

the legal consequences of a child being given that status are not at all clear. The further provision of the bill that the child shall become an abandoned ward of the State and that the parents shall have no parental rights or obligations only applies if one or both of the parents do not agree to accept parental rights and responsibilities within thirty days of birth. 1 While an argument can be made to the contrary, we believe that the child should not be treated as an abandoned ward and the parents should not be treated as having no parental rights or obligations unless and until thirty days have elapsed and neither of them has agreed to accept parental rights and responsibilities. If the thirty days elapse and no such agreement is forthcoming, then clearly from that time forward the child is an abandoned ward of the State and the parents have surrendered their parental rights and obligations. It remains somewhat uncertain as to whether the surrender of these rights and obligations on the thirtieth day is retroactive so as to relieve them of parental rights and obligations from the moment of birth. 2

While one could read the provision in question as conferring parental rights and responsibilities only on the parent who agrees to accept them, it is also entirely possible, and we think more likely, that the bill is to be read as conferring those rights and responsibilities upon both parents in the event that only one parent agrees to accept them. Under this latter construction, if the mother so agreed within thirty days, then the father would not be relieved of his parental responsibilities or, more importantly, his parental rights. Additionally, it should be noted that the bill does not furnish any details as to the nature of the agreement which must take place. One must wonder whether the agreement is required to be in writing or can be given orally and whether the agreeing parent can or should be required to signify anything beyond his or her general agreement "to accept the parental rights and responsibilities for" the child. In the event that a form of agreement is developed by the Secretary of Health and Mental Hygiene (assuming he has the power to do so) or by an individual doctor or hospital, could or should the form of agreement specify in any detail the nature of those parental rights and responsibilities? It is also somewhat uncertain whether a parent who has initially declined to accept parental rights and responsibilities, in writing or otherwise, may thereafter change his or her mind and agree within thirty days of birth to accept them. We incline toward the view that such a change of mind would be permissible and effective.

In addition to the interpretive questions raised by the language quoted above, there is a threshold question worthy of mention here which is attributable to the