



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2 the general statutes is repealed and the following is substituted in lieu  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 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.

**JUD** Joint Favorable