

Former Article 16, § 76(c), which created a presumption that it is in the best interests of a child who has been under continuous foster care in the custody of a child placement agency for at least 2 years, to award guardianship to the child placement agency without the consent of the parents, is deleted as violative of a parent's right to procedural due process.

The provision in former Article 72A, § 3 of the Code that gave certain exclusive rights to the mother of an illegitimate child is deleted as violative of the Maryland Equal Rights Amendment.

Several other provisions are retained, but the Commission notes that they may be unconstitutional. The provisions of § 2-408 of this article represent an attempt to prohibit the advertising of the services of individuals who are authorized to perform marriages, and may be an unconstitutional limitation on First Amendment rights. Section 5-1006 of this article, which provides a statute of limitations in paternity actions, may unconstitutionally deny equal rights and due process to illegitimate children. Sections 5-1035 and 5-1042 of this article, by permitting a court to order a man to remain in this State, if he has been adjudged to be the father of an illegitimate child, may unconstitutionally abridge the right to travel.

Former Article 45, §§ 1 through 21 of the Code and former Article 16, §§ 40 through 42 of the Code, which are revised as Title 4, Subtitles 1 and 2 of this article, are commonly referred to as the "Married Women's Property Act". These provisions present special problems in light of the Maryland Equal Rights Amendment. An Introductory General Revisor's Note following § 4-101 of this article, and the notes throughout Subtitles 1 and 2 of Title 4 of this article describe these problems in detail and make suggestions as to their solutions.

SECTION 3. AND BE IT FURTHER ENACTED, That Sections 66(h) and 66N of Article 16 - Chancery, be and they are hereby repealed and reenacted, with amendments, and transferred from the Annotated Code of Maryland to the Session Laws, to read as follows:

Article 16 - Chancery

[66.]

[(h)] 1. If proceedings were instituted under [the] former Article 12 of [this] THE Code, Title "Bastardy and Fornication", prior to June 1, 1963, the further running of the period of limitations [as provided for in subsection (e) shall be] IS suspended.

[66N.]