

HOUSE BILL REPORT

SSB 6113

As Passed House:

February 26, 1996

Title: An act relating to paternity.

Brief Description: Authorizing the presumption of paternity to be rebutted in an appropriate administrative hearing.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Winsley and Smith).

Brief History:

Committee Activity:

Law & Justice: 2/21/96 [DP].

Floor Activity:

Passed House: 2/26/96, 89-6.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Pat Shelledy (786-7149).

Background: A man is presumed to be the father of a child under a number of circumstances. For example, a father is presumed to be the father of a child born during marriage or if genetic testing indicates a 98 percent or greater possibility of paternity. A presumptive father may rebut the presumption in a hearing before the superior court by clear, cogent, and convincing evidence.

The Department of Social and Health Services (DSHS) may initiate actions to establish and enforce child support orders, including establishing paternity. DSHS may initiate paternity establishment actions through the Attorney General's office or under contract with county prosecutors. County prosecutors' offices generally assume responsibility for establishing paternity and rebutting a challenge to presumption of paternity.

DSHS has the authority to initiate support enforcement proceedings through an administrative action in absence of a superior court order. To initiate that action, DSHS sends to the "responsible parent" a notice and finding of financial responsibility. The notice must contain information about the responsible parent's rights and responsibilities and the consequences of failing to respond to the notice. The notice does not contain a statement that the responsible parent may challenge a presumption of paternity. An alleged responsible parent has a right to an administrative hearing to challenge the finding of responsibility to pay child support.

Summary of Bill: A notice and finding of financial responsibility must contain a statement that the alleged responsible parent may challenge the presumption of paternity. If the alleged responsible parent requests an adjudicatory hearing and provides credible evidence that would rebut the presumption of paternity, the presiding officer must direct DSHS to refer the issue to the superior court to determine whether paternity should be rebutted.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will help protect males who are presumed to be fathers of children for whom child support is due, but in fact are not fathers of those children.

Testimony Against: None.

Testified: Senator Lorraine Wojahn, prime sponsor.