
To: Members of The Senate Finance Committee

From: Family & Juvenile Law Section Council (FJLSC)

Date: February 15, 2023

Subject: Senate Bill 410:
Public Health – Childbirth – Paternity Test

Position: OPPOSE/UNFAVORABLE

The Maryland State Bar Association (MSBA) FJLSC **opposes Senate Bill 410: Public Health – Childbirth – Paternity Test.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

Senate Bill 410 is seeking to create a process whereby at every birth in a health facility the attending physician would be required to offer a paternity test. Our concern is that this bill does not consider the multitude of other statutes that would be impacted should this pass. For example. Md. Estates and Trusts Code Ann. § 1-206 (a) addresses the presumption of parentage for a child conceived or born during a marriage. Md. Family Law code Ann. § 5-1028 address affidavits of parentage. And Md. Health General Code Ann. § 4-208 lays out how to apply for a birth certificate.

If the legislature wanted to consider a mandatory offer of a paternity test at the point a child is born it should look at the entire range of the birth experience, such as who assists at births, including mid-wives and doulas, where births take place (e.g. birthing centers, home delivery). Not all health facilities have a laboratory where a DNA test can be processed in the average time for 2-5 days, which impacts how to handle the tests when mother and child are most often already released from the hospital. The issue is more complex than SB 410 contemplates.

For the reason(s) stated above, the MSBA FJLSC opposes **Senate Bill 410 and urges an unfavorable committee report.**



520 West Fayette St., Baltimore, MD 21201

410-685-7878 | 800-492-1964

fax 410-685-1016 | tdd 410-539-3186

msba.org

Should you have any questions, please contact Lindsay Parvis by telephone at 240-399-7900 or lparvis@jgllaw.com or Michelle Smith by telephone at 410-280-1700 or by e-mail at msmith@lawannapolis.com.