

SS SCS SB 141 -- PATERNITY DETERMINATIONS

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

(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 a 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, whichever occurs later;

(2) Allows the court to order genetic 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 previous paternity and/or 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 bill do not apply to the parent of an 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 January 1, 2010, the Family Support Division within the Department of Social Services to track and submit an annual report by December 31 to the General Assembly on the number of cases in which a court set aside a previous judgment under the provisions of the bill.