

HOUSE BILL 1298

D4, J1

4lr2876

By: **Delegate Young**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Paternity – Surname**
3 **(Maryland Paternal Naming Rights Act)**

4 FOR the purpose of authorizing a father of a child to file a petition to add the father's
5 surname to the child's name under certain circumstances; establishing related court
6 procedures; and generally relating to paternity and children's surnames.

7 BY adding to
8 Article – Family Law
9 Section 5–1049
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 4–214(c)
15 Annotated Code of Maryland
16 (2023 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Family Law**

20 **5–1049.**

21 **(A) THIS SECTION APPLIES TO AN INDIVIDUAL WHO IS CONFIRMED AS THE**
22 **FATHER OF A CHILD THROUGH A COURT ORDER.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) A FATHER OF A CHILD MAY FILE A PETITION TO ADD THE FATHER'S SURNAME TO THE CHILD'S NAME.

(C) (1) A COURT MAY ENTER AN ORDER ADDING THE FATHER'S SURNAME TO THE CHILD'S NAME IF THE COURT DETERMINES THAT ADDING THE FATHER'S SURNAME IS IN THE BEST INTEREST OF THE CHILD.

(2) THERE IS A REBUTTABLE PRESUMPTION THAT ADDING THE FATHER'S SURNAME TO THE CHILD'S NAME IS IN THE BEST INTEREST OF THE CHILD.

(3) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL CONSIDER:

(I) THE CHILD'S EMOTIONAL AND PSYCHOLOGICAL WELFARE;

(II) SOCIAL IMPLICATIONS;

(III) THE CHILD'S ESTABLISHED IDENTITY;

(IV) INPUT FROM THE CHILD'S MOTHER; AND

(V) INPUT FROM THE CHILD, IF THE CHILD IS:

1. AT LEAST 12 YEARS OLD; OR

2. SUFFICIENTLY MATURE AND ABLE TO EXPRESS A SURNAME PREFERENCE.

(4) THE COURT MAY NOT DENY THE PETITION UNLESS THE COURT STATES WITH SPECIFICITY THE REASONS WHY ADDING THE FATHER'S SURNAME IS NOT IN THE BEST INTEREST OF THE CHILD.

(D) IF A PETITION UNDER THIS SECTION IS GRANTED, THE CHILD'S BIRTH CERTIFICATE MAY BE AMENDED IN ACCORDANCE WITH § 4-214 OF THE HEALTH – GENERAL ARTICLE.

(E) (1) THE MARYLAND JUDICIARY SHALL DEVELOP AND UPDATE AS APPROPRIATE A TRAINING PROGRAM FOR JUDGES PRESIDING OVER PETITIONS UNDER THIS SECTION.

(2) THE TRAINING PROGRAM SHALL INCLUDE TRAINING ON:

(I) THE BEST INTEREST STANDARD; AND

(II) THE REBUTTABLE PRESUMPTION.

Article – Health – General

4–214.

(c) (1) Except as provided in § 4–211(f) of this subtitle, on receipt of a court order that changes the name of an individual who was born in this State and on request of the individual or a parent, guardian, or legal representative of the individual, the Secretary shall amend the certificate of birth to reflect the new name.

(2) (i) The Department may change the name on a birth certificate once without a court order if, within 12 months after the birth, the Department receives from both parents named on the birth certificate of the child or, if only one parent is named, the parent named on the birth certificate of the child:

1. A written request for the change of name; and

2. An affidavit that has been sworn before a notary public of the State and states that the individual is the parent of the child and is making the request of the individual's own free will.

(ii) If the Department receives an affidavit in accordance with subparagraph (i)2 of this paragraph from both parents named on the birth certificate of the child, only one affidavit signed by both parents is required.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.