

COMMITTEE NOTE: Subsection (b)(2) of this section is amended to clarify that the form of notice of objection to a show cause order is a response.

Defined term: "Guardianship" § 5-3A-01

5-3A-18.

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

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

(i) in writing; or

(ii) by failure to timely file notice of objection after being served with a show cause order in accordance with this subtitle;

(2) an administrative, executive, or judicial body of a state or other jurisdiction has granted a GOVERNMENTAL UNIT OR person other than a parent the power to consent to [adoption] ADOPTION, and the GOVERNMENTAL UNIT OR person consents; or

(3) [in accordance with § 5-3A-21 of this subtitle, the court orders guardianship without consent otherwise required under this section] PARENTAL RIGHTS HAVE BEEN TERMINATED IN COMPLIANCE WITH THE LAWS OF A STATE OR OTHER JURISDICTION, AS DESCRIBED IN § 5-3A-05 OF THIS SUBTITLE.

(b) A GOVERNMENTAL UNIT OR person:

(1) may condition consent or acquiescence on adoption into a specific family that a child placement agency has approved for the placement; but

(2) may not condition consent or acquiescence on any factor other than placement into a specific family.

COMMITTEE NOTE: This section is amended to accommodate instances in which consent is given by a governmental unit or person other than a parent and to clarify the instances in which consent is not required due to prior termination of parental rights.

Defined terms: "Guardianship" § 5-3A-01

"Parent" § 5-3A-01

5-3A-19.

(c) If a petitioner becomes aware, before a court rules on a petition, that a condition of consent under § 5-3A-18(b) of this subtitle cannot be fulfilled, the petitioner promptly shall:

(1) file notice with the court;

(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; AND