

SENATE BILL 16

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2000 Regular Session  
0lr0593

(PRE-FILED)

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By: **Senator Baker**  
Requested: September 24, 1999  
Introduced and read first time: January 12, 2000  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Child Support - Paternity Proceedings**

3 FOR the purpose of requiring the court in a paternity proceeding to award child  
4 support for a period from the child's date of birth unless the court finds from the  
5 evidence that the amount of the award will produce an inequitable result;  
6 making certain stylistic changes; providing for the application of this Act; and  
7 generally relating to child support awards in paternity proceedings.

8 BY repealing and reenacting, with amendments,  
9 Article - Family Law  
10 Section 12-101  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 1999 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Family Law**

16 12-101.

17 (a) (1) [Unless the court finds from the evidence that the amount of the  
18 award will produce an inequitable result, for an initial pleading that requests child  
19 support pendente lite, the court shall award child support for a period from the filing  
20 of the pleading that requests child support.

21 (2) Notwithstanding paragraph (1) of this subsection, unless the court  
22 finds from the evidence that the amount of the award will produce an inequitable  
23 result, for an initial pleading filed by a child support agency that requests child  
24 support, the court shall award child support for a period from the filing of the  
25 pleading that requests child support.

1 (3) For any other pleading that requests child support] EXCEPT AS  
2 PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, the court may award  
3 child support for a period from the filing of the pleading that requests child support.

4 (2) UNLESS THE COURT FINDS FROM THE EVIDENCE THAT THE  
5 AMOUNT OF THE AWARD WILL PRODUCE AN INEQUITABLE RESULT, THE COURT  
6 SHALL AWARD CHILD SUPPORT FOR A PERIOD FROM THE FILING OF THE PLEADING  
7 THAT REQUESTS CHILD SUPPORT:

8 (I) FOR AN INITIAL PLEADING THAT REQUESTS CHILD SUPPORT  
9 PENDENTE LITE; OR

10 (II) FOR AN INITIAL PLEADING FILED BY A CHILD SUPPORT  
11 AGENCY THAT REQUESTS CHILD SUPPORT.

12 (3) UNLESS THE COURT FINDS FROM THE EVIDENCE THAT THE  
13 AMOUNT OF THE AWARD WILL PRODUCE AN INEQUITABLE RESULT IN A PATERNITY  
14 PROCEEDING, THE COURT SHALL AWARD CHILD SUPPORT FOR A PERIOD FROM THE  
15 CHILD'S DATE OF BIRTH.

16 (b) The court shall give credit for payments that the court finds have been  
17 made during the period beginning from the filing of the pleading that requests child  
18 support.

19 (c) Any support order or modification of a support order that is passed on or  
20 after July 1, 1997 shall include a statement that:

21 (1) each party is required to notify the court and any support  
22 enforcement agency ordered to receive payments, within 10 days of any change of  
23 address or employment; and

24 (2) failure to comply with paragraph (1) of this subsection may result in  
25 a party not receiving notice of the initiation of a proceeding to modify or enforce a  
26 support order.

27 (d) (1) The court may order either parent to pay all or part of:

28 (i) the mother's medical and hospital expenses for pregnancy,  
29 confinement, and recovery; and

30 (ii) medical support for the child, including neonatal expenses.

31 (2) Subject to the right of any party to subpoena a custodian of records at  
32 least 10 days before trial, any records relating to the cost of the mother's medical and  
33 hospital expenses for pregnancy, childbirth, and recovery and any neonatal expenses  
34 of the child shall be admissible in evidence without the presence of a custodian of  
35 record and shall constitute prima facie evidence of the amount of expenses incurred.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
2 construed only prospectively and may not be applied or interpreted to have any effect  
3 on or application to any paternity proceeding filed before the effective date of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2000.