

Department of Finance and Administration

Legislative Impact Statement

Bill: SB312

Amendment Number: S2

Bill Subtitle: TO AMEND THE PERIOD OF LIMITATIONS FOR WHEN AN ACTION FOR PATERNITY MAY BE BROUGHT.

Basic Change :

Sponsors: Sen. Clark and Rep. Haak

Senate Amendment No. 2 --- SB312-S2 (engrossed S3/14/23) provides that in cases in which paternity was addressed in a dependency-neglect action that has closed, a subsequent action to establish, modify, or enforce child support may be filed in a new case in circuit court.

Senate Amendment No. 1 --- SB312-S1 (engrossed S2/28/23) amends the bill to provide that when a child is the subject of an open dependency-neglect case, any determination or disestablishment of paternity must be addressed in the dependency-neglect case.

Original Bill --- SB312 would amend existing law to prohibit initiation of action to adjudicate parentage after a child reaches age 18 unless the action was brought by the child. The bill would further permit action at any time to disprove parentage of a child born of a marriage if: (1) DNA testing excluded the presumed father as the biological father; or (2) the presumed father and biological mother did not live together or have sexual intercourse during the period of conception and the presumed father never held the child out as his own.

Revenue Impact :

None.

Taxpayer Impact :

The time frame to establish parentage of a child would generally be limited to the minority of the child unless brought by the emancipated child. Paternity of a child born during a marriage could be challenged at any time if the specified factors were met.

Resources Required :

No significant resources required.

Time Required :

Adequate time is provided for implementation.

Procedural Changes :

Office of Child Support Enforcement (OCSE) procedures and training would require updating.

Other Comments :

None.

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Legal Analysis :

SB312 does not address the disposition of future or past due support owed under an existing order for child support if the parentage of a child born of a marriage is successfully challenged. § 9-10-115(e)-(f) sets out the circumstances under which a man who has acknowledged or has been adjudicated to be the father of a child may seek paternity testing and, if excluded as the father, provides that the court shall set aside a paternity order, relieve the man of a support obligation, and vacate any support owed under the previous order. The bill may benefit from consideration of that issue.