

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 120
Judiciary

(Delegate Taveras)

Family Law - Child Support - Capacity of Minors to File Action

This bill authorizes a minor who is the legal and custodial parent of a child to file an action for child support, whether *pendente lite* or permanently.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: Statute does not specifically prohibit (or authorize) the filing of an action for child support by a minor.

Pursuant to Maryland Rule 2-202, an individual under disability to sue may sue by a guardian or other like fiduciary or, if none, by next of friend, subject to any order of court for the protection of the individual under disability. When a minor is in the sole custody of one of the minor's parents, that parent has the exclusive right to sue on behalf of the minor for a period of one year following the accrual of the cause of action. If the custodial parent fails to institute suit within the one-year period, any person interested in the minor must have the right to institute suit on behalf of the minor as next friend upon first mailing notice to the last known address of the custodial parent.

Additional Information

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

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2025
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