

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 1

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Human Services)

Judicial Proceedings

Judiciary

Paternity Proceedings - Attorney for the Child Support Administration

This departmental bill substitutes the term “Attorney for the Administration” for the term “State’s Attorney” in numerous provisions of law regarding paternity proceedings. An “Attorney for the Administration” is an attorney who represents the Child Support Administration (CSA) in specified legal proceedings, as authorized by statute. The bill also specifies that remaining statutory provisions regarding the involvement of a “State’s Attorney” in paternity matters only apply to jurisdictions in which CSA is represented by a State’s Attorney.

Fiscal Summary

State Effect: The bill is technical in nature and does not substantively change State finances or operations.

Local Effect: The bill is technical in nature and does not substantively change local finances or operations.

Small Business Effect: The Department of Human Services (DHS) 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: Statutory provisions set forth a process by which a State’s Attorney may initiate and litigate paternity proceedings, which are civil in nature. However, DHS advises that references to the involvement of State’s Attorneys are obsolete

in 19 jurisdictions, as paternity matters are instead handled by attorneys employed or appointed by the Office of the Attorney General on behalf of CSA. In the remaining five jurisdictions (Calvert, Frederick, Harford, St. Mary's, and Somerset counties), State's Attorneys have agreed, per the authority granted in statute, to represent CSA in paternity proceedings. In those five jurisdictions, the State's Attorney must annually make a written agreement with the Secretary of Human Services and the county to provide legal representation for the fiscal year. The agreement must include reasonable administrative and fiscal requirements for reimbursement and providing and continuing representation. The bill is intended to clarify which attorneys handle paternity matters by removing the statutory authorization to participate in paternity proceedings for State's Attorneys who do not represent CSA.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General; Maryland State's Attorneys' Association; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - January 15, 2019
mm/kdm Third Reader - February 1, 2019

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Child Support-Paternity Proceedings

BILL NUMBER: SB 1

PREPARED BY: Department of Human Services
(Dept./Agency)

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