
OLR Bill Analysis

sSB 199

AN ACT CONCERNING THE OPENING OR SETTING ASIDE OF A PARENTAGE JUDGMENT.

SUMMARY

This bill establishes the circumstances under which the Superior Court or family support magistrate may open or set aside a judgment of parentage. Under the bill, motions to open or set aside an existing judgment generally must be filed within four months after the date the court or family support magistrate entered the judgment. The bill allows the court or family support magistrate to open or set aside the judgment if (1) there is reasonable cause or (2) a valid defense to the petition existed, in whole or in part, when the judgment was rendered, and a mistake, accident, or other reasonable cause prevented the person seeking to open or set aside the judgment from making a valid defense.

The bill allows the Superior Court or family support magistrate to consider a motion to open or set aside a parentage judgment filed more than four months after the judgment if the court or magistrate finds the judgment was entered due to fraud, duress, or a material mistake of fact. The bill places the burden of proof on the person seeking to open or set aside the judgment. Under the bill, after determining the person meets the burden of proof, the court or family support magistrate may only set aside the judgment if doing so is in the child's best interest, based on factors under the Connecticut Parentage Act.

EFFECTIVE DATE: July 1, 2022

BACKGROUND

Adjudicating Parentage under the Connecticut Parentage Act

By law, in a proceeding to adjudicate competing parentage claims for a child by two or more persons, the court must adjudicate parentage in the child's best interest, based on the following:

1. the child's age,
2. the length of time during which each person assumed the role of the child's parent,
3. the nature of the relationship between the child and each person,
4. harm to the child if the relationship between the child and each person is not recognized,
5. the basis for each person's claim to parentage,
6. other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child, and
7. any other factor the court deems relevant to the child's best interests (CGS § 46b-475).

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/24/2022)