

(4) THE CHILD'S MOTHER HAS NAMED THE MAN AS THE CHILD'S FATHER AND THE MAN HAS NOT SIGNED A DENIAL OF PATERNITY;

(5) THE MAN HAS BEEN ADJUDICATED TO BE THE CHILD'S FATHER;

(6) THE MAN HAS ACKNOWLEDGED HIMSELF, ORALLY OR IN WRITING, TO BE THE CHILD'S FATHER AND THE MOTHER AGREES; OR

(7) ON THE BASIS OF GENETIC TESTING, THE MAN IS INDICATED TO BE THE CHILD'S BIOLOGICAL FATHER.

(B) NOTICE AND HEARING ON PATERNITY CLAIM.

(1) A PETITIONER UNDER THIS SUBTITLE SHALL GIVE A COURT NOTICE THAT A MAN WHO IS NOT NAMED IN THE PETITION AND HAS NOT BEEN EXCLUDED AS A FATHER CLAIMS PATERNITY.

(2) AFTER A REQUEST OF A PARTY OR CLAIMANT AND BEFORE RULING ON A PETITION FOR GUARDIANSHIP OR ADOPTION UNDER THIS SUBTITLE, A COURT SHALL HOLD A HEARING ON THE ISSUE OF PATERNITY.

COMMITTEE NOTE: Subsections (a)(1) through (6) and (b) of this section are derived from former FL § 5-310.

Subsection (a)(7) of this section is new and added to reflect the increasing reliance on the accuracy of genetic testing.

The introductory clause of subsection (a) of this section, "[u]nless a court excludes a man as the father of a child", is substituted for the former disclaimer "unless ... his nonpaternity has been established to the satisfaction of the court by affidavit or testimony", which pertained only to the provisions revised in subsection (a)(3) and (4) of this section, as a finding by a court should pertain to all of the criteria under subsection (a) of this section.

In subsection (b)(1) of this section, the word "man" is substituted for the former reference to "an individual who does not meet the criteria for being a natural father ... claims to be the natural father", for brevity and to reflect that fatherhood could result from, e.g., an earlier adoption.

In subsection (b)(2) of this section, the limitation "before ruling on a petition for guardianship or adoption" is added to clarify the period during which a court may act.

Also in subsection (b)(2) of this section, the reference to a "request of a party or claimant" is substituted for the former reference to "receipt of notice", to allow a claimant, as well as a petitioner, to request a hearing but obviate the need for a hearing if no one requests one.

Defined terms: "Child" § 5-3A-01

"Guardianship" § 5-3A-01