

(i) to each of the child's living parents who has not waived the right to notice AND, IF REPRESENTED, COUNSEL; and

COMMITTEE NOTE: Subsection (b)(1)(i) of this section is amended to add a requirement for notice to counsel, as well as the parent.

Defined terms: "Child placement agency" § 5-101

"Parent" § 5-3A-01

5-3A-24.

If a petitioner becomes aware, after 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

[(3)] (4) (i) if the unit or person enters into a new consent, file the consent with the court;

(ii) if the unit or person fails to enter into a new consent, ask the court to set aside the guardianship order; or

(iii) if the unit or person cannot be located after exhaustion of the service requirements under § 5-3A-15 of this subtitle, ask the court to determine whether it is in the child's best interests to continue the guardianship despite the inability to fulfill the condition.

COMMITTEE NOTE: This section is amended to add new item (3), to accommodate instances in which a nonparty gives consent.

Defined term: "Person" § 1-101

5-3A-34. CONSIDERATIONS.

(A) IN GENERAL.

IN RULING ON A PETITION FOR A CHILD'S ADOPTION UNDER THIS PART III OF THIS SUBTITLE, A COURT SHALL CONSIDER:

(1) ALL FACTORS NECESSARY TO DETERMINE THE CHILD'S BEST INTERESTS; AND

(2) THE REPORT REQUIRED UNDER § 5-3A-31 OF THIS SUBTITLE.

(B) MARRIAGE.

IN RULING ON AN ADOPTION PETITION UNDER THIS PART III OF THIS SUBTITLE, A COURT MAY NOT DENY THE PETITION SOLELY BECAUSE THE PETITIONER IS SINGLE OR UNMARRIED.