

A COMPLAINT UNDER THIS SUBTITLE IS NOT BARRED BECAUSE THE CHILD BORN OUT OF WEDLOCK WAS CONCEIVED OR BORN OUTSIDE THIS STATE.

REVISOR'S NOTE: Subsections (a) and (b) of this section are new language derived without substantive change from former Article 16, § 66(e).

Subsection (c) of this section is new language derived without substantive change from former Article 16, § 66(d).

In subsection (a)(2) of this section, the term "a minor" is substituted for the former phrase "under the age of 18 years", for brevity.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that in Pickett v. Brown, ___ U.S. ___ (1983), the Court unanimously struck down a 2-year statute that is similar to the statute set out in § 5-1006(a) of this article.

The Court held that because the 2-year limitation period established by the Tennessee statute does not provide certain illegitimate children (i.e., those who are not likely to become public charges) with an adequate opportunity to obtain support and is not substantially related to the legitimate state interest in preventing the litigation of stale or fraudulent claims, the statute denies those illegitimate children the equal protection of the laws guaranteed by the 14th Amendment.

In Frick v. Maldonado, 296 Md. 304 (1983) the Court of Appeals of Maryland, relying on Pickett, overruled Thompson v. Thompson, 285 Md. 488 (1979). Thompson had upheld the constitutionality of the 2-year statute of limitation on paternity actions set out in former Article 16, § 66(e) of the Code, from which § 5-1006(a) of this article is derived.

Defined terms: "Complaint" § 5-1001
"Support" § 1-101

5-1007. INCONSISTENT STATUTES OR RULES.

ANY RULE OF COURT OR STATUTE THAT RELATES TO PROCEDURE APPLIES TO A PROCEEDING UNDER THIS SUBTITLE ONLY TO THE EXTENT THAT THE RULE OR STATUTE IS:

- (1) PRACTICAL UNDER THE CIRCUMSTANCES; AND
- (2) NOT INCONSISTENT WITH THIS SUBTITLE.