

# SENATE BILL 98

D4

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By: **Senators Hough, Eckardt, and Zirkin**

Introduced and read first time: January 14, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Conceived Without Consent – Child Support**

3 FOR the purpose of providing that, subject to certain conditions, a court order to terminate  
4 the parental rights of an individual convicted of or found by clear and convincing  
5 evidence to have committed an act of nonconsensual sexual conduct against the other  
6 parent that resulted in the conception of a child does not affect the individual's  
7 responsibility to pay child support; prohibiting a person from bringing an action for  
8 child support against an individual whose parental rights with respect to the child  
9 have been terminated under certain provisions of law more than a certain number  
10 of years after the date on which the order terminating the individual's parental  
11 rights was issued; and generally relating to children conceived without consent and  
12 the responsibility to pay child support.

13 BY repealing and reenacting, with amendments,  
14 Article – Family Law  
15 Section 5–1402  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2018 Supplement)

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

### Article – Family Law

20 5–1402.

22 (a) Except as provided in subsection (b) of this section, after a trial, a court may  
23 terminate the parental rights of a respondent under this subtitle if the court:

24 (1) determines that the respondent has been served in accordance with the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Maryland Rules;

2 (2) (i) finds that the respondent has been convicted of an act of  
3 nonconsensual sexual conduct against the other parent that resulted in the conception of  
4 the child at issue in an action under this subtitle; or

5 (ii) finds by clear and convincing evidence that the respondent  
6 committed an act of nonconsensual sexual conduct against the other parent that resulted  
7 in the conception of the child at issue in an action under this subtitle; and

8 (3) finds by clear and convincing evidence that it is in the best interest of  
9 the child to terminate the parental rights of the respondent.

10 (b) The court may not terminate parental rights under subsection (a) of this  
11 section if the parents were married at the time of the conception of the child at issue unless:

12 (1) the respondent has been convicted of an act of nonconsensual sexual  
13 conduct against the other parent that resulted in the conception of the child; or

14 (2) the parents were separated in accordance with a protective order during  
15 the time of the conception of the child and have remained separate and apart since the time  
16 of conception.

17 (c) A termination of parental rights under this section [terminates completely]:

18 (1) **TERMINATES COMPLETELY** a parent's right to custody of,  
19 guardianship of, access to, visitation with, and inheritance from the child; and

20 (2) **SUBJECT TO SUBSECTION (D) OF THIS SECTION, DOES NOT AFFECT**  
21 a parent's [responsibility to support the child, including the] responsibility to pay child  
22 support.

23 **(D) A PERSON MAY NOT BRING AN ACTION FOR CHILD SUPPORT AGAINST AN**  
24 **INDIVIDUAL WHOSE PARENTAL RIGHTS WITH RESPECT TO THE CHILD HAVE BEEN**  
25 **TERMINATED UNDER THIS SECTION MORE THAN 5 YEARS AFTER THE DATE ON**  
26 **WHICH THE ORDER TERMINATING THE INDIVIDUAL'S PARENTAL RIGHTS WAS**  
27 **ISSUED.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2019.