Unofficial Copy D4 2000 Regular Session 0lr0452

By: Delegates Gladden and Montague

Introduced and read first time: February 11, 2000

Assigned to: Judiciary

A BILL ENTITLED

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1	AN	ACT	concerning

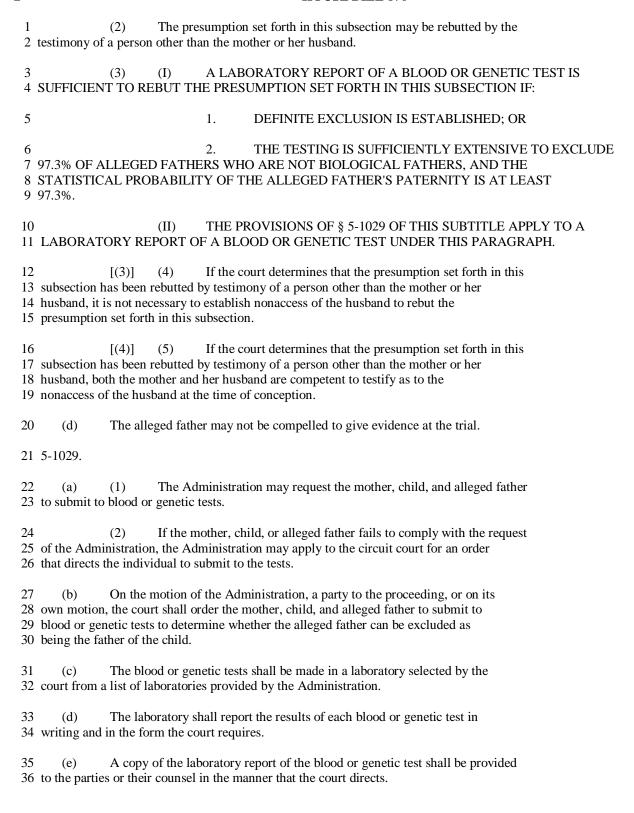
2 Family Law - Paternity Proceedings - Legitimacy Presumption

- 3 FOR the purpose of establishing that a laboratory report of a blood or genetic test is
- sufficient to rebut a certain presumption in paternity proceedings under certain
- 5 circumstances; establishing that certain provisions of law regarding a laboratory
- 6 report of a blood or genetic test apply to the provisions of this Act; and generally
- 7 relating to paternity proceedings.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Family Law
- 10 Section 5-1027
- 11 Annotated Code of Maryland
- 12 (1999 Replacement Volume and 1999 Supplement)
- 13 BY repealing and reenacting, without amendments,
- 14 Article Family Law
- 15 Section 5-1029
- 16 Annotated Code of Maryland
- 17 (1999 Replacement Volume and 1999 Supplement)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 19 MARYLAND, That the Laws of Maryland read as follows:

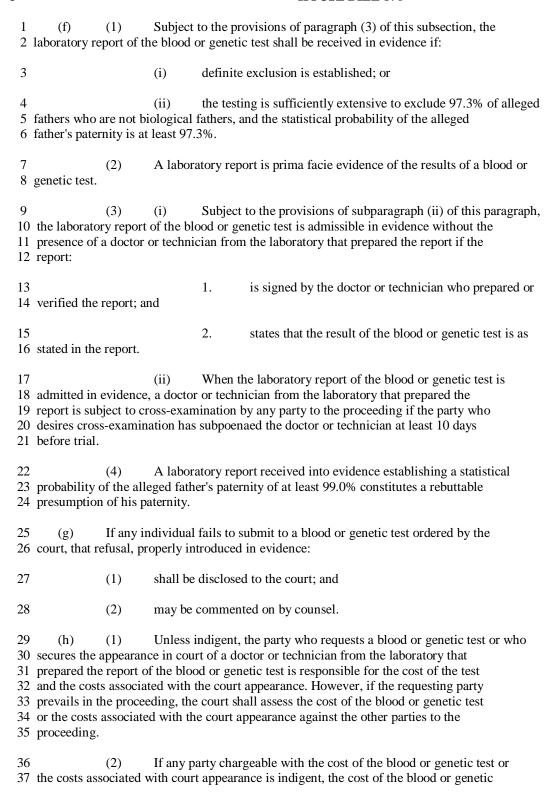
20 Article - Family Law

- 21 5-1027.
- 22 (a) At the trial, the burden is on the complainant to establish by a
- 23 preponderance of the evidence that the alleged father is the father of the child.
- 24 (b) Both the mother and the alleged father are competent to testify at the
- 25 trial.
- 26 (c) There is a rebuttable presumption that the child is the legitimate
- 27 child of the man to whom its mother was married at the time of conception.

HOUSE BILL 876



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- 1 test or the costs associated with the court appearance shall be borne by the county
- 2 where the proceeding is pending, except to the extent that the court orders any other
- 3 party to the proceeding to pay all or part of the cost.
- 4 (3) Subject to the right of any party to subpoena a custodian of records at
- 5 least 10 days before trial, a written statement from the laboratory that prepared the
- 6 report of the blood or genetic test concerning the cost of the test and the cost
- 7 associated with the court appearance shall be admissible in evidence without the
- 8 presence of a custodian of records and shall constitute prima facie evidence of the
- 9 costs.
- 10 (i) Upon motion of the Administration or any party to the proceeding and due
- 11 consideration by the court, the court shall pass a temporary order for the support of
- 12 the child if:
- 13 a laboratory report establishes a statistical probability of paternity of
- 14 at least 99.0%; and
- 15 (2) the court determines that the putative father has the ability to
- 16 provide temporary support for the child.
- 17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 18 October 1, 2000.