

When a stepparent adoption meets resistance from a birth parent

By: Hope Keller • August 26, 2026

Stepparent adoption is among the most common forms of adoption in Maryland, but it can be uncommonly tricky when a birth parent does not agree to it, family law practitioners say.

When a stepparent adopts a stepchild, one of that child's birth parents loses their parental rights.

"It is a really challenging proceeding if everybody doesn't consent," said attorney Steffani Langston, a senior associate at Wasserman White Family Law in Towson.



Steffani Langston, a senior associate at Wasserman White Family Law in Towson. (Submitted photo)

Birth family

Understanding the relationships within the child's birth family is key to determining the likely success of a stepparent adoption, family law practitioner Sheri Mullikin said.

"One of the very first questions I will ask is, 'What is the status of the other parent?'" said Mullikin, who is based in Mount Airy. "Sometimes they're deceased, but frequently there is another parent, and we have to address their rights" before considering the termination of those rights in a stepparent adoption.

Under the due process clause of the 14th Amendment to the U.S. Constitution, parents have a fundamental right to make decisions regarding their children.

If a birth parent agrees to their child's adoption by a stepparent, they sign a written consent agreeing to the adoption.

If they do not agree, the process changes, said Evan Marmie, an associate at Joseph Greenwald & Laake in Greenbelt.

"It becomes a completely separate kind of case," he said.

Mullikin, who estimated that between 30% and 40% of her cases are stepparent adoptions, said that when determining whether to take a case, she focuses on the questions that judges ultimately will ask.

First, she inquires if the birth parent has maintained meaningful contact with the child.

"Have they been calling, have they been having visits, are they consistent? Were they trying to be a part of this child's life?" Mullikin said. "I also want to know, has my client or my client's spouse done anything to prevent the other parent from having contact? If they are trying to block contact, that's a problem and I want to know."

Mullikin also wants to know if the birth parent has contributed financially to the child: "It could be minor, but have they paid anything at all? That can start during the pregnancy. Did they do anything to provide for Mom during that pregnancy?"

The court also examines whether the birth parent has been abusive toward the child or other parent or been convicted of a crime of violence.



Evan Marmie, an associate at Joseph Greenwald & Laake in Greenbelt. (Submitted photo)

The child, if they are at least 10 years old, also must agree to the stepparent adoption.

Show cause order

When a birth parent refuses to sign a written consent form, or when a birth parent cannot be located or identified, the court will issue a show cause order informing the parent that an adoption case has been filed for their child.

"We can still file for adoption without their written consent," Mullikin said.

The birth parent has 30 days to file a notice of objection with the court if they were served in Maryland and 60 days if they were served out of state.

Paternity can be another issue in contested stepparent adoption cases.

"If we don't know (that the nonconsenting parent) is the actual father, we want DNA testing done," Mullikin said. "It could be we have to notify all potential fathers."

Post-adoption contact agreements

When a birth parent does agree to a stepparent adoption, that parent need not be forever estranged from the child, Mullikin emphasized.

Maryland law provides for post-adoption contact agreements between a birth parent and a stepparent.

"Anything included in that agreement will be enforceable so long as it remains in a child's best interest to enforce the terms of the agreement," Mullikin said.

She noted that such an agreement might help a birth parent consent to a stepparent adoption.

"Perhaps if a parent is presented with that as an opportunity and it's explained, 'Look, you can continue to be a part of this child's life,' then they may be more likely to consent," she said.

One important caveat: The only way a birth parent can get a post-adoption contact agreement is to agree in writing to the stepparent adoption. If they object to the adoption and the court rules against them, they forfeit a post-adoption contact agreement.

Best interest standard

Maryland's best interest of the child standard applies in stepparent adoption cases, Marmie emphasized.

"Ultimately, at the end of the day, regardless of what our client wants, it's a judge's decision what the best interests of the child are," he said. "Those best interest standards still apply to an adoption as much as they apply to a custody battle."

Key statutes

- Independent adoption statutes: Maryland Family Law Code 5-3B
- Requirements for Petition for Adoption: Maryland Rule 9-103
- Venue for adoptions: Maryland Code, Courts and Judicial Proceedings 6-203