



Senate

General Assembly

File No. 363

February Session, 2022

Substitute Senate Bill No. 199

Senate, April 7, 2022

The Committee on Human Services reported through SEN. MOORE of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46b-171 of the 2022 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2022*):

4 (b) (1) Except as provided in subdivision (2) of this subsection, a
5 judgment of parentage entered by the Superior Court or family support
6 magistrate pursuant to this chapter may not be opened or set aside
7 unless (A) a motion to open or set aside is filed not later than four
8 months after the date on which the judgment was entered, and (B) upon
9 a showing (i) of reasonable cause, or (ii) that a valid defense to the
10 petition for a judgment of parentage existed, in whole or in part, at the
11 time judgment was rendered, and the person seeking to open or set
12 aside the judgment was prevented by mistake, accident or other
13 reasonable cause from making a valid defense.

14 (2) The Superior Court or a family support magistrate may consider
 15 a motion to open or set aside a judgment of parentage filed more than
 16 four months after such judgment was entered if such court or magistrate
 17 determines that the judgment was entered due to fraud, duress or
 18 material mistake of fact. The burden of proof shall be on the person
 19 seeking to open or set aside such judgment. If the court or family
 20 support magistrate determines such person has met the burden of proof
 21 under this subdivision, the judgment shall be set aside only if the court
 22 or family support magistrate determines that doing so is in the best
 23 interest of the child, based on the relevant factors set forth in section 46b-
 24 475.

25 [(b)] (3) Whenever the Superior Court or family support magistrate
 26 [reopens] opens a judgment of parentage entered pursuant to this
 27 section in which a person was found to be the parent of a child who is
 28 or has been supported by the state and the court or family support
 29 magistrate finds that the person adjudicated the parent is not the parent
 30 of the child, the Department of Social Services shall refund to such
 31 person any money paid to the state by such person during the period
 32 such child was supported by the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	46b-171(b)

HS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes changes to court proceedings to open or set aside a judgement of parentage and does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

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 judgement 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 judgement 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)