
By: **Delegates Menes and Grosfeld**
Introduced and read first time: February 6, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Paternity Proceedings - Statute of Limitations for Challenging**
3 **Paternity Orders**

4 FOR the purpose of prohibiting the court in a paternity proceeding from ordering an
5 individual to submit to a blood or genetic test under certain circumstances;
6 requiring a motion or petition to modify or set aside a declaration of paternity to
7 be filed within a certain period after the declaration is entered; providing for the
8 application of this Act; and generally relating to the finality of declarations of
9 paternity.

10 BY repealing and reenacting, with amendments,
11 Article - Family Law
12 Section 5-1029(b) and 5-1038
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2001 Supplement)

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

17 **Article - Family Law**

18 5-1029.

19 (b) (1) [On] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
20 ON the motion of the Administration, a party to the proceeding, or on its own motion,
21 the court shall order the mother, child, and alleged father to submit to blood or genetic
22 tests to determine whether the alleged father can be excluded as being the father of
23 the child.

24 (2) IF A MOTION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS FILED
25 BY A PARTY TO THE PROCEEDING MORE THAN 3 YEARS AFTER A DECLARATION OF
26 PATERNITY IS ENTERED, THE COURT MAY NOT ORDER AN INDIVIDUAL TO SUBMIT TO
27 A BLOOD OR GENETIC TEST.

1 5-1038.

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

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

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

8 2. if A MOTION OR PETITION TO MODIFY OR SET ASIDE THE
9 DECLARATION OF PATERNITY IS FILED WITHIN 3 YEARS AFTER THE DECLARATION IS
10 ENTERED AND a blood or genetic test done in accordance with § 5-1029 of this subtitle
11 establishes the exclusion of the individual named as the father in the order.

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
19 construed to apply only prospectively and may not be applied to or interpreted to
20 affect declarations of paternity entered before the effective date of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2002.