

Department of Legislative Services  
Maryland General Assembly  
2000 Session

**FISCAL NOTE**  
**Revised**

Senate Bill 176 (Senator Exum. *et al.*)

Judicial Proceedings

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**Family Law - Child Support Awards - Paternity Proceedings**

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This bill requires a court to award child support from one year prior to the date that paternity is established in a paternity proceeding, unless the court finds from the evidence that the amount of the award will produce an inequitable result. However, if the child was born within one year from the date that paternity is established, the court must award child support from the child's date of birth. The bill is to be construed prospectively, and may not be applied to any paternity proceeding filed before the bill's October 1, 2000 effective date.

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**Fiscal Summary**

**State Effect:** Potential special fund revenue increase to the extent that the bill's paternity provisions lead to increased child support collections for Temporary Cash Assistance (TCA) recipients. The actual impact depends upon the amount of additional child support collected in paternity cases and whether the payments are made on behalf of TCA recipients.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Unless the court finds from the evidence that the amount of the award will produce an inequitable result, the court shall award child support effective from the filing of the plea that requests child support for either an initial pleading requesting child support pendente lite, or for an initial pleading filed by a child support agency that requests child support. Maryland law does not specifically address the onset of child support payments in a paternity proceeding.

**State Fiscal Effect:** The bill provides that payments in a paternity proceeding are to be calculated from either one year prior to the date of establishment of paternity or from the date of the child's birth, not from the date of the pleading as in other child support cases. State special fund revenues could increase to the extent that this provision leads to increased child support collections for TCA recipients.

Information is not readily available on the amount of support collected for TCA recipients from those involved in paternity cases. Collections on behalf of all TCA recipients, however, totaled approximately \$23 million in fiscal 1999, or approximately 6% of the \$374 million total child support collections statewide. TCA recipients must assign their support rights to the State and federal government as partial reimbursement for TCA payments made in support of the children. As a result, TCA child support collections are distributed 50% to the State and 50% to the federal government.

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### **Additional Information**

**Prior Introductions:** A similar bill was introduced as HB 605 in 1998, but was withdrawn after a hearing.

**Cross File:** None.

**Information Source(s):** Department of Human Resources (Child Support Enforcement Administration), Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 2, 2000  
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