

before the petition for guardianship or adoption is filed has the right to appointed counsel to review the consent to ensure knowing and voluntary consent as required by current FL § 5-321(a)(v). The Committee did not intend to change former FL §§ 5-301(h) and 5-323(a)(1)(iii), which, by defining minor with relation to the signing of a consent rather than filing of a petition, did so require.

As to "minor", see Art. 1, § 24 of the Code.

Defined terms: "Guardianship" § 5-301

"Juvenile court" § 1-101

"Parent" § 5-301

5-318.

(a) (2) If a party becomes aware, before a juvenile court rules on a guardianship petition, that a condition of consent under § 5-320(b) of this subtitle may not be fulfilled:

(i) the party promptly shall:

1. file notice with the juvenile court; [and]

2. give notice to all of the other parties; AND

3. IF CONSENT WAS RECEIVED FROM A GOVERNMENTAL UNIT OR PERSON WHO IS NOT A PARTY, GIVE NOTICE TO THAT UNIT OR PERSON;

(iii) if the party, UNIT, OR PERSON whose condition cannot be fulfilled fails to enter into a new consent, the juvenile court shall set the case in for a prompt trial on the merits of the petition.

COMMITTEE NOTE: Subsection (a)(2)(i) and (iii) of this section is amended to accommodate instances in which a nonparty consents.

Defined terms: "Guardianship" § 5-301

"Juvenile court" § 1-101

"Party" § 5-301

"Person" § 1-101

5-320.

(a) A juvenile court may grant guardianship of a child only if:

(1) (iii) 1. each of the child's living parents consents:

A. in writing;

B. knowingly and voluntarily, on the record before the juvenile court; or

C. by failure to file a timely notice of objection after being served with a show cause order in accordance with this subtitle; [or]