

HOUSE No. 1319

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to establishing paternity.

PETITION OF:

NAME:

Colleen M. Garry

DISTRICT/ADDRESS:

36th Middlesex

HOUSE No. 1319

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 1319) of Colleen M. Garry relative to establishing paternity and establishing uniform procedures for providing information to mothers and certain fathers regarding the benefits and responsibilities of parentage. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1356 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to establishing paternity.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 11 of Chapter 209C of the General Laws as appearing in the 2004
2 Official Edition is hereby amended by inserting at the end there of the following new sections:-

3 (e) The commissioner of revenue in conjunction with the commissioner of the department
4 of public health shall promulgate regulations for uniform procedures for providing information to
5 the mother and putative father regarding the benefits and responsibilities of parentage and the
6 taking of acknowledgments of parentage at hospitals pursuant to section 3C of chapter 46 and
7 this chapter, at the clerk of the city or town’s office or by other agencies or departments and the
8 IV-D agency employees pursuant to sections 2, 5B and 11 of this chapter.

9 (f) Before a written voluntary acknowledgment of parentage is executed by the putative
10 father and the mother of a child, genetic marker testing shall be performed to determine whether
11 the putative father is the child's father and the results of said testing shall have been made
12 available to the parties unless the mother and putative father have executed a voluntary
13 acknowledgment of parentage with a notarized waiver of genetic marker testing which indicates
14 that:

15 (1) the party was offered genetic marker testing and declined to have genetic testing
16 performed before signing an acknowledgment of parentage;

17 (2) the party understands that an acknowledgment of parentage is the same as a court
18 judgment adjudicating paternity; and

19 (3) the party understands that a man who has been adjudicated the father of a child will
20 be responsible for the child's support until the child's emancipation unless he seeks relief from
21 judgment or rescinds the acknowledgment as set forth in preceding paragraphs.

22 (g) Acknowledgment of parentage forms shall be promulgated by the commissioner of
23 revenue in conjunction with the commissioner of the department of public health with additional
24 information to be provided to the parties of the legal rights and responsibilities created by an
25 acknowledgment of parentage, which shall include, but not be limited to the following:

26 (1) the availability of genetic marker testing which can be performed before signing an
27 acknowledgment of parentage form;

28 (2) the opportunity to seek advice from an attorney (at the party's own expense) before
29 signing the acknowledgment of parentage even if the party or child receives public assistance;

30 (3) the benefits of genetic marker testing in promoting a child's best interests;

31 (4) statements explaining that an acknowledgment of parentage creates a permanent
32 father and child relationship even if the acknowledgment is made out of court, it is the same as a
33 final court judgment declaring the man the father of a child;

34 (5) statements explaining the consequences of making an acknowledgment of parentage
35 and how to rescind an acknowledgment as well as set aside a judgment of parentage; or

36 (6) statements indicating how to obtain genetic marker testing through the IV-D agency
37 and the costs of such genetic marker testing.

38 (h) If the mother and/or putative father is a minor child under the age of eighteen; he or
39 she may voluntarily acknowledge parentage but only if:

40 (1) genetic marker testing has been performed and the results of such testing indicate a
41 probability of paternity over 95% for the putative father; or

42 (2) the acknowledgment is executed in a proceeding under this chapter where the minor is
43 either represented by counsel or the court after a hearing determines that: (a) the minor father
44 and/or minor mother was provided the opportunity to submit to genetic marker testing through
45 the IV-D agency; and (b) the minor(s) file a written notarized waiver of such testing in the case;
46 and (c) the minor or minor(s) were informed that the acknowledgment of parentage can only be
47 challenged on the basis of duress, fraud, or mistake within a year.

48 (i) Nothing in this section shall affect the validity of an acknowledgment signed before
49 the effective date of sections 11e-1 of chapter 209C.