

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 96
Judiciary

(Delegate Dumais)

Judicial Proceedings

Family Law - Parentage and Adoption - Definitions

This bill alters the definition of “mother” in provisions of law concerning parentage and adoption.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: “Mother” means an individual, regardless of gender, who gives birth to a child unless parentage is otherwise established. The bill specifies that “mother” does not include a gamete donor unless (1) the gamete donor and the child’s mother agree in writing that the gamete donor will be a parent of the child or (2) at the time of the child’s conception or birth, the gamete donor is married to the child’s mother.

“Father” means an individual, regardless of gender, whose sperm fertilizes an ovum, resulting in the birth of a child. “Father” does not include a gamete donor unless (1) the gamete donor and the child’s mother agree in writing that the gamete donor will be a parent of the child or (2) at the time of the child’s conception, the gamete donor is married to the child’s mother.

Background: Chapters 437 and 438 of 2019, which established the definitions in current law, made numerous alterations and additions to statutory provisions regarding parentage and adoption to address the rights of same-sex couples and couples who conceive by means of assisted reproduction. The bill is intended to make the definition of “mother” in these provisions consistent with the existing definition of “father.”

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2020
an/lgc Third Reader - March 11, 2020
Revised - Amendment(s) - March 11, 2020

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