

In subsection (a) of this section, the former clause that provided that this section applies to adoptions before, on, or after July 1, 1976, is deleted as unnecessary.

In subsection (b) of this section, the phrase "child placement agency" is substituted for the former phrase "public or private adoption agency" for consistency with the language used in Subtitle 3 of this title.

Defined terms: "Eligible child" § 5-401
"Subsidy" § 5-401

5-409. APPLICATION.

(A) FILING.

TO APPLY FOR A SUBSIDY ON BEHALF OF AN ELIGIBLE CHILD, AN INDIVIDUAL WHO IS A PROSPECTIVE ADOPTIVE PARENT OF THE ELIGIBLE CHILD SHALL FILE AN APPLICATION FOR A SUBSIDY WITH THE LOCAL DEPARTMENT.

(B) EVIDENCE TO BE APPENDED.

(1) THE DIRECTOR OF THE LOCAL DEPARTMENT SHALL APPEND TO THE APPLICATION EVIDENCE OF INABILITY, AFTER ALL REASONABLE EFFORTS, TO PLACE THE ELIGIBLE CHILD, WITHOUT A SUBSIDY, WITH AN APPROPRIATE ADOPTIVE PARENT BECAUSE OF THE SPECIAL CIRCUMSTANCES.

(2) IF THE DIRECTOR OF THE LOCAL DEPARTMENT DETERMINES THAT THE ELIGIBLE CHILD HAS ESTABLISHED EMOTIONAL TIES WITH A PROSPECTIVE ADOPTIVE PARENT WHO IS THE CHILD'S FOSTER PARENT, EVIDENCE OF EFFORTS TO PLACE THE CHILD WITH ANOTHER PROSPECTIVE ADOPTIVE PARENT IS NOT REQUIRED.

REVISOR'S NOTE: This subsection is new language derived without substantive change from the third, fourth, and fifth sentences of former Article 16, § 88D.

In subsection (b) of this section, the references to the director of the local department are added for clarity and to conform to practice.

Defined terms: "Eligible child" § 5-401
"Local department" § 5-401 "Subsidy" § 5-401

5-410. SUBSIDY AGREEMENT.

(A) TIME FOR MAKING AGREEMENT.

(1) BEFORE A FINAL DECREE OF ADOPTION IS PASSED, THE LOCAL DEPARTMENT AND A PROSPECTIVE ADOPTIVE PARENT OF AN ELIGIBLE CHILD SHALL MAKE A WRITTEN AGREEMENT REGARDING THE SUBSIDY.