



4-22-2005

# Adoption With Contact Law Awaits Governor's Signature

Elizabeth Samuels

*University of Baltimore School of Law, [esamuels@ubalt.edu](mailto:esamuels@ubalt.edu)*

Follow this and additional works at: [http://scholarworks.law.ubalt.edu/all\\_fac](http://scholarworks.law.ubalt.edu/all_fac)

 Part of the [Family Law Commons](#), and the [Juvenile Law Commons](#)

---

## Recommended Citation

Adoption With Contact Law Awaits Governor's Signature, *The Daily Record* (Baltimore, Maryland), Apr. 22, 2005, Commentary section.

This Editorial is brought to you for free and open access by the Faculty Scholarship at ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in All Faculty Scholarship by an authorized administrator of ScholarWorks@University of Baltimore School of Law. For more information, please contact [snolan@ubalt.edu](mailto:snolan@ubalt.edu).



## UB Viewpoint - Adoption with contact law awaits governor's signature

By: admin March 29, 2005

It may not take a whole village to raise a child, but it usually involves more than one or two caring adults. The fact that a number of relationships may be crucial to a particular child's development lies behind a provision in a bill the Maryland General Assembly has passed and sent to the governor. The bill that includes the provision was drafted by the Maryland Foster Care Court Improvement Project (FCCIP). If the governor signs it, Maryland will join approximately 18 other states that allow birth and adoptive parents to enter into enforceable agreements for post-adoption contact between a birth parent or other birth relative and the adopted child or the adoptive parents. The FCCIP's children in need of assistance subcommittee, chaired by Judge Pamela L. North, worked over the past five years to reorganize and revise Maryland's termination of parental rights and adoption laws. The legislation separates a current unitary statute into three sets of provisions governing three separate areas: Department of Social Services-related guardianship and adoption proceedings, private agency adoptions and guardianship proceedings, and independent adoptions. In all three of these areas, birth and adoptive parents under the legislation may enter into enforceable post-adoption contact agreements. Although the parties may enforce the agreements, a party's failure to comply does not provide grounds for revoking consent to or for setting aside an adoption. A party may also seek modification of an agreement under "exceptional circumstances," and the courts may refer disputing parties to mediation. The overall goals of the drafters are to provide children with greater safety and more permanency while affording parents greater dignity and more options for avoiding involuntary termination of parental rights. In support of the enforceable post-adoption contact agreements, the drafters point to "sound practice experience" and to their belief that the availability of such agreements will result in more voluntary consents to termination of parental rights. In some situations, birth parents may be better able to relinquish their children, and cope with their grief, when they will not lose all contact with or knowledge about their children. For children being adopted out of foster care, experts have long faulted traditional adoption for requiring children to choose between their birth and adoptive families and for not allowing them to maintain connections to birth relatives. As the U.S. Children's Bureau advises, "Preservation of an emotional tie may be beneficial to the child. Continued contact may relieve an older child's guilt or concerns about the birth parent. Contact may help the child come to terms with his or her past." The majority of adoptions today are of children who are not infants and who are being adopted either by step-parents or relatives or, in the case of many children in foster care, by their foster parents or other non-relatives. These adoptions typically are not confidential. In domestic infant adoptions, "open adoption" is becoming increasingly popular. Complete confidentiality is reportedly no longer the norm, and preliminary studies suggest that contact with a birth parent "contributes to [the children's] overall well-being as they grow up." Open adoption agreements range from parents and prospective adoptive parents simply meeting and exchanging information before the birth of the child to birth relatives having regular visits with the child and adoptive family. Many adoption agencies report, according to a recent Wall Street Journal article, that "open adoption is being embraced by pregnant women who previously might have been reluctant to consider giving up a baby if it meant no chance of contact later in life." Permitting post-adoption contact agreements comports with a "child-centered adoption policy," a policy the University of Baltimore School of Law Dean Gilbert Holmes has described as "one that acknowledges the reality of an adopted child's family relationship structure as including adoptive and birth kin and avoids forcing adopted children into an adult-perceived legal fiction." It gives adopted children "the stability of being in an intact family, the self assurance of knowing about their birth origins, and the long range benefits of security and trust between adopted children and their adoptive families." Or as a birth mother recently put it, when she wrote about meeting and developing a relationship with her now adult child, "Love is not a zero sum game."

*Elizabeth J. Samuels, an associate professor at the University of Baltimore School of Law, wrote this column for The Daily Record. The opinions expressed are her own.*