

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

A BILL ENTITLED

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 finding of paternity under certain circumstances; authorizing
5 the Child Support Enforcement Administration to file a copy of a certain
6 laboratory report with the Department of Health and Mental Hygiene under
7 certain circumstances; authorizing the Administration to provide certain
8 information; authorizing the Department to make a new certificate of birth
9 under certain circumstances; and generally relating to paternity establishment.

10 BY adding to

11 Article – Family Law
12 Section 5–1029.1
13 Annotated Code of Maryland
14 (2012 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article – Health – General
17 Section 4–211(a)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2012 Supplement)

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

22 **Article – Family Law**

23 **5–1029.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN A CASE IN WHICH THE ADMINISTRATION IS PROVIDING CHILD**
 2 **SUPPORT SERVICES UNDER FEDERAL LAW, A LABORATORY REPORT OF A BLOOD**
 3 **OR GENETIC TEST CONSTITUTES A LEGAL FINDING OF PATERNITY IF:**

4 **(1) THE BLOOD OR GENETIC TEST WAS CONDUCTED BY A**
 5 **LABORATORY APPROVED BY THE ADMINISTRATION; AND**

6 **(2) THE REPORT ESTABLISHES A STATISTICAL PROBABILITY OF**
 7 **PATERNITY OF AT LEAST 99%.**

8 **(B) (1) IF THE RESULTS OF A LABORATORY REPORT CONSTITUTE A**
 9 **LEGAL FINDING OF PATERNITY UNDER SUBSECTION (A) OF THIS SECTION, THE**
 10 **ADMINISTRATION MAY FILE A COPY OF THE LABORATORY REPORT WITH THE**
 11 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE, DIVISION OF VITAL**
 12 **RECORDS.**

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

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

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

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

21 **Article – Health – General**

22 4–211.

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

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

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

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

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

1 **(III) THE CHILD SUPPORT ENFORCEMENT**
2 **ADMINISTRATION HAS SUBMITTED TO THE DEPARTMENT A LABORATORY**
3 **REPORT OF A BLOOD OR GENETIC TEST THAT CONSTITUTES A LEGAL FINDING**
4 **OF PATERNITY UNDER § 5-1029.1 OF THE FAMILY LAW ARTICLE; OR**

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

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

9 2. The mother of the individual has consented by
10 affidavit to the acknowledgment.

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