

(2) IF A NATURAL PARENT DOES NOT PROVIDE SPECIFIED MEDICAL TREATMENT FOR A CHILD BECAUSE THE NATURAL PARENT IS LEGITIMATELY PRACTICING RELIGIOUS BELIEFS, THAT REASON ALONE DOES NOT MAKE THE NATURAL PARENT A NEGLIGENT PARENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 16, § 76(a) and (b).

In the introductory language of subsection (a) of this section, the phrase "as to the child" is new language added to avoid an overbroad statement.

Former Article 16, § 76(c), which created a presumption that it is in the best interests of a child who has been under continuous foster care in the custody of a child placement agency for at least 2 years, to award guardianship to the child placement agency without the consent of the parents, is deleted. The Court of Appeals of Maryland held that subsection unconstitutional as violative of a parent's right to procedural due process, in Washington County Department of Social Services v. Clark, 296 Md. 190 (1983).

Defined terms: "Child placement agency" § 5-301  
 "Disability" § 5-301 "Guardianship" § 5-301  
 "Including" § 1-101

#### 5-314. WHEN PARENTAL CONSENT VALID.

##### (A) REQUIRED NOTICE.

THE CONSENT OF A NATURAL PARENT TO EITHER AN ADOPTION OR GUARDIANSHIP OF A CHILD IS NOT VALID UNLESS THE CONSENT CONTAINS AN EXPRESS NOTICE OF THE RIGHT TO REVOKE CONSENT UNDER § 5-311 OR § 5-317 OF THIS SUBTITLE, AS THE CASE MAY BE.

##### (B) MINOR PARENT.

A MINOR PARENT MAY CONSENT TO AN ADOPTION OR GUARDIANSHIP OF A CHILD. HOWEVER, THE CONSENT OF A MINOR PARENT IS NOT VALID UNLESS THE CONSENT IS ACCOMPANIED BY AN AFFIDAVIT OF COUNSEL APPOINTED UNDER § 5-323 OF THIS SUBTITLE THAT THE CONSENT OF THE MINOR PARENT IS GIVEN KNOWINGLY AND WILLINGLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 16, § 74(a) and the first and second clauses of (b).

Defined terms: "Guardianship" § 5-301  
 "Minor parent" § 5-301

#### 5-315. JOINT PETITION BY MARRIED INDIVIDUALS.