Bill No.: SB-942
Title: AN ACT CONCERNING THE OPENING OR SETTING ASIDE OF A PATERNITY JUDGMENT
Vote Date: 4/8/2019
Vote Action: Joint Favorable
PH Date: 3/6/2019

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SPONSORS OF BILL:
Judiciary Committee

REASONS FOR BILL:
The Department of Social Services proposed this bill to clarify court procedures with respect to the opening or setting aside of a paternity judgment entered by the Superior Court, a family support magistrate or the Probate Court.

RESPONSE FROM ADMINISTRATION/AGENCY (SUPPORT):
Department of Social Services:
Currently, only section 46b-172, concerning acknowledgements of paternity, addresses the circumstances under which the previous paternity determination may be challenged. Beyond this, Connecticut’s paternity statutes do not speak to how a court or magistrate presented with an attempt to open a previous judgment or acknowledgement of paternity should proceed. This bill would codify a uniform process for courts and family support magistrates to follow when faced with an attempt to open and set aside a judgment or acknowledgement of paternity that has become final. The bill also codifies a jurisdictional rule established the appellate court, which held that, absent a showing of fraud, duress, or material mistake of fact, courts and family support magistrates have no authority to order genetic testing in a case where an acknowledgement or judgment of paternity has become final.

RESPONSE FROM PUBLIC (OPPOSED):
Attorney Tad Bistor:
On behalf of the innocent children who have a constitutional right to an accurate determination of their biological fathers, the committee should not increase the burden of proof to open a judgement or acknowledgement of paternity and to restrict the Court’s ability to decide these types of cases. Rather it should give the Courts a fourth statutory ground for opening judgements and acknowledgement of paternity.