

CHAPTER 287

(Senate Bill 413)

AN ACT to repeal and re-enact, with amendments, Section 78 of Article 16 of the Annotated Code of Maryland (1957 Edition), title "Chancery", sub-title "Adoption", amending such Section to provide that the term "descendant" as well as certain other terms shall include an adopted person and to clarify the legal effect of the use of the terms "child", "heir", "issue" and "descendant" or an equivalent in an instrument executed prior to June 1, 1947.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 78 of Article 16 of the Annotated Code of Maryland (1957 Edition), title "Chancery", sub-title "Adoption", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

78. (Legal Effect of Interlocutory Decree of Adoption.) From and after the entry of an interlocutory decree of adoption or from and after the entry of a final decree of adoption where no such interlocutory decree is entered, the following legal effects shall result:

(a) Except as otherwise expressly provided in this section, the person adopted shall be, to all intents and purposes, the child of the petitioner or petitioners; unless and until such interlocutory order of adoption is revoked the person adopted shall be entitled to all the rights and privileges and subject to all the obligations of a child born in lawful wedlock to the petitioner or petitioners.

(b) The natural parents of the person adopted, if living, shall after the interlocutory decree be relieved of all legal duties and obligations due from them to the person adopted, and shall be divested of all rights with respect to such person; provided, that nothing in this sub-title shall be construed to prevent the person adopted from inheriting from his natural parents and relatives under the laws of this or any other State.

(c) The term "child", "heir", "issue", "*descendant*" or an equivalent in a deed, grant, will or other written instrument shall be held to include any adopted person, unless the contrary plainly appears by the terms thereof, whether such instrument was executed before or after the entry of the interlocutory decree of adoption, if any, and if none, before or after the entry of the final decree of adoption [.] ; *in the event such instrument was executed prior to June 1, 1947, the provisions of this sub-section (c) shall apply to those adopted persons as to whom the interlocutory decree of adoption, if any, and if none, the final decree of adoption was entered on or after June 1, 1947.*

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1961.

Approved April 24, 1961.

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

~~Strike out~~ indicates matter stricken out of bill.