

Memo to the Family Court Committee of the Supreme Bench in which he had the following comments. I am forwarding them to you for your consideration, because I agree with them in most part:

“(i) H. B. 906 makes no provision for preliminary hearings by the State’s Attorney with authority to issue summonses and conduct examinations. It is under this authority vested in the State’s Attorney and delegated to our Analysts that most of our paternity and non-support cases are disposed of without formal court hearings. There is nothing in HB 906 which would seem to provide any means by which non-support cases could be decided other than hearings in open court before a Judge or Master. (Section 66D).

“(ii) The paternity statute spells out a number of specific directions regarding pleading, practice and process, and authorizes the use of a simple standard petition form. Also, recognizing that in cases of this type it is frequently necessary to obtain a warrant to get the respondent into court for a hearing, the paternity law provides an arrest procedure and for a detained person’s release on bond. None of these procedural aspects of “Family Law” are included in HB 906. (Section 66E).

LAG comment: Equity does have the procedure of writ ne exeat regno to get a man under bond but it is cumbersome.

“(iii) The paternity law provides a right to jury trial which is not included in Bill 906. (Section 66F).

“(iv) The paternity law carries specific provisions regarding notification of address change, a continuing obligation to make payments due for child support after the child becomes of age, and the Court’s authority to require the posting of a bond to guarantee payments. None of these provisions are included in H. B. 906. (Section 66J).

“(v) The paternity law contemplates voluntary support agreements approved by the Court but no such special provision is included in H.B. 906. (Section 66L).

“(vi) The paternity act requires Court Clerks to maintain special dockets for such cases and directs that, in Baltimore City, they be filed with the Clerk of Circuit Court No. 2. H.B. 906 contains no such provision though in the Criminal Court non-support cases have always been recorded in a special docket. (Section 66M).”

To sum up, the Bill seems to have been hastily drawn and passed without sufficient reflection upon some of the problems involved and interests to be secured. There needs to be some re-thinking in the whole area of domestic relations law in Maryland, but I do not feel that piecemeal and incomplete legislation is the answer.

Sincerely yours,

/s/ (MISS) LUCY ANN GARVEY
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House Bill No. 916—Scenic Rivers Program

AN ACT to add new Sections 763 and 764 to Article 66C of the Annotated Code of Maryland (1970 Replacement Volume), title