

SB201_SocialWorkAdvocates_FAV

Uploaded by: Derrick S. Whiting

Position: FWA

SUPPORT OF SENATE BILL 201
Public Health - Childbirth - Paternity Test
Finance Committee
February 8, 2024
FAVORABLE

Good afternoon, Chair Beidle, Vice Chair Klausmeiser, and Finance Committee members. I am Derrick Whiting, representing the collective voice of **Social Work Advocates for Social Change**, a passionate graduate student coalition at the University of Maryland School of Social Work. On behalf of our organization, I am writing to express our enthusiastic support for Senate Bill 201.

In the existing legal framework, the process of establishing paternity can be complex and sometimes emotionally charged. Senate Bill 201 proposes a straightforward and timely solution by requiring attending physicians, when a child is born at a health care facility, to offer the presumed father the option to take a paternity test.

The provisions outlined in the bill aim to streamline the paternity establishment process. By mandating the attending physician to make an oral and written offer for a paternity test before the completion of the birth certificate form, the bill ensures that fathers have a clear and early opportunity to establish paternity.

This proposed legislation acknowledges the significance of accurate and timely paternity determination, fostering a sense of responsibility and commitment from all parties involved. Moreover, by allowing the presumed father the option to waive the paternity test or elect to take it at a later time, the bill respects individual choices while promoting transparency in familial relationships.

I am particularly pleased that Senate Bill 201 recognizes practical limitations by exempting situations where the attending physician is unable to contact the presumed father of the child. This demonstrates a thoughtful approach to real-world scenarios and ensures that the legislation remains feasible and effective.

In conclusion, I believe Senate Bill 201 represents a positive step forward in enhancing the legal processes surrounding paternity determination. Social Work Advocates for Social Change wholeheartedly supports this legislation with Amendments addressing the cost of paternity tests. By providing a standardized procedure for offering paternity tests at childbirth, the bill promotes fairness, clarity, and responsible parenting.

I respectfully urge the Finance Committee to support and pass Senate Bill 201. Thank you for your attention to this matter and for your ongoing commitment to the well-being of Maryland's families.

I urge you to issue a favorable report for SB 201 with amendments.



For more information, please contact

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Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

SB 201 - WLCMD - OPP.pdf

Uploaded by: Andrea Rafter

Position: UNF

BILL NO: Senate Bill 201
TITLE: Public Health - Childbirth - Paternity Test
COMMITTEE: Finance
HEARING DATE: February 8, 2024
POSITION: **OPPOSE**

Senate Bill 201 would require the attending physician at any birth of a child at a health care facility to offer the presumed father a paternity test. While at first glance this seems like a simple matter, as drafted, and if enacted, it brings several other statutes into play. In addition, it fails to consider several other issues. For these reasons, the Women's Law Center opposes SB 201.

At the outset, a change of this sort in our laws impacts several other statutes, and all of these would have to be examined and perhaps amended to account for this new law. A brief look at how long it takes to get results from a DNA test indicates that if the health facility has a laboratory (some hospitals do not, birthing centers do not), it takes from 2 to 5 days. By that time, in most circumstances, most new mothers and babies have been released from the hospital. What kind of paternity test is required, and who will pay for it? This would upend the system that is in place for applying for a birth certificates (see Md. Health General Code §4-208). See also, Affidavit of Parentage Md. Family Law Code Ann. §5-1028; Md Family Law Code Ann. §5-1029. It will upend the laws on presumptions of parentage for children conceived or born during a marriage. See Md. Estates and Trusts Code Ann. § 1-206(a); Family Law § 5-1027(c).

Senate Bill 201 makes this requirement mandatory for all children born in a health facility. It does not address home births, or mid-wife attended births. In addition, it only allows the attending physician to make the offer to test. We suspect there is a more appropriate way to do this.

But more importantly, the bill covers a very broad swath for a concern that is only about a small percentage of births. Frankly, the bill seems to be based in a misogynistic viewpoint that women regularly lie about who is the father of their child. This is statistically untrue. Under SB 201, even when the parties are married, the attending physician would have to offer a paternity test. This is an invasion of peoples' deeply private lives. It does not consider the different circumstances under which children are born. What if the child is a product of IVF? What if the child has two mothers? Two fathers? A surrogate birth? We have a large concern for survivors of domestic violence who do not want their abusers present at the birth, or who allow the abuser to be at the birth. The abuser may push for this knowing there will be a paternity test offered. It could endanger these women.

There may be a way to provide for paternity tests at or near a child's birth. But this bill is not it.

Therefore, the Women's Law Center of Maryland, Inc. opposes Senate Bill 201 and urges an unfavorable report.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.

SB 201- Public Health – Childbirth – Paternity Tes

Uploaded by: Jane Krienke

Position: UNF



Maryland
Hospital Association

February 7, 2024

To: The Honorable Pamela Beidle, Chair, Senate Finance Committee

Re: Letter of Concern- Senate Bill 201- Public Health - Childbirth - Paternity Test

Dear Chair Beidle:

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 201.

SB 201 requires an attending physician to provide an oral and written offer for a paternity test to the presumed father of a child born at a health care facility before a birth certificate form is completed for the child.

The hospital field has several concerns about this legislation. Primarily, it is not the role of the attending physician to make a determination about the identity of the presumed father or to offer a paternity test. After a newborn is delivered, the clinical hospital care team are focused on the well-being of the birthing person and baby. Placing additional requirements on the care team could detract them from providing timely care.

There is an extensive process outlined in statute for filing a birth certificate for an individual who is not married who gives birth to a child.^{1,2} Changes to this process that involve the attending physician, as required by SB 201, present concerns about the impact on the birthing person, newborn, hospital staff, other patients, and visitors, if there is a domestic disagreement regarding the paternity of the child.

For these reasons, MHA expresses deep concern with the concepts outlined in the bill and respectfully requests an *unfavorable* report on SB 201.

For more information, please contact:
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¹ Department of Legislative Services. (2023). "[SB 410: Fiscal and Policy Note.](#)"

² [Md. Code, Health General 4-208](#)

SB 201_FLSC_UNF.pdf

Uploaded by: Lindsay Parvis

Position: UNF

To: Members of the Senate Finance Committee

From: Family Law Section Council

Date: February 8, 2024

Subject: Senate Bill 201:
Public Health – Childbirth – Paternity Test

Position: OPPOSE/UNFAVORABLE

The Maryland State Bar Association (MSBA) Family Law Section Council (FLSC) **opposes Senate Bill 201: Public Health – Childbirth – Paternity Test.**

This testimony is submitted on behalf of the MSBA’s FLSC. The FLSC is the formal representative of the Family Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family law and, at the same time, tries to bring together the members of the MSBA who are concerned with family laws and in reforms and improvements in such laws through legislation or otherwise. The FLSC 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 201 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 201 contemplates.



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For the reason(s) stated above, the MSBA FLSC opposes **Senate Bill 201** and urges an **unfavorable committee report**.

Should you have any questions, please contact:

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