ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 10-223

"Paternity Establishment Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and
Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of
Columbia adopted Bill No. 10-777 on first and second readings, November 1, 1994 and
December 6, 1994, respectively. Following the signature of the Mayor on December 15,
1994, this legislation was assigned Act No. 10-360, and published in the December 23,
1994, edition of the D.C. Register (Vol. 41 page 8051) and transmitted to Congress on
January 31, 1995, for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day
Congressional Review Period has expired, and therefore, cites this enactment as D.C.
Law 10-223, effective March 16, 1995.

DAVID'A. CDARKE Chairman of the Council

<u>Dates Counted During the 30-day Congressional Review Period:</u>

Jan. 31

Feb. 1,2,3,6,7,8,9,10,13,14,15,16,21,22,23,24,27,28

Mar. 1,2,3,6,7,8,9,10,13,14,15

Codification

AN ACT

District of Columbia Code

D.C. ACT 10-360

1 1995 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 15, 1994

To amend Title 16 of the District of Columbia Code to provide for a conclusive presumption of paternity upon voluntary acknowledgement of the child, to provide for a conclusive presumption of paternity upon a genetic test result that indicates a 99% probability that the putative father is the father of the child, to require the District of Columbia government to give full faith and credit to the paternity determinations of other states, and to provide for a default judgment in paternity cases upon a showing of service of process.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Paternity Establishment Act of 1994".

- Sec. 2. Title 16 of the District of Columbia Code is amended as follows:
- (a) The table of contents for chapter 9 of title 16 is amended as follows:
- (1) The section heading for section 16-909.1 is amended to read as follows:

"§ 16-909.1. Establishment of paternity by voluntary acknowledgement and based on genetic test results.".

- (2) A new section heading for section 16-909.2 is added to read as follows:
- "16-909.2. Full faith and credit to paternity determinations by other states.".
 - (b) Section 16-909 is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase "including an acknowledgement or agreement pursuant to section 16-909.1(a)(1) or (2)".

(2) A new subsection (b-1) is added to read as follows: "(b-1) A conclusive presumption of paternity shall be created:

- "(1) Upon a genetic test result and an affidavit from a laboratory, certified by the American Association of Blood Banks, indicating a 99% probability that the putative father is the father of the child; or
- "(2) If the father has acknowledged paternity in writing as provided in section 16-909.1(a)(1).".
 - (3) Subsection (c) is amended as follows:
- (A) By inserting the phrase "upon a genetic test result and affidavit as provided in subsection (b-1)(1) of this section, or if the

Table of Contents
Title 16,

Chapter 9

father has acknowledged paternity as provided in section 16-909.1(a)" after the phrase "court of competent jurisdiction"; and

(B) By adding a new sentence at the end to read as follows:

"A parent-child relationship that has been established pursuant to subsection (b-1)(1) of this section or section 16-909.1(a)(1) may be challenged upon the same grounds and through the same procedures as are applicable to a final judgment of the Superior Court.".

(c) Section 16-909.1 is amended as follows:

(1) The section heading for section 16-909.1. is amended to read as follows:

"§ 16-909.1. Establishment of paternity by voluntary acknowledgement and based on genetic test results.".

(2) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

- "(1) A written statement of the father and mother made under oath that acknowledges paternity, which may include a written statement made at a hospital within 60 days of the birth of a child on a form provided by the Mayor that sets forth the rights and responsibilities attendant to acknowledging paternity; or".
- (B) Paragraph (2) is amended by striking the phrase "A written agreement between the putative father and mother made under oath that binds the putative father and mother to the results of a" and inserting the word "A" in its place.

(3) Subsection (b) is amended as follows:

- (A) By striking the word "agreement" and inserting the phrase "genetic test" in its place;
- (B) By striking the phrase ", unless the Superior Court determines in accordance with section 16-909 or another court of competent jurisdiction determines that the presumed father is not the father of the child"; and
- (C) By adding a new sentence at the end to read as follows: "The acknowledgement or genetic test and affidavit shall be admissible as evidence of paternity.".

(d) A new section 16-909.2 is added to read as follows:

"\$ 16-909.2. Full faith and credit to paternity determinations by other states.

"The District of Columbia government shall give full faith and credit to the determinations of paternity made by other states, whether established through voluntary acknowledgment or through an administrative or judicial process.".

(e) Section 16-916 is amended by adding a new subsection (f) to read as follows:

"(f) Any court order that establishes a retroactive amount of child support or a judgment for unreimbursed public assistance shall be established in accordance with section 16-916.1 and shall take into consideration either the current earnings and income of the noncustodial parent at the time the order is set or the earnings and income of the noncustodial parent during the period for which retroactive child support or unreimbursed public assistance is sought. To overcome the presumptive support amount, the court may consider the obligor's ability to pay back support and concurrently maintain current payments.".

Section: 16-909.1

New Section 16-909.2

(f) Section 16-924(f) is amended by striking the number "10" and inserting the number "30" in its place.

(g) The table of contents for chapter 23 of title 16 is amended by adding the headings: "16-2342.1. Voluntary acknowledgement of paternity." and "16-2343.3. Default order.".

(h) A new section 16-2342.1 is added to read as follows: "\$ 16-2342.1. Voluntary acknowledgement of paternity.

"The voluntary acknowledgment of paternity pursuant to section 16-909.1(a)(1) shall:

"(1) Create a conclusive presumption of paternity, which shall

be admissible as evidence of paternity; and

"(2) Be recognized as a basis for seeking a child support obligation without requiring any further proceeding to establish paternity.".

(i) Section 16-2343.1 is amended as follows:

(1) Subsection (c)(2) is amended by inserting the phrase "without need for foundation testimony or other proof of authenticity or accuracy" after the word "proceeding".

(2) A new subsection (e) is added to read as follows:

"(e) A conclusive presumption of paternity shall be created upon a genetic test result and an affidavit from a laboratory, certified by the American Association of Blood Banks, that indicates a 99% probability that the putative father is the father of the child and the Division shall enter a judgment finding the parentage of the child."

(j) A new section 16-2343.3 is added to read as follows: "§

16-2342.3. Default order.

"In the event the defendant fails to appear, a default order shall be entered in a paternity case upon a showing of service of process on the defendant.".

- Sec. 3. The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.), may issue rules to implement the provision of this act.
- Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)),

Section 16-924 Tableoof Contents Title 16 Chapter 23

New Section 16-2342.1

Section 16-2343.1

New Section 16-2343.3

and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

Chairman

Council of the District of Columbia

Mayor

District of Columbia

APPROVED: December 15, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

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Chairman
Council of the District of Columbia

Mayor District of Columbia

AN ACT

Codification

District of Columbia Code

1995 Supplement)

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- (2) A new section heading for section 16-909.2 is added to read as follows:
- "16-909.2. Full faith and credit to paternity determinations by other states.".
 - (b) Section 16-909 is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase "including an acknowledgement or agreement pursuant to section 16-909.1(a)(1) or (2)".

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Table of Contents Title 16 Chapter 5

father has acknowledged paternity as provided in section 16-909.1(a)" after the phrase "court of competent jurisdiction"; and

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- Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)),

Section 16-924 Table of Contents Title 16 Chapter 2

Section 16-2343.1

New Section 16-2343.3



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

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CHMN. BARRY CROPP CROPP COUNCIL I	CLARKE S Item on C ACTION VOICE V Recorded v RECORDER MEMBER CLARKE	Sections of the control of the contr	reques	to the Condar	council	COUNCIL MEMBER FVANS JARVIS LIGHTFOOT MASON NATHANSON A.B. — Absent CERTIFICATION RECO	N.V	- Prese	Int. not	voting	RAY I SMITH, JR. THOMAS, SR. Oate COUNCIL MEMBER	,94			
CHMN. BARRY BRAZIL CHAVOU CROPP COUNCIL CHMN. BARRY BRAZIL CHAVOU	CLARKE S Item on C ACTION VOICE V Recorded v RECORDER CLARKE	Sections of the control of the contr	reques	to the Condar	council	COUNCIL MEMBER FVANS JARVIS LIGHTFOOT MASON NATHANSON A.B.—Absent CERTIFICATION RECO	N.V	- Prese	Int. not	voting	RAY SMITH, JR. THOMAS, SR. Date COUNCIL MEMBER RAY SMITH, JR.	,94			
CHMN. BARRY CROPP COUNCIL FORM BARRY BRAZIL	CLARKE S Item on C ACTION VOICE V Recorded v RECORDER CLARKE	Sections of the control of the contr	reques	to the Condar	council	COUNCIL MEMBER FVANS JARVIS LIGHTFOOT MASON NATHANSON A.B. — Absent CERTIFICATION RECO	N.V	- Prese	Int. not	voting	RAY SMITH, JR. THOMAS, SR. Date COUNCIL MEMBER RAY SMITH, JR.	,94			

Secretary to the Council