

SS SCS SB 141 -- PATERNITY DETERMINATIONS

SPONSOR: Smith (Jones, 89)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 12 to 0.

This substitute changes the laws regarding paternity and child support. In its main provisions, the substitute:

- (1) Requires a notification form to be attached to the delivery of a paternity petition through service of process of the individual's right to contest paternity and to request genetic testing to prove or disprove paternity. Petitions may be filed in circuit court requesting a modification of an existing child support or paternity judgment at any time prior to December 31, 2011. After that date, the petition must be filed within two years of the original judgment of paternity or support or of the later judgment in the case of separate paternity and support judgments;
- (2) Allows the court to order testing to determine paternity with the costs paid by the petitioner if there is probable cause to believe that the testing may result in a determination of non-paternity;
- (3) Requires the court upon a finding of non-paternity to set aside a child support judgment, nullify any existing child support arrearage, and order the Department of Health and Senior Services to modify the child's birth certificate unless it is in the best interest of all parties not to do so;
- (4) Prohibits the recovery of moneys paid under previous court orders and specifies that the provisions of the substitute do not apply to the parent of any adopted child;
- (5) Requires a court to order the expungement of criminal records for the offense of criminal nonsupport when the petitioner was found not to be the biological parent of the child; and
- (6) Requires, beginning December 31, 2010, the Family Support Division within the Department of Social Services to annually track and report to the General Assembly the number of cases in which a court set aside a previous judgment under the provisions of the substitute.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that the bill provides better notice by the service of process of new methods for determining paternity. Only DNA processes that rule out paternity with 100% effectiveness are used. The bill contains a statute of limitations which is a reasonable compromise.

Testifying for the bill were Senator Smith; Mike Wright, Prosecutor's Association; Chester Deans, Fathers Support Center; and Mike Shoeridge.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that they are happy to provide legal information upon request.

Testifying on the bill was Family Support Division, Department of Social Services.