

Subsection (b) of this section formerly appeared as the second sentence of CJ § 3-602(b).

In subsection (b) of this section, the former phrase "or preclude" is deleted as included in the term "limit".

The only other changes are in style.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that this section perpetuates an ambiguity by using language contained in former CJ § 3-602(a)(2) and (b). Subsection (b) of this section and former CJ § 3-602(b) provide that a paternity proceeding is precluded after legitimation of a child under "this section". The reference to "legitimation" is to a determination of legitimacy "pursuant to" ET § 1-208. In Thomas v. Solis, 263 Md. 536 (1971), the Court of Appeals found that ET § 1-208 could be used by a living father to establish his own paternity and parental rights, since paternity proceedings are unavailable to the father. One interpretation of subsection (a) of this section (and of former CJ § 3-602(a)(2)) is that the statutory language is simply a codification of Thomas v. Solis.

5-1006. LIMITATIONS.

(A) IN GENERAL.

A PATERNITY PROCEEDING UNDER THIS SUBTITLE SHALL BE BEGUN WITHIN 2 YEARS AFTER THE LAST TO OCCUR OF THE FOLLOWING EVENTS:

(1) THE CHILD'S BIRTH;

(2) THE MOTHER'S 18TH BIRTHDAY, IF THE MOTHER WAS A MINOR WHEN THE CHILD WAS BORN; OR

(3) WHEN THE ALLEGED FATHER:

(I) ACKNOWLEDGED THE PATERNITY OF THE CHILD IN WRITING; OR

(II) MADE PAYMENT OR OTHERWISE PROVIDED FOR THE SUPPORT OF THE CHILD.

(B) COMPLAINT DURING PREGNANCY.

A PATERNITY PROCEEDING UNDER THIS SUBTITLE MAY BE BEGUN DURING PREGNANCY.

(C) OUT-OF-STATE CONCEPTION OR BIRTH.