



General Assembly

February Session, 2022

Raised Bill No. 199

LCO No. 1390



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

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2 the general statutes is repealed and the following is substituted in lieu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 his or her burden
21 of proof under this subdivision, the judgment shall be set aside only if
22 the court or family support magistrate determines that doing so is in the
23 best interest of the child, based on the relevant factors set forth in section
24 46b-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.

33 Sec. 2. Section 46b-172a of the 2022 supplement to the general statutes
34 is repealed and the following is substituted in lieu thereof (*Effective July*
35 *1, 2022*):

36 (a) Any person claiming to be the alleged genetic parent of a child
37 born to an unmarried birth parent and for whom parentage of the
38 nonbirth parent has not yet been established shall file a claim for
39 parentage with the Probate Court for the district in which either the
40 birth parent or the child resides, on forms provided by such court. The
41 claim may be filed at any time during the life of the child, whether
42 before, on or after the date the child reaches the age of eighteen, or after
43 the death of the child, but not later than sixty days after the date of notice
44 under section 45a-716. The claim shall contain the claimant's name and
45 address, the name and last-known address of the birth parent and the
46 month and year of the birth or expected birth of the child. Not later than
47 five days after the filing of a claim for parentage, the court shall cause a
48 certified copy of such claim to be served upon the birth parent of such

49 child by personal service or service at the birth parent's usual place of
50 abode, and to the Attorney General by first class mail. The Attorney
51 General may file an appearance and shall be and remain a party to the
52 action if the child is receiving or has received aid or care from the state,
53 or if the child is receiving child support enforcement services, as defined
54 in subdivision (2) of subsection (b) of section 46b-231. The claim for
55 parentage shall be admissible in any action for parentage under section
56 46b-160, and shall estop the claimant from denying parentage of such
57 child and shall contain language that such person acknowledges
58 liability for contribution to the support and education of the child after
59 the child's birth and for contribution to the pregnancy-related medical
60 expenses of the birth parent.

61 (b) If a claim for parentage is filed by the alleged genetic parent of
62 any minor child born to an unmarried birth parent, the Probate Court
63 shall schedule a hearing on such claim, send notice of the hearing to all
64 parties involved and proceed accordingly.

65 (c) The child shall be made a party to the action. If the child is a minor
66 at the time of the proceedings, the minor child shall be represented by a
67 guardian ad litem appointed by the court in accordance with section
68 45a-708. Payment for the guardian ad litem shall be made in accordance
69 with [such] said section from funds appropriated to the Judicial
70 Department, except that, if funds have not been included in the budget
71 of the Judicial Department for such purposes, such payment shall be
72 made from the Probate Court Administration Fund.

73 (d) In the event that the birth parent or the alleged genetic parent is a
74 minor, the court shall appoint a guardian ad litem to represent him or
75 her in accordance with the provisions of section 45a-708. Payment shall
76 be made in accordance with said section from funds appropriated to the
77 Judicial Department, except that, if funds have not been included in the
78 budget of the Judicial Department for such purposes, such payment
79 shall be made from the Probate Court Administration Fund.

80 (e) By filing a claim under this section, the alleged genetic parent

81 submits to the jurisdiction of the Probate Court.

82 (f) Once parental rights of the alleged genetic parent have been
83 adjudicated in such parent's favor under subsection (b) of this section,
84 or acknowledged as provided for under sections 46b-476 to 46b-487,
85 inclusive, such parent's rights and responsibilities shall be equivalent to
86 those of the birth parent, including those rights defined under section
87 45a-606. Thereafter, disputes involving custody, visitation or support
88 shall be transferred to the Superior Court under chapter 815j, except that
89 the Probate Court may enter a temporary order for custody, visitation
90 or support until an order is entered by the Superior Court.

91 (g) Failing perfection of parental rights as prescribed by this section,
92 any person claiming to be the alleged genetic parent of a child born to
93 an unmarried birth parent (1) who has not been adjudicated the parent
94 of such child by a court of competent jurisdiction, [or] (2) who has not
95 acknowledged in writing that such person is the parent of such child,
96 [or] (3) who has not contributed regularly to the support of such child,
97 or (4) whose name does not appear on the birth certificate, shall cease to
98 be a legal party in interest in any proceeding concerning the custody or
99 welfare of the child, including, but not limited to, guardianship and
100 adoption, unless such person has shown a reasonable degree of interest,
101 concern or responsibility for the child's welfare.

102 (h) Notwithstanding the provisions of this section, after the death of
103 the alleged genetic parent of a child born to an unmarried birth parent,
104 a party deemed by the court to have a sufficient interest may file a claim
105 for parentage on behalf of such alleged genetic parent with the Probate
106 Court for the district in which either the alleged genetic parent resided
107 or the party filing the claim resides. If a claim for parentage is filed
108 pursuant to this subsection, the Probate Court shall schedule a hearing
109 on such claim, send notice of the hearing to all parties involved and
110 proceed accordingly.

111 (i) (1) Except as provided in subdivision (2) of this subsection, a
112 decree or order adjudicating the parentage of a child that is issued

113 pursuant to this section may not be opened or set aside unless (A) a
 114 motion to open or set aside is filed with the Probate Court district that
 115 entered such decree or order not later than four months after the date
 116 on which the decree or order was rendered, and (B) upon a showing (i)
 117 of reasonable cause, or (ii) that a valid defense to the claim of parentage
 118 existed, in whole or in part, at the time the decree or order was entered,
 119 and the person seeking to open or set aside the decree or order was
 120 prevented by mistake, accident or other reasonable cause from making
 121 a valid defense.

122 (2) The Probate Court in the district where a decree or order
 123 adjudicating the parentage of a child was entered may consider a
 124 motion to open or set aside such decree or order filed more than four
 125 months after the decree or order was rendered if such court determines
 126 that the decree or order was rendered due to fraud, duress or material
 127 mistake of fact. The burden of proof shall be on the person seeking to
 128 open or set aside such decree or order. If the court determines that such
 129 person has met his or her burden of proof under this subdivision, the
 130 decree or order shall be set aside only if the court determines that doing
 131 so is in the best interest of the child, based on the relevant factors set
 132 forth in section 46b-475.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	46b-171(b)
Sec. 2	<i>July 1, 2022</i>	46b-172a

Statement of Purpose:

To set conditions for the opening or setting aside of a parentage judgment.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]