
BILL NO:	House Bill 0120
TITLE:	Family Law - Child Support - Capacity of Minors to File Action
COMMITTEE:	Judiciary
HEARING DATE:	January 30, 2025
POSITION:	SUPPORT WITH AMENDMENTS

The Women's Law Center of Maryland is dedicated to ensuring the physical safety, economic security, and bodily autonomy of women throughout the State. With this mandate in mind, we are supportive of proposed House Bill 0120, with two suggested amendments (in bold):

§12-106

*Notwithstanding Maryland Rule §2-202, a minor who is **a natural parent** of a child has the capacity **and right to initiate or defend** an action for child support for that child, whether pendente lite or permanently."*

Allowing a minor parent to initiate or defend a child support action ensures that the welfare of their child is prioritized, without unnecessary delays or complications due to the parent's age. HB 0120 addresses the fundamental principle that children are entitled to support from both parents and that the legal system should not penalize a minor parent for their youth, especially when it comes to the basic needs of their child. Denying a minor parent the right to seek child support forces them into a vulnerable position, perpetuating cycles of poverty and dependency.

Permitting minor parents to initiate or defend child support actions promotes equality and consistency within the legal system. Under current law, minors are able to engage in other legal proceedings such as emancipation or marriage, but are restricted from asserting parental rights in child support matters. Our current legal framework often leaves minors without recourse in situations where their children's financial needs are not being met. By affording minor parents the right to initiate or defend an action for child support, our legal system would create a more coherent framework to ensure that the children of minors receive the same protections and resources as those of adult parents.

Md. Code, Fam. Law § 10-314 already states that "A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child." While this statute only applies to interstate child support, we contend that minor parents also deserve the right to file for intrastate support as well.

We are concerned of unintended consequences that may result from this piece of legislation. Because most minor pregnancies are the result of adult paternity (NIH PMID: 10227344), we are concerned that a minor filing for child support will likely trigger a custody case response from the opposing party for which said minor will be disadvantaged against an adult plaintiff as under current law, minors cannot have legal custody of other minors. In supporting this bill, we implore our legislature to consider further legislation to protect the parental rights of young mothers.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.