
By: **Delegate Menes**
Introduced and read first time: February 5, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Paternity Proceedings - Blood and Genetic Tests**

3 FOR the purpose of prohibiting a court from ordering an individual to submit to a
4 blood or genetic test under certain circumstances; providing for the application
5 of this Act; and generally relating to paternity proceedings.

6 BY repealing and reenacting, without amendments,
7 Article - Family Law
8 Section 5-1029(a) and 5-1038
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2000 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Family Law
13 Section 5-1029(b)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2000 Supplement)

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

18 **Article - Family Law**

19 5-1029.

20 (a) (1) The Administration may request the mother, child, and alleged father
21 to submit to blood or genetic tests.

22 (2) If the mother, child, or alleged father fails to comply with the request
23 of the Administration, the Administration may apply to the circuit court for an order
24 that directs the individual to submit to the tests.

25 (b) (1) [On] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
26 SUBSECTION, ON the motion of the Administration, a party to the proceeding, or on its
27 own motion, the court shall order the mother, child, and alleged father to submit to

1 blood or genetic tests to determine whether the alleged father can be excluded as
2 being the father of the child.

3 (2) IF A MOTION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS FILED
4 MORE THAN 5 YEARS AFTER A DECLARATION OF PATERNITY IS ISSUED, THE COURT
5 MAY NOT ORDER AN INDIVIDUAL TO SUBMIT TO A BLOOD OR GENETIC TEST UNLESS
6 THE COURT DETERMINES THAT IT WOULD BE IN THE BEST INTEREST OF THE CHILD.
7 5-1038.

8 (a) (1) Except as provided in paragraph (2) of this subsection, a declaration
9 of paternity in an order is final.

10 (2) (i) A declaration of paternity may be modified or set aside:

11 1. in the manner and to the extent that any order or decree of
12 an equity court is subject to the revisory power of the court under any law, rule, or
13 established principle of practice and procedure in equity; or

14 2. if a blood or genetic test done in accordance with § 5-1029
15 of this subtitle establishes the exclusion of the individual named as the father in the
16 order.

17 (ii) Notwithstanding subparagraph (i) of this paragraph, a
18 declaration of paternity may not be modified or set aside if the individual named in
19 the order acknowledged paternity knowing he was not the father.

20 (b) Except for a declaration of paternity, the court may modify or set aside any
21 order or part of an order under this subtitle as the court considers just and proper in
22 light of the circumstances and in the best interests of the child.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
24 to declarations of paternity issued on or after the effective date of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2001.