

SB0178/158472/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 178

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “legal” and substitute “presumptive”; in the same line, after “circumstances;” insert “requiring the Child Support Enforcement Administration to serve a certain notice on the alleged father; prohibiting the Administration from establishing a child support obligation before the conclusion of a certain challenge; establishing that the results of a certain laboratory report constitute a legal finding of paternity under certain circumstances;”; in line 5, strike “Child Support Enforcement”; and in line 9, after “circumstances;” insert “providing for the application of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 1, after line 23, insert:

“(A) THIS SECTION DOES NOT APPLY TO A CASE IN WHICH:

(1) THE CUSTODIAL PARENT OR THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID IS THE VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR RAPE BY THE NONCUSTODIAL PARENT;

(2) THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID WAS CONCEIVED AS A RESULT OF RAPE BY THE NONCUSTODIAL PARENT;

(3) THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID WAS BORN OR CONCEIVED DURING A MARRIAGE; OR

(Over)

(4) PARENTAGE OF THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID HAS BEEN DETERMINED UNDER § 1-208 OF THE ESTATES AND TRUSTS ARTICLE.

AMENDMENT NO. 3

On page 2, in line 1, strike “(A)” and substitute “(B)”; in line 3, strike “LEGAL” and substitute “PRESUMPTIVE”; in line 5, strike “APPROVED” and substitute “SELECTED BY THE COURT FROM A LIST PROVIDED”; in line 7, strike “99%” and substitute “99.0%”; after line 7, insert:

“(C) (1) THE ADMINISTRATION SHALL SERVE A NOTICE OF THE PRESUMPTIVE FINDING OF PATERNITY ON THE ALLEGED FATHER.

(2) THE NOTICE SHALL:

(I) STATE THAT THE LABORATORY REPORT OF A BLOOD OR GENETIC TEST ESTABLISHES A STATISTICAL PROBABILITY OF PATERNITY OF AT LEAST 99.0%;

(II) STATE THAT THE LABORATORY REPORT CONSTITUTES A PRESUMPTIVE FINDING OF PATERNITY;

(III) ADVISE THE ALLEGED FATHER OF HIS RIGHT TO CHALLENGE THE PRESUMPTIVE FINDING IN COURT AND HAVE THE COURT DETERMINE PATERNITY;

(IV) EXPLAIN THE PROCEDURE FOR CHALLENGING THE PRESUMPTIVE FINDING OF PATERNITY;

(V) STATE THAT IF THE ALLEGED FATHER FAILS TO CHALLENGE THE PRESUMPTIVE FINDING OF PATERNITY WITHIN 45 DAYS AFTER BEING SERVED WITH THE NOTICE, THE LABORATORY REPORT WILL CONSTITUTE A LEGAL FINDING OF PATERNITY; AND

(VI) ADVISE THE ALLEGED FATHER OF THE CONSEQUENCES OF A LEGAL FINDING OF PATERNITY.

(3) THE ADMINISTRATION MAY NOT ESTABLISH A CHILD SUPPORT OBLIGATION BEFORE THE CONCLUSION OF A CHALLENGE BY AN ALLEGED FATHER TO A PRESUMPTIVE FINDING OF PATERNITY.”;

in line 8, strike “(B)” and substitute “(D)”; in the same line, after “THE” insert “ALLEGED FATHER FAILS TO FILE A TIMELY CHALLENGE TO A PRESUMPTIVE FINDING OF PATERNITY:

(I) THE”;

in the same line, strike the first “A” and substitute “THE”; and in line 9, strike “UNDER SUBSECTION (A) OF THIS SECTION,” and substitute “; AND

(II)”.