

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1298
Judiciary

(Delegate Young)

Family Law - Paternity - Surname (Maryland Paternal Naming Rights Act)

This bill (1) authorizes the father of a child, who has been confirmed as the father through a court order, to file a petition to add the father's surname to the child's name and (2) establishes a rebuttable presumption that adding the father's surname to the child's name is in the best interest of the child. The bill also requires the Judiciary to develop (and update as appropriate) a training program for judges presiding over such petitions; the program must include training on the best interest standard and the rebuttable presumption.

Fiscal Summary

State Effect: The Judiciary can implement the bill's requirements using existing resources. The bill is not otherwise anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: A court may enter an order adding the father's surname to the child's name if the court determines it is in the best interest of the child. In making its determination, a court must consider (1) the child's emotional and psychological welfare; (2) social implications; (3) the child's established identity; (4) input from the child's mother; and (5) input from the child if the child is at least age 12 or sufficiently mature and able to express a surname preference. The court may not deny the petition unless it states

with specificity the reasons why adding the father's surname is not in the best interest of the child.

The bill authorizes the child's birth certificate to be amended in accordance with § 4-214 of the Health-General Article if a petition is granted.

Current Law: Pursuant to § 4-214 of the Health-General Article, on receipt of a court order to change the name of an individual who was born in the State and on the request of the individual or a parent, guardian, or legal representative of the individual, the Secretary of Health must amend the certificate of birth to reflect the new name.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

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