

SENATE BILL 1187

D4

EMERGENCY BILL

8lr3968

By: **Senators Bates and Eckardt**

Introduced and read first time: February 21, 2018

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Conceived Without Consent – Child Support**

3 FOR the purpose of repealing a certain provision providing that the termination of parental
4 rights under certain circumstances terminates completely a parent's responsibility
5 to support the child; making this Act an emergency measure; and generally relating
6 to children conceived without consent and termination of parental rights.

7 BY repealing and reenacting, without amendments,

8 Article – Family Law

9 Section 5–1402(a)

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2017 Supplement)

12 (As enacted by Chapters 3 and 4 of the Acts of the General Assembly of 2018)

13 BY repealing and reenacting, with amendments,

14 Article – Family Law

15 Section 5–1402(c)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2017 Supplement)

18 (As enacted by Chapters 3 and 4 of the Acts of the General Assembly of 2018)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 That the Laws of Maryland read as follows:

21 **Article – Family Law**

22 5–1402.

23 (a) Except as provided in subsection (b) of this section, after a trial, a court may
24 terminate the parental rights of a respondent under this subtitle if the court:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) determines that the respondent has been served in accordance with the
2 Maryland Rules;

3 (2) (i) finds that the respondent has been convicted of an act of
4 nonconsensual sexual conduct against the other parent that resulted in the conception of
5 the child at issue in an action under this subtitle; or

6 (ii) finds by clear and convincing evidence that the respondent
7 committed an act of nonconsensual sexual conduct against the other parent that resulted
8 in the conception of the child at issue in an action under this subtitle; and

9 (3) finds by clear and convincing evidence that it is in the best interest of
10 the child to terminate the parental rights of the respondent.

11 (c) A termination of parental rights under this section terminates completely[:

12 (1)] a parent's right to custody of, guardianship of, access to, visitation with,
13 and inheritance from the child[; and

14 (2) a parent's responsibility to support the child, including the
15 responsibility to pay child support].

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
17 measure, is necessary for the immediate preservation of the public health or safety, has
18 been passed by a ye and nay vote supported by three-fifths of all the members elected to
19 each of the two Houses of the General Assembly, and shall take effect from the date it is
20 enacted.