

General Assembly

Substitute Bill No. 199

February Session, 2022



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- 2 the general statutes is repealed and the following is substituted in lieu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 <u>a motion to open or set aside a judgment of parentage filed more than</u>
- 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

seeking to open or set aside such judgment. If the court or family support magistrate determines such person has met the burden of proof under this subdivision, the judgment shall be set aside only if the court or family support magistrate determines that doing so is in the best interest of the child, based on the relevant factors set forth in section 46b-475.

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

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

HS Joint Favorable Subst.

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