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**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**

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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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