and I am ready to consent to the adoption.

OR

I do not want to speak with a counselor. I have read the instructions at the front of this form, and I am ready to consent to the adoption.

D. Consent

I voluntarily and of my own free will consent to the adoption of my child, _____, by

_____.

E. Notice

Check **one** of the following:

I give up (waive) the right to any further notice of the adoption case.

OR

I want to be notified when the adoption case is filed, of any hearings, and if and when my child is adopted.

F. Revocation Rights

I understand that if I change my mind and no longer consent to the adoption, I have the right to revoke this consent **within 30 days after the date that I signed this consent form.** I understand that the only way that I can revoke this consent is by giving a signed written revocation statement to the Adoption Clerk, Circuit Court for _____ at _____.

G. Effect of this Consent

I UNDERSTAND THAT IF I SIGN THIS CONSENT FORM, I WILL NOT BE GIVING UP ANY RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD.

H. Oath and Signature

I have read carefully and understand the instructions at the front of this consent form. I am signing this consent form voluntarily and of my own free will.

I solemnly affirm under the penalties of perjury that the contents of this consent form are true to the best of my knowledge, information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Witness:

(Signature)

(Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

A COPY OF THE INSTRUCTIONS WITH YOUR SIGNATURE MUST BE ATTACHED TO THE CONSENT FORM.

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.6, as follows:

Form 9-102.6. CONSENT OF CHILD TO A PUBLIC AGENCY ADOPTION OR
PRIVATE AGENCY ADOPTION

CONSENT OF _____ TO ADOPTION
(Name of Child)

INSTRUCTIONS

This consent form may be completed only after being reviewed with an attorney and should be completed only by a child who is in the custody of or under the guardianship of the Department of Social Services or under the guardianship of a private child placement agency. Code, Family Law Article, Title 5, Subtitle 3 or 3A.

1. I understand English, or this consent form has been translated into _____, a language that I understand.

2. My name is _____.

3. My date of birth is _____. I am _____ years old.

4. I understand that _____ have asked to adopt me.

5. I have a lawyer whose name and telephone number are _____. I have met with my lawyer who has gone over this consent form with me and

explained to me what it means to be adopted.

6. I understand that if I agree to be adopted, and I am adopted, _____ will become my parents, and I will become their child.

7. I understand that I do not have to agree to be adopted. If I do not agree, the judge cannot approve the adoption. If the adoption is not approved, and I am not adopted by someone else, a judge will decide where I will live.

8. I voluntarily and of my own free will agree to being adopted by _____. I understand that if they are not able to complete the adoption, this consent form will no longer be valid and can no longer be used.

9. I understand that if I change my mind and do not want to be adopted, I must tell my lawyer, my social worker, or the judge immediately. I will have to sign a written statement or tell the judge in court that I do not want to be adopted **before** the adoption order is signed by a judge. This is called a revocation of consent.

10. I understand that when I am at least 21 years old, my birth parents or I may apply to the Secretary of the Maryland Department of Health and Mental Hygiene to get certain birth and adoption records. If I do not want information about me to be given to my birth parents, I have the right to file a form called a "disclosure veto." I have been given a form that I may use if I want to file a disclosure veto.

11. I understand that when I am at least 21 years old, my birth parents, my siblings, or I may apply to the Director of the

Social Services Administration of the Maryland Department of Human Resources for adoption search, contact, and reunion services.

12. I have read this consent form or have had it read and explained to me in a language that I understand. I understand the meaning of this consent form.

13. I have not been promised anything in return for agreeing to be adopted.

14. I have signed this consent form of my own free will.

15. I understand that I will be given a copy of this signed consent form.

I solemnly affirm under the penalties of perjury that the contents of this consent to adoption form are true to the best of my knowledge, information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Witness:

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.7, as follows:

Form 9-102.7. CONSENT OF CHILD TO AN INDEPENDENT ADOPTION

CONSENT OF _____ TO INDEPENDENT ADOPTION
(Name of Child)

INSTRUCTIONS

This consent form should be completed only by a child who is being adopted in an independent adoption that is not being arranged by an adoption or child placement agency. Code, Family Law Article, Title 5, Subtitle 3B.

The attached consent form is an important legal document. You must read all of these instructions BEFORE you sign the form and agree to being adopted. If you do not understand the instructions or the consent form, you should not sign it. If you have a disability that makes it hard for you to understand this form, do not complete this consent form unless you have a lawyer.

A. Right to Have This Information in a Language You Understand

You have the right to have these instructions and the consent form translated into a language that you understand. If you cannot read or understand English, you should not sign this consent form.

B. Right to Speak with a Lawyer

If you have a disability that makes it hard for you to understand this consent form, **do not complete this form** because you must have a lawyer before you may complete this form and agree to be adopted.

Even if you do not have a problem understanding this consent form, you have the right to speak with a lawyer before you agree to be adopted. If you want to speak with a lawyer, do not complete this form until you have spoken with a lawyer.

C. What Happens if You Sign the Consent Form

If you sign the consent form, the people who want to adopt you will file an adoption case in the Circuit Court for _____ . There probably will be a court hearing about your adoption. During that hearing, the judge probably will ask you if you want to be adopted. The judge will make the final decision about your adoption.

D. Right to Revoke Consent

If you sign this consent form and then change your mind and decide that you do not want to be adopted, you may take back or "revoke" your consent. However, **you must revoke your consent before the judge signs the adoption order**, and you must revoke it either in writing or in court in front of the judge. If you decide you do not want to be adopted, you should write the judge at _____ Circuit Court at _____ (address) immediately, or tell the judge before or at the beginning of your adoption hearing.

STOP HERE IF YOU DID NOT UNDERSTAND SOMETHING YOU HAVE READ OR IF YOU WANT TO SPEAK WITH A LAWYER BEFORE YOU DECIDE IF YOU WANT TO SIGN THE CONSENT FORM.

If you wish to sign the consent form, you must also sign here to verify that you read these instructions and understand them:

(Signature)

(Date)

You must attach a copy of these signed instructions to the signed consent form.

CONSENT OF _____ TO INDEPENDENT ADOPTION
(Name of Child)

Use a pen to fill out this form. If you decide to sign the consent form, you must have a witness present when you sign it. The witness must be someone 18 or older and should not be your parent or the person who is adopting you. You must fill in all the blanks, sign the form, and print your name, address, and telephone number, and the witness must sign and print the witness' name, address, and telephone number in the blanks on the last page.

1. I understand English, or this consent form has been translated into _____, a language that I understand.

2. My name is _____.

3. My date of birth is _____. I am _____ years old.

4. I understand that _____ have asked to adopt me.

5. Check **one**:

I have a lawyer whose name and telephone number are _____.

I have met with my lawyer who has gone over this consent form with me and explained to me what it means to be adopted. I want to agree to be adopted.

OR

I do not have a lawyer. I have read the instructions in the front of this form, and I understand this consent form. I do not want to speak with a lawyer before I complete this form

and agree to be adopted.

6. I understand that if I agree to be adopted, and I am adopted, _____ will become my parents, and I will become their child.

7. I understand that if I agree to be adopted, and I am adopted, _____ will no longer be my parents.

8. I understand that I do not have to agree to be adopted. If I do not agree, the court cannot approve the adoption.

9. I voluntarily and of my own free will agree to being adopted by _____. I understand that if they are not able to complete the adoption, this consent form will no longer be valid and can no longer be used.

10. I understand that if I change my mind and do not want to be adopted, I must tell the judge immediately. I will have to sign a written statement or tell the judge in court that I do not want to be adopted **before** the adoption order is signed.

11. I understand that when I am at least 21 years old, my birth parents or I may apply to the Secretary of the Maryland Department of Health and Mental Hygiene to get certain birth and adoption records. If I do not want information about me to be given to my birth parents, I have the right to file a form called a "disclosure veto." I have been given a form that I may use if I want to file a disclosure veto.

12. I understand that when I am at least 21 years old, my birth parents, my siblings, or I may apply to the Director of the Social Services Administration of the Maryland Department of

Human Resources for adoption search, contact, and reunion services.

13. I have read this consent form or have had it read and explained to me in a language that I understand. I understand the meaning of this consent form.

14. I have not been promised anything in return for agreeing to be adopted.

15. I have signed this consent form of my own free will.

16. I understand that I will be given a copy of this signed consent form.

I solemnly affirm under the penalties of perjury that the contents of this consent to adoption form are true to the best of my knowledge, information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Witness:

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

**A COPY OF THE INSTRUCTIONS WITH YOUR SIGNATURE MUST BE ATTACHED
TO THIS CONSENT FORM.**

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.8, as follows:

Form 9-102.8. ATTORNEY AFFIDAVIT AS TO CONSENT OF A PARENT TO A
PUBLIC AGENCY GUARDIANSHIP OR PRIVATE AGENCY GUARDIANSHIP

Affidavit by Attorney as to Consent of
_____ (parent) to Guardianship
with the Right to Consent to Adoption ("Guardianship")
by _____ (agency) of _____ (child)

1. I am the attorney representing _____,
a parent of _____, the child who is the
subject of the consent.

2. The parent, at the time of the signing of the consent,
was ___ years old. The parent's date of birth is _____.

3. (Check one of the following)

[] The parent is not disabled or is disabled but the
disability does not affect the parent's ability to
understand the meaning of the consent to
guardianship.

OR

[] The parent is a minor or has a disability that
could affect the parent's ability to understand
the meaning of the consent to guardianship. The

disability is _____
_____.

Despite the parent's age or disability, I believe that the parent understood the meaning of consenting to guardianship. The following additional steps were taken to ensure that the parent understood the meaning of the consent form prior to signing it: _____
_____.

4. The parent understands English, or the consent form that the parent signed was translated into _____, a language that the parent understands.

5. I have explained to the parent that _____ (agency) has filed or plans to file a case to ask the court to grant it guardianship of the child with the right to consent to adoption by:

Check one of the following:

a family approved by the agency.

OR

_____ (name by which parent knows adoptive parent).

6. I reviewed the consent form thoroughly with the parent, and I believe that the parent desires to consent to the guardianship and has signed the consent form knowingly and voluntarily and not due to duress or coercion.

I solemnly affirm under the penalties of perjury that the contents of this affidavit are true to the best of my knowledge,

information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.9, as follows:

Form 9-102.9. ATTORNEY AFFIDAVIT AS TO CONSENT OF A PARENT TO
ADOPTION

Affidavit by Attorney as to Consent of

_____ (parent)

to Adoption of _____

1. I am the attorney representing _____
_____, a parent of _____,
the child who is the subject of the consent.

2. The parent, at the time of the signing of the consent,
was _____ years old. The parent's date of birth is
_____.

3. (Check one of the following)

The parent is not disabled or is disabled but
the disability does not affect the parent's
ability to understand the meaning of the consent
to adoption.

OR

The parent is a minor or has a disability that
could affect the parent's ability to understand
the meaning of the consent to adoption. The

disability is _____
_____.

Despite the parent's age or disability, I believe that the parent understood the meaning of consenting to adoption. The following additional steps were taken to ensure that the parent understood the meaning of the consent form prior to signing it: _____
_____.

4. The parent understands English, or the consent form that the parent signed was translated into _____, a language that the parent understands.

5. I have explained to the parent that _____ (name by which parent knows adoptive parent) has filed or plans to file a case to ask the court to permit that person to adopt the parent's child.

6. I reviewed the consent form thoroughly with the parent, and I believe that the parent desires to consent to the adoption and has signed the consent form knowingly and voluntarily and not due to duress or coercion.

I solemnly affirm under the penalties of perjury that the contents of this affidavit are true to the best of my knowledge, information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS
FORMS FOR GUARDIANSHIPS THAT TERMINATE PARENTAL
RIGHTS AND ADOPTIONS

ADD new Form 9-102.10, as follows:

Form 9-102.10. ATTORNEY AFFIDAVIT AS TO CONSENT OF A CHILD TO
ADOPTION

Affidavit by Attorney as to Consent of

_____ (Child) to Adoption

1. I am the attorney representing _____,
the individual who is the subject of this adoption proceeding
("the child").

2. The child, at the time of the signing of the consent
form, was _____ years old. The child's date of birth is
_____. To the best of my knowledge,
the child is not an Indian child subject to the provisions of the
Indian Child Welfare Act.

3. (Check one of the following)

[] The child is not disabled or is disabled but the
disability would not affect the child's ability
to understand the meaning of consenting to
adoption.

OR

[] The child has a disability that could affect the child's ability to understand the meaning of consenting to adoption. The disability is

_____.

Despite the child's disability, I believe that the child understands the meaning of the consenting to adoption. The following additional steps were taken to ensure that the child understood the meaning of the consent form prior to signing it: _____

_____.

4. The child understands English, or the consent that the child signed has been translated into _____, a language that the child understands.

5. I have explained to the child that _____ have asked the court to be permitted to adopt the child, that the child has the right to decide whether or not the child wants to be adopted, and the possible options if the adoption is not approved.

6. I reviewed the consent form thoroughly with the child, and I believe that the child agrees to the adoption and has signed the consent form knowingly and voluntarily and not due to duress or coercion.

I solemnly affirm under the penalties of perjury that the contents of this affidavit are true to the best of my knowledge,

information, and belief.

(Date)

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 100 - APPLICABILITY AND CITATION

AMEND Rule 1-101 to conform to the proposed revisions to the Rules in Title 9, Chapter 100, as follows:

Rule 1-101. APPLICABILITY

. . .

(i) Title 9

Title 9 applies to ~~adoptions, guardianships with the right to consent to adoption proceedings under Code, Family Law Article, Title 5, Subtitles 3 (Guardianship to and Adoption through Local Department), 3A (Private Agency Guardianship and Adoption), and 3B (Independent Adoption)~~ and proceedings relating to divorce, annulment, alimony, child support, and child custody and visitation.

(j) Title 10

Title 10 applies to fiduciary matters in the courts of this State, except for matters relating to the settlement of decedents' estates governed by Title 6 of these Rules and ~~guardianships with the right to consent to adoption~~ governed by Title 9 of these Rules.

. . .