

1. IS REPRESENTED BY AN ATTORNEY;
2. HAS HAD AN OPPORTUNITY TO RECEIVE ADOPTION COUNSELING AND GUIDANCE SERVICES; AND
3. CONSENTS TO THE ADOPTION:
 - A. IN WRITING; OR
 - B. KNOWINGLY AND VOLUNTARILY, ON THE RECORD BEFORE THE JUVENILE COURT; AND

(II) A PARENT WHO DOES NOT CONSENT:

1. IS DEAD; OR
2. A. DESPITE REASONABLE EFFORTS AS PROVIDED IN § 5-316 OF THIS SUBTITLE, CANNOT BE LOCATED;
 - B. HAS NOT CONTACTED THE LOCAL DEPARTMENT WITH CUSTODY OF THE CHILD OR THE CHILD FOR AT LEAST 180 DAYS IMMEDIATELY BEFORE THE FILING OF THE PETITION; AND
 - C. FAILS TO RESPOND TO A SHOW CAUSE ORDER SERVED UNDER § 5-334 OF THIS SUBTITLE;

(2) THE DIRECTOR OF THE LOCAL DEPARTMENT WITH CUSTODY OF THE CHILD CONSENTS; AND

(3) THE CHILD:

- (I) IS REPRESENTED BY AN ATTORNEY; AND
- (II)
 1. IF AT LEAST 10 YEARS OLD, CONSENTS; OR
 2. IF UNDER THE AGE OF 10 YEARS, DOES NOT OBJECT.

(B) WITHHOLDING CONSENT.

A LOCAL DEPARTMENT MAY NOT WITHHOLD CONSENT FOR THE SOLE REASON THAT THE RACE, RELIGION, COLOR OR NATIONAL ORIGIN OF A PROSPECTIVE ADOPTIVE PARENT DIFFERS FROM THAT OF THE CHILD OR PARENT.

COMMITTEE NOTE: Subsection (a)(1), (2), and (3)(ii)1 of this section is derived from former FL § 5-311(a) and revised to refer to adoption counseling and guidance services and to allow consent by 1 parent in instances when the other parent is dead or not in contact.

Subsection (a)(3)(i) of this section is new and added to reflect the expanded requirement for representation by counsel.

Subsection (a)(3)(ii)2 of this section is new and added to allow for objection by a child who is not old enough for consent.

Subsection (b) of this section is derived from former FL § 5-311(b)(2) and