



CIRCUIT COURT FOR _____, MARYLAND

City/County

Located at _____

Court Address

Telephone _____

Case No. _____

VS.

Petitioner

Respondent

CONSENT OF PARENT TO A PRIVATE AGENCY GUARDIANSHIP (FORM 9-102.1)

CONSENT OF PARENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT TO
ADOPTION OF _____ TO _____,
A LICENSED PRIVATE ADOPTION AGENCY

INSTRUCTIONS

*These instructions and attached consent form may be used only in cases where the child is being placed for adoption with the assistance of a licensed **private** adoption agency. Code, Family Law Article, Title 5, Subtitle 3a.*

The attached consent form is an important legal document. You must read all of these instructions BEFORE you sign the consent form. If you do not understand the instructions or the consent form, you should not sign it. If you are under 18 years old or if you have a disability that makes it difficult for you to understand, do not sign the consent form unless you have a lawyer.

A. Right to Have This Information in A Language You Understand

You have the right to have these instructions and the consent form translated into a language that you understand. If you cannot read or understand English, you should not sign the consent form. You should have this form translated for you into a language you do understand. The translated consent form is the one you should read and decide whether or not to sign. Any translation must have an affidavit attached in which the translator states that it is a true and accurate translation of this document.

B. Right to Speak With a Lawyer

You have the right to speak with a lawyer before you decide whether or not to consent.

You should not sign the consent form without a lawyer if you are under 18 years old or have a disability that makes it difficult for you to understand this document. If you are under 18 years old or have a disability that makes it difficult for you to understand this document, you are required to have a lawyer review the form with you before you can consent to the guardianship.

Even if you are not required to have a lawyer, you have the right to speak with a lawyer you choose before you decide whether to consent.

You can ask the court to require the agency seeking guardianship of your child to pay the costs of the lawyer. The judge does not have to grant that request but may do so.

C. Post-Adoption Agreement

If you have made a written agreement with the adoptive parents for future contact (known as a post-adoption agreement), a copy of that agreement must be attached to the signed consent form. If you have a post-adoption agreement, and, after adoption, the adoptive parents do not do what they agreed to do, it will not affect your consent to the guardianship or the adoption. However, if that happens, you have the right to ask a judge to make them do what they agreed to do. The judge can order you and the adoptive parents to go to mediation, order the adoptive parents to do what they agreed to do, or change the agreement if the judge decides that it is in the child's best interest.

D. Conditional Consent

If you decide to sign the consent form, you will have two choices:

(1) you can consent to the guardianship and the adoption of your child by a family approved by the adoption agency; or

(2) you can consent to the guardianship only if the child is adopted into a specific family. This is called a "conditional consent." If you sign a conditional consent, and the family whose name is on the consent cannot adopt the child, your consent will no longer be valid. The adoption agency will try to locate you to find out if you want to sign a new consent. If your parental rights have not been taken away (guardianship has not yet been granted), and you do not sign a new consent, the court will end the guardianship case. If your parental rights have been taken away (guardianship has been granted), and you do not sign a new consent, the court will decide whether it is in the child's best interests to continue the guardianship.

E. Effect of Signing the Consent Form

IF YOU SIGN THE CONSENT FORM, AND GUARDIANSHIP IS GRANTED, YOU WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD.

If you have a post-adoption agreement, you will keep only the rights the agreement gives you. Violation of the agreement will not affect your consent or the adoption.

F. Right to Revoke Consent

If you sign the consent form and then change your mind and no longer want to consent, you have the right to revoke (cancel) the consent **within 30 days after the date that you sign the consent form**. The only way that you can revoke this consent is by giving a **signed written revocation statement** with the name, sex, and date of birth of the child (if you know it) to:

Adoption Clerk, Circuit Court for _____ at _____.
City/County Court Address

The revocation must be sent to the court, not to the lawyers, or the agency, or the people adopting the child. You may deliver your written revocation of consent in person or by mail. If it is not **received** by the Adoption Clerk's office within 30 days after the date you signed the consent form, it will be too late, and you will not be able to withdraw the consent or stop the guardianship from being granted.

If you sign the consent form, and then revoke your consent, and then decide to consent to the guardianship again, you will not be able to revoke your second consent if you give your second consent in court within one year of your revocation of this consent.

G. Further Notice of Guardianship and Adoption Proceedings

A petition for guardianship with the right to consent to adoption has been or will be filed in _____ Circuit Court. If you sign the consent form, your written consent form will also be filed in the circuit court. You have the right to be notified when the petition is filed, about any hearings, if and when the guardianship is granted, and when the child is adopted. You also have the right to be notified if there is a delay in your child's adoption because:

1. The adoption agency does not place your child with an adoptive family within 270 days of being appointed the guardian of your child;
2. The adoption agency does not place your child with an adoptive family within 180 days of the disruption of a prior adoptive placement; or
3. The adoption is not completed within 2 years after your child's placement with the adoptive family.

Any notices will be sent to the address given by you on the consent form, unless you write to the Adoption Clerk at _____ and give the clerk your new address. You may waive (give up) your right to notice if you wish to do so. Even if you give up your right to notice, someone from the court may contact you if further information is needed. Receiving notice of a hearing does not give you the right to attend the hearing.

H. Compensation

Under Maryland law, you are not allowed to charge or receive money or compensation of any kind for the placement for adoption of your child or for your agreement to the adoptive parent having custody of your child, except for (1) reasonable and customary charges or fees for adoption counseling, hospital, legal, or medical services, (2) reasonable expenses for transportation for medical care associated with the pregnancy or birth of the child, (3) reasonable expenses for food, clothing, and shelter for a birth mother if, on written advice of a physician, the birth mother is unable to work or otherwise support themselves because of medical reasons associated with the pregnancy or birth of the child, and (4) reasonable expenses associated with any required court appearance relating to the adoption, including transportation, food, and lodging expenses.

I. Access to Birth and Adoption Records

When your child is at least 21 years old, your child, your child's other parent, or you may apply to the Secretary of the Maryland Department of Health for access to certain birth and adoption records. If you do not want information about you to be disclosed (given) to that person, you have the right to prevent disclosure by filing a disclosure veto. Attached to this document is a copy of the form that you may use if you want to file a disclosure veto.

J. Adoption Search, Contact, and Reunion Services

When your child is at least 21 years old, your child, your child's other parent or siblings, or you may apply to the Director of the Social Services Administration of the Maryland Department of Human Services for adoption search, contact, and reunion services.

K. Rights Under the Indian Child Welfare Act

If you or your child are members of or are eligible for membership in an Indian tribe, as defined by federal law, you have special legal rights under the Indian Child Welfare Act. You should not sign this consent form if you believe this may apply to you. You should tell the person requesting the consent or the court that you believe that your child's case should be handled under the Indian Child Welfare Act.

L. Authorization for Access to Medical and Mental Health Records

You may be asked to sign a separate form (authorization) to allow the adoptive parents and adoption agency to get your child's medical and mental health records or your medical and mental health records. If you agree to allow access to this information, the records given to the adoptive parents will not include identifying information about you unless identifying information was previously exchanged by agreement.

M. Signature, Witness, and Copy

If you decide to complete and sign the consent form, you must have a witness present when you sign it. The witness must be someone 18 or older and should not be the child or the child's other parent. You must complete and sign the form with a pen and print or type in your name, address, and telephone number. The witness also must sign the form and print or type in the witness' name, address, and telephone number in the blanks on the last page.

If you have a post-adoption agreement, you must attach a copy to the signed consent form.

You have the right to receive a copy of the signed consent form.

STOP HERE IF YOU DID NOT UNDERSTAND SOMETHING YOU HAVE READ OR IF YOU WANT TO SPEAK WITH A LAWYER BEFORE YOU DECIDE IF YOU WANT TO SIGN THE CONSENT FORM.

If you wish to sign the consent form, you must also sign here to verify that you read these instructions and understand them:

Date

Signature

You must attach a copy of these signed instructions to the signed consent form.

**CONSENT TO GUARDIANSHIP WITH THE RIGHT TO CONSENT TO
ADOPTION OF _____ TO _____,
A LICENSED PRIVATE ADOPTION AGENCY**

Use a pen to fill out this form. You must complete each section.

A. Identifying Information

1. Language.

I understand English, or this consent form has been translated into _____, a language that I understand.

2. Name.

My name is _____

3. Age.

My date of birth is _____

4. Child.

The child who is the subject of this consent was born on _____ Date
at _____, in
Name of Hospital or Address of Birthplace

City, State, and County of Birth

5. Status as Parent. Check **all** that apply.

(a) I am

- ☐ the mother of the child. ☐ the father of the child. ☐ alleged to be the father of the child.
☐ found by a court to be the “de facto” parent of the child.

(b) I was married to the mother of the child

- ☐ at the time of conception of the child. ☐ at the time the child was born.

(c) I was the registered domestic partner of the parent of the child

- ☐ at the time of conception of the child. ☐ at the time the child was born.

B. Right to Speak with a Lawyer

I WANT TO COMPLETE THIS CONSENT FORM BECAUSE:

Check **one** of the following:

- ☐ I already have spoken with a lawyer whose name and telephone number are _____
_____. I have read the instructions at the front
of this form, and I am ready to consent to the guardianship with the right to consent to adoption.

OR

- ☐ I am at least 18 years old and am able to understand this document. I have read the instructions at the
front of this form, and I do not want to speak with a lawyer before I consent to the guardianship with
the right to consent to adoption.

C. Consent

Check **one** of the following:

☐ I voluntarily and of my own free will consent to the ending (termination) of my parental rights and to the appointment of _____, a licensed private adoption agency, to be the guardian of my child, with the right of the guardian to consent to adoption.

OR

☐ I voluntarily and of my own free will consent to the ending (termination) of my parental rights and to the appointment of _____, a licensed private adoption agency, to be the guardian of my child as long as my child is adopted by _____

D. Rights Under the Indian Child Welfare Act.

Check the following statement if it applies to you:

☐ I am not a member of an Indian tribe or eligible to become a member of an Indian tribe.

OR

☐ I am a member of an Indian tribe or believe I may be enrolled in a tribe. The name of the tribe is _____, located in _____.

E. Notice

Check **one** of the following:

☐ I give up (waive) the right to any further notice of the guardianship case, any delays in the adoption of my child, or when my child is adopted.

OR

☐ I give up (waive) the right to any further notice of the guardianship case or any delays in the adoption of my child, but I want to be notified when my child is adopted.

OR

☐ I want to be notified about anything that happens in the guardianship case, any delays in the adoption of my child, and when my child is adopted.

F. Revocation Rights

I understand that if I change my mind and no longer consent to the guardianship with the right to consent to adoption, I have the right to revoke this consent **within 30 days after I sign this consent form**. I

understand that the only way that I can revoke this consent is by giving a **signed written revocation** to the Adoption Clerk, Circuit Court for _____ at _____

City/County

Court Address

G. Effect of this Consent

I UNDERSTAND THAT IF I SIGN THIS CONSENT FORM, AND GUARDIANSHIP IS GRANTED, I WILL BE GIVING UP ALL RIGHTS AND RESPONSIBILITIES RELATING TO THE CHILD, EXCEPT THOSE RIGHTS THAT I HAVE KEPT UNDER ANY WRITTEN POST-ADOPTION AGREEMENT.

H. Oath and Signature

I have read carefully and understand the instructions at the front of this consent form. I am signing this consent form voluntarily and of my own free will.

I solemnly affirm under the penalties of perjury that the contents of this consent form are true to the best of my knowledge, information, and belief.

Date

Signature

Printed Name

Street Address

City, State, Zip

Telephone Number

E-mail

Fax

Witness:

Signature

Date

Printed Name

Street Address

City, State, Zip

Telephone Number

E-mail

Fax

A COPY OF THE INSTRUCTIONS WITH YOUR SIGNATURE MUST BE ATTACHED TO THIS CONSENT FORM.

IF YOU HAVE A POST-ADOPTION AGREEMENT, ATTACH A COPY TO THIS CONSENT FORM.