

Article - Estates and Trusts

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§1–208.1.

(a) An individual who is the presumed parent of a child under this subtitle shall be considered to be the child's parent for all purposes, including inheritance, custody and visitation, support obligations, and Child in Need of Assistance proceedings, unless the presumption of parentage is rebutted in accordance with this section.

(b) (1) Except as provided in subsection (c) of this section, a presumption of parentage under this subtitle may be rebutted only if a court of competent jurisdiction determines in a written order that it is in the best interest of the child to receive and consider evidence that could rebut the presumption.

(2) A written order that it is not in the best interest of the child to rebut a presumption of parentage:

(i) Conclusively establishes that the presumed parent is a parent of the child for all purposes; and

(ii) May be modified or set aside only on the basis of fraud, mistake, or irregularity.

(c) An individual who is the putative father of a child in a proceeding under Title 5, Subtitle 10 of the Family Law Article may obtain and use evidence of blood or genetic testing in the proceeding to the extent authorized under Title 5, Subtitle 10 of the Family Law Article to rebut a presumption of parentage under § 1–208(c)(1) or (2) of this subtitle, regardless of whether it is in the best interest of the child.

(d) Subject to subsections (b) and (c) of this section, a presumption of parentage under this subtitle may be rebutted by:

(1) Evidence of blood or genetic testing;

(2) Testimony of the mother, the presumed parent, or another individual, that the presumed parent did not have access to the mother at the time of conception; or

(3) Any other competent evidence that the presumed parent is not the father of the child.

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