

(III) THE MAINTENANCE OF REGULAR CONTACT OR COMMUNICATION WITH THE LEGAL OR OTHER CUSTODIAN OF THE CHILD; AND

(IV) WHETHER ADDITIONAL SERVICES WOULD BE LIKELY TO BRING ABOUT LASTING PARENTAL ADJUSTMENT ENABLING A RETURN OF THE CHILD TO THE PARENT WITHIN AN ASCERTAINABLE PERIOD OF TIME, ALTHOUGH THE COURT MAY NOT CONSIDER WHETHER THE MAINTENANCE OF THE PARENT-CHILD RELATIONSHIP MAY SERVE AS AN INDUCEMENT FOR THE PARENT'S REHABILITATION.

(C) (1) IF A CHILD HAS BEEN UNDER CONTINUOUS FOSTER CARE IN THE CUSTODY OF A CHILD PLACEMENT AGENCY FOR AT LEAST 2 YEARS, THE COURT SHALL PRESUME THAT IT IS IN THE CHILD'S BEST INTEREST TO AWARD TO THAT CHILD PLACEMENT AGENCY A DECREE GRANTING GUARDIANSHIP, WITHOUT THE CONSENT OF THE PARENTS.

(2) IN CONSIDERING EVIDENCE TO REBUT THIS PRESUMPTION THE COURT SHALL CONSIDER ALL OF THE FACTORS ENUMERATED IN SUBSECTION (B) OF THIS SECTION, WITH THE EXCEPTION OF PARAGRAPH (5)(IV).

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(A) (1) THIS SECTION APPLIES ONLY TO INDEPENDENT ADOPTIONS WHERE PARENTAL CONSENT IS WITHHELD.

(2) NOTHING IN THIS SECTION PERMITS A LICENSED FOSTER PARENT TO PETITION FOR ADOPTION OF A CHILD PLACED WITH THE FOSTER PARENT BY A CHILD PLACEMENT AGENCY WITHOUT THE CONSENT OF THE CHILD PLACEMENT AGENCY.

(B) A--PETITION--FOR--ADOPTION--MAY--BE--FILED--BY A DECREE OF ADOPTION MAY BE GRANTED TO A STEPPARENT, RELATIVE, OR OTHER PERSON WHO HAS EXERCISED PHYSICAL CARE, CUSTODY, OR CONTROL OF A CHILD FOR AT LEAST 1 YEAR. A DECREE OF ADOPTION MAY BE GRANTED IN THIS CASE WITHOUT A NATURAL PARENT'S CONSENT REQUIRED UNDER § 72 OF THIS ARTICLE, IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT TERMINATION OF THE NATURAL PARENT'S RIGHTS IS IN THE CHILD'S BEST INTEREST, AND:

(1) THE CHILD HAS BEEN OUT OF THE CUSTODY OF THE PARENT FOR AT LEAST 3 YEARS;

(2) THE CHILD HAS DEVELOPED SIGNIFICANT FEELINGS AND EMOTIONAL TIES WITH THE PERSON SEEKING TO ADOPT; AND

(3) ONE OF THE FOLLOWING HAS OCCURRED:

(I) THE PARENT, GIVEN THE OPPORTUNITY, HAS NOT MAINTAINED MEANINGFUL CONTACT WITH THE CHILD DURING THE TIME THAT THE CHILD HAS BEEN IN THE CUSTODY OF THE PERSON SEEKING TO ADOPT;