

HOUSE BILL 861

D4

2lr2501

By: **Delegate Clippinger**

Introduced and read first time: February 7, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Independent Adoption – Consent of Petitioner’s Spouse**

3 FOR the purpose of repealing a requirement that the spouse of a petitioner in an
4 independent adoption proceeding join in the petition except under certain
5 circumstances and substituting a requirement that the spouse consent in writing to
6 the petition except under certain circumstances; and generally relating to adoption.

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section 5–3B–13
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2021 Supplement)

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

14 **Article – Family Law**

15 5–3B–13.

16 (a) Any adult or minor may be adopted under this subtitle.

17 (b) (1) Any adult may petition a court for adoption.

18 (2) **(I)** If a petitioner is married, the petitioner’s spouse shall [join in]
19 **CONSENT IN WRITING TO** the petition unless the spouse:

20 [(i)] **1.** is separated from the petitioner under a circumstance that
21 gives the petitioner a ground for annulment or divorce;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(ii)] 2. is not competent to [join in] CONSENT TO the petition; or

2 [(iii)] [1.] 3. A. is a parent of the prospective adoptee; and

3 [2.] B. has consented to the adoption in accordance
4 with this subtitle.

5 (II) **THIS PARAGRAPH MAY NOT BE CONSTRUED TO CONFER ANY**
6 **RIGHTS OR IMPOSE ANY RESPONSIBILITIES OF A PARENT ON THE PETITIONER'S**
7 **SPOUSE.**

8 (c) Before a petition is filed under this subtitle, a petitioner shall move for, and a
9 court shall order that, a case pending under Subtitle 3 of this title be closed.

10 (d) If the marital status of a petitioner changes before entry of an order under this
11 subtitle, the petitioner shall amend the petition accordingly.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2022.