



BILL NO: House Bill 1298
TITLE: Family Law - Paternity - Surname (Maryland Paternal Naming Rights Act)
COMMITTEE: Judiciary
HEARING DATE: February 29, 2024
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 1298.**

House Bill 1298 creates a rebuttable presumption that a child be named with the father's surname if the father has been determined by court order to be the father and petitions for the name to be added. While the bill purports to assess what is in the best interests of the child, the rebuttable presumption undermines the best interest of the child assessment. If the father petitions to have his name added, the other parent, who in this bill can only be the mother, would have to prove that it is not in the best interests of the child to require the child to carry father's surname.

The factors listed in the bill that the Court would be required to consider do not appear to be based on any social science research or any other reputable source. The age of 12 to consider a child's preference is arbitrary. Furthermore, there is existing case law in Maryland that Courts are to use the best interests of the child standard in child naming cases.

We are aware that the District of Columbia has a law that names of children are determined in the best interests of the child, but it is very clear that there is no gender preference in that law, unlike in HB 1298. It appears the only reason for this heteronormative bill is to make the father's name superior in some way to the mother's name.

We also find the training required by the bill to be unnecessary. The Courts already make determinations in the best interests of the child and have trainings on a variety of subjects that impact families and children.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 1298.**