

SENATE BILL 178

D4

3lr0090

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: January 17, 2013

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2013

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Blood or Genetic Test Results – Legal Finding of Paternity**

3 FOR the purpose of establishing that a laboratory report of a blood or genetic test
4 constitutes a ~~legal~~ presumptive finding of paternity under certain
5 circumstances; requiring the Child Support Enforcement Administration to
6 serve a certain notice on the alleged father; prohibiting the Administration from
7 establishing a child support obligation before the conclusion of a certain
8 challenge; establishing that the results of a certain laboratory report constitute
9 a legal finding of paternity under certain circumstances; authorizing the ~~Child~~
10 Support Enforcement Administration to file a copy of a certain laboratory report
11 with the Department of Health and Mental Hygiene under certain
12 circumstances; authorizing the Administration to provide certain information;
13 authorizing the Department to make a new certificate of birth under certain
14 circumstances; providing for the application of certain provisions of this Act;
15 and generally relating to paternity establishment.

16 BY adding to

17 Article – Family Law

18 Section 5–1029.1

19 Annotated Code of Maryland

20 (2012 Replacement Volume)

21 BY repealing and reenacting, with amendments,

22 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 4-211(a)
2 Annotated Code of Maryland
3 (2009 Replacement Volume and 2012 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 Article – Family Law

7 5-1029.1.

8 (A) THIS SECTION DOES NOT APPLY TO A CASE IN WHICH:

9 (1) THE CUSTODIAL PARENT OR THE CHILD FOR WHOM CHILD
10 SUPPORT IS TO BE PAID IS THE VICTIM OF DOMESTIC VIOLENCE, SEXUAL
11 ASSAULT, OR RAPE BY THE NONCUSTODIAL PARENT;

12 (2) THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID WAS
13 CONCEIVED AS A RESULT OF RAPE BY THE NONCUSTODIAL PARENT;

14 (3) THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID WAS
15 BORN OR CONCEIVED DURING A MARRIAGE; OR

16 (4) PARENTAGE OF THE CHILD FOR WHOM CHILD SUPPORT IS TO
17 BE PAID HAS BEEN DETERMINED UNDER § 1-208 OF THE ESTATES AND TRUSTS
18 ARTICLE.

19 ~~(A)~~ (B) IN A CASE IN WHICH THE ADMINISTRATION IS PROVIDING
20 CHILD SUPPORT SERVICES UNDER FEDERAL LAW, A LABORATORY REPORT OF A
21 BLOOD OR GENETIC TEST CONSTITUTES A ~~LEGAL~~ PRESUMPTIVE FINDING OF
22 PATERNITY IF:

23 (1) THE BLOOD OR GENETIC TEST WAS CONDUCTED BY A
24 LABORATORY ~~APPROVED~~ SELECTED BY THE COURT FROM A LIST PROVIDED BY
25 THE ADMINISTRATION; AND

26 (2) THE REPORT ESTABLISHES A STATISTICAL PROBABILITY OF
27 PATERNITY OF AT LEAST ~~99%~~ 99.0%.

28 (C) (1) THE ADMINISTRATION SHALL SERVE A NOTICE OF THE
29 PRESUMPTIVE FINDING OF PATERNITY ON THE ALLEGED FATHER.

30 (2) THE NOTICE SHALL:

1 **(I) STATE THAT THE LABORATORY REPORT OF A BLOOD OR**
2 **GENETIC TEST ESTABLISHES A STATISTICAL PROBABILITY OF PATERNITY OF AT**
3 **LEAST 99.0%;**

4 **(II) STATE THAT THE LABORATORY REPORT CONSTITUTES A**
5 **PRESUMPTIVE FINDING OF PATERNITY;**

6 **(III) ADVISE THE ALLEGED FATHER OF HIS RIGHT TO**
7 **CHALLENGE THE PRESUMPTIVE FINDING IN COURT AND HAVE THE COURT**
8 **DETERMINE PATERNITY;**

9 **(IV) EXPLAIN THE PROCEDURE FOR CHALLENGING THE**
10 **PRESUMPTIVE FINDING OF PATERNITY;**

11 **(V) STATE THAT IF THE ALLEGED FATHER FAILS TO**
12 **CHALLENGE THE PRESUMPTIVE FINDING OF PATERNITY WITHIN 45 DAYS AFTER**
13 **BEING SERVED WITH THE NOTICE, THE LABORATORY REPORT WILL CONSTITUTE**
14 **A LEGAL FINDING OF PATERNITY; AND**

15 **(VI) ADVISE THE ALLEGED FATHER OF THE CONSEQUENCES**
16 **OF A LEGAL FINDING OF PATERNITY.**

17 **(3) THE ADMINISTRATION MAY NOT ESTABLISH A CHILD**
18 **SUPPORT OBLIGATION BEFORE THE CONCLUSION OF A CHALLENGE BY AN**
19 **ALLEGED FATHER TO A PRESUMPTIVE FINDING OF PATERNITY.**

20 **(D) (1) IF THE ALLEGED FATHER FAILS TO FILE A TIMELY**
21 **CHALLENGE TO A PRESUMPTIVE FINDING OF PATERNITY;**

22 **(I) THE RESULTS OF A THE LABORATORY REPORT**
23 **CONSTITUTE A LEGAL FINDING OF PATERNITY ~~UNDER SUBSECTION (A) OF THIS~~**
24 **SECTION; AND**

25 **(II) THE ADMINISTRATION MAY FILE A COPY OF THE**
26 **LABORATORY REPORT WITH THE DEPARTMENT OF HEALTH AND MENTAL**
27 **HYGIENE, DIVISION OF VITAL RECORDS.**

28 **(2) FOR EACH DETERMINATION OF PARENTAGE MADE UNDER**
29 **THIS SECTION, THE ADMINISTRATION MAY PROVIDE:**

30 **(I) THE FULL NAME AND DATE AND PLACE OF BIRTH OF**
31 **THE CHILD WHOSE PARENTAGE HAS BEEN DETERMINED;**

1 **(II) THE FULL NAMES OF BOTH PARENTS, INCLUDING THE**
 2 **MAIDEN NAME, IF ANY, OF THE MOTHER; AND**

3 **(III) THE NAME AND ADDRESS OF ANY PERSON WHO CAN**
 4 **FURNISH THE INFORMATION NECESSARY TO COMPLETE A NEW BIRTH RECORD.**

5 **Article – Health – General**

6 4–211.

7 (a) Except as provided in subsection (c) of this section, the Secretary shall
 8 make a new certificate of birth for an individual if the Department receives
 9 satisfactory proof that:

10 (1) The individual was born in this State; and

11 (2) Regardless of the location, one of the following has occurred:

12 (i) The previously unwed parents of the individual have
 13 married each other after the birth of the individual;

14 (ii) A court of competent jurisdiction has entered an order as to
 15 the parentage, legitimation, or adoption of the individual; [or]

16 **(III) THE CHILD SUPPORT ENFORCEMENT**
 17 **ADMINISTRATION HAS SUBMITTED TO THE DEPARTMENT A LABORATORY**
 18 **REPORT OF A BLOOD OR GENETIC TEST THAT CONSTITUTES A LEGAL FINDING**
 19 **OF PATERNITY UNDER § 5–1029.1 OF THE FAMILY LAW ARTICLE; OR**

20 [(iii)] **(IV)** If a father is not named on an earlier certificate of
 21 birth:

22 1. The father of the individual has acknowledged himself
 23 by affidavit to be the father; and

24 2. The mother of the individual has consented by
 25 affidavit to the acknowledgment.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 27 October 1, 2013.