

# Department of Legislative Services

Maryland General Assembly

2001 Session

## FISCAL NOTE

House Bill 915

(Delegate Montague)

Judiciary

### Maryland Uniform Parentage Act

This bill repeals the law governing paternity proceedings and adopts in its place the Uniform Parentage Act of 2000.

### Fiscal Summary

**State Effect:** General fund expenditures could increase by \$245,600 in FY 2002. Future years reflect annualization and inflation. General fund revenues would increase minimally due to the bill's cost recovery fee for registry services rendered.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
GF Revenue	-	-	-	-	-
GF Expenditure	245,600	177,500	186,600	196,300	206,700
Net Effect	(\$245,600)	(\$177,500)	(\$186,600)	(\$196,300)	(\$206,700)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** The penalty provisions of this bill are not expected to significantly affect local finances or operations.

**Small Business Effect:** Minimal.

### Analysis

**Bill Summary:** Repealing current law and adopting the Uniform Parentage Act of 2000 places mandates on the Department of Health and Mental Hygiene (DHMH) and the Department of Human Resources (DHR). DHMH is required to keep acknowledgements and denials of paternity on file (DHMH may not charge a fee for filing an

acknowledgement of paternity or denial of paternity). DHR is required to: (1) adopt implementing regulations; (2) establish a registry of paternity; (3) prepare a form for registering paternity with DHR; (4) notify men who have timely registered their paternity of a proceeding for adoption of, or termination of parental rights (such notice must be given in a manner prescribed for service of process in a civil action) and send a copy of the notice to a mother if she has provided an address; (5) notify men who have not registered within 30 days of birth that the registration is not timely; and (6) perform searches of the registry and issue certificates of registration to registrants upon request. DHR may charge a reasonable fee for making a search of the registry and for furnishing a certificate unless the search is performed for a child support enforcement agency, but a fee may not be charged for filing a registration or a rescission of registration.

In cases involving the validity of a gestational agreement, the bill states that a court may require the local department of social services to make a home study of the intended parents to ensure that they meet the standards applicable to adoptive parents.

The bill also contains penalty provisions of up to \$100 and/or imprisonment of up to 30 days for enumerated ethical violations.

**Current Law:** Generally, within 72 hours of a child's birth, an opportunity must be provided for the child's mother and the father to complete a standardized affidavit of parentage recognizing parentage of the child on a standardized form provided by DHR. The completed affidavit is forwarded to the DHMH, Division of Vital Records. The Division of Vital Records makes the affidavits available to the parents, guardian of the child, or a child support enforcement agency upon request.

**Background:** The 2000 revision of the Uniform Parentage Act was adopted by the Uniform Law Commissioners in 2000. The Act has been endorsed by the American Bar Association Family Law Section, the National Child Support Enforcement Association, the American Academy of Adoption Attorneys, and the National Association of Public Health Registrars.

In 1973 the Uniform Law Commissioners adopted the original Uniform Parentage Act. Prior to the 1960s, the unmarried father of an illegitimate child had no rights or obligations. He could be subject to an action for limited damages -- mostly the costs of delivering the baby -- in an action that was quasi-criminal, but the child had no right of support and the father had no right to custody. The U.S. Supreme Court eliminated illegitimacy as a legal barrier in a number of cases in the 1960s and the 1970s, and the 1973 Uniform Parentage Act was drafted to recognize that "the parent and child relationship extends equally to every child and every parent, regardless of the marital status of the parent." The 1973 Act provided for the modern civil paternity action in

which the issue was identifying the natural father. Section 15 of the Act also authorized a support action within the paternity action.

In 1988 the Uniform Law Commissioners adopted two other acts to deal with parentage. The Uniform Status of Children of Assisted Conception Act provided rules for establishing legal parentage of children conceived by means other than sexual intercourse, or carried by a woman other than the legal mother. This was a response to the new technologies of assisted conception, such as in vitro fertilization and artificial insemination. The second was the Uniform Putative and Unknown Fathers Act, which allows the identification of putative and unknown fathers and the termination of their parental rights.

Maryland has not adopted any of these uniform acts.

The 2000 Act continues to serve the purposes of the 1973 Act, and incorporates the two 1988 Acts. It also makes changes to address the new technology of genetic identification.

No states have yet adopted the 2000 Uniform Act, although it has been introduced in the Minnesota, Texas, and West Virginia legislatures during the 2001 session.

**State Fiscal Effect:** DHR advises that general fund expenditures could increase by \$1.34 million in fiscal 2002 for costs associated with hiring 31 social workers.

The Department of Legislative Services advises, however, that general fund expenditures could increase by an estimated \$245,562 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of hiring: one clerk for DHMH to collect, file, and retrieve forms and data pertaining to acknowledgement and denial of paternity; and one administrator and two clerks for DHR to establish and maintain a paternity registry and perform notifications. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses, including computer system modifications for both departments. Any other expenses incurred in implementing the provisions of the bill could be handled with existing resources. The information and assumptions used in calculating the estimate are stated below:

- 750 certified, restricted delivery notifications @ \$5.65 each; and
- 750 first class mail notifications @ .34 each.

Salaries and Fringe Benefits		\$110,753
Computer System Modifications		100,000
DHMH	25,000	
DHR	75,000	
Other Operating Expenses		<u>34,809</u>
<b>Total FY 2002 State Expenditures</b>		<b>\$245,562</b>

The penalty provisions of this bill are not expected to significantly affect State expenditures or revenues. The cost recovery fees charged by DHR for registry services will result in a minimal increase in general fund revenues.

---

### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Department of Health and Mental Hygiene (Vital Statistics Administration), Judiciary (Administrative Office of the Courts), National Conference of Commissioners on Uniform State Laws, Department of Legislative Services

**Fiscal Note History:** First Reader – March 12, 2001  
ncs/jr

---

Analysis by: Sandra Steele

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510