

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 102

(Chair, Finance Committee)(By Request - Departmental -
Health)

Finance

Health and Government Operations

Vital Records - Birth Certificates - Change of Name of Child

This departmental bill authorizes the Maryland Department of Health (MDH) to change the name on the birth certificate of a child without a court order once within 12 months following birth even if only one parent is named on the birth certificate. The named parent must present MDH with (1) a written request for the change of name and (2) an affidavit that has been sworn before a notary public of the State affirming that the individual is the parent of the child and is making the request of their own free will. The bill clarifies that, when both parents are named on the birth certificate, only one affidavit signed by both parents is required.

Fiscal Summary

State Effect: The bill does not substantively change State activities or finances.

Local Effect: Minimal decrease in circuit court filing fee revenues beginning in FY 2021. Expenditures are not materially affected. Local health departments can issue revised birth certificates with existing budgeted resources.

Small Business Effect: MDH has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law/Background: MDH may change the name on a birth certificate once without a court order if, within 12 months after the birth of a child, MDH receives from

both parents (1) a written request for the name change and (2) an affidavit sworn before a notary public stating that they are the parents of the child and are making the request of their own free will. A mother must obtain a court order to change the name of her child if the father is not listed on the birth certificate.

A mother may choose not to include the father's name on a birth certificate for many reasons, including domestic violence situations. MDH advises that, between 2016 and 2018, there were an average of 5,905 births where the father's name was not listed on the birth certificate. Of those births, MDH received an average of 196 name change requests within one year of birth. These requests required the mother to obtain a court order. Under the bill, MDH can change the name on the birth certificate. MDH advises that the bill will reduce costs and expedite names changes for these mothers.

Local Fiscal Effect: According to the Administrative Office of the Courts, the bill will not have a significant operational impact or decrease in revenues from circuit court fees. The filing fee for a name change for a child is \$165. Thus, circuit court revenues decline by approximately \$32,340 annually statewide beginning in fiscal 2021 due to a reduction in the number of filings.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Administrative Office of the Courts, Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2020
rh/jc Third Reader - January 31, 2020

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Amending a Child's Name on a Birth Certificate within 12 Months after Birth

BILL NUMBER: SB 102

PREPARED BY: The Maryland Department of Health

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This proposal does not involve small businesses and will have no impact on them.