

HOUSE No. 1363

The Commonwealth of Massachusetts

PRESENTED BY:

James H. Fagan

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 passage of the accompanying bill:

An Act relative to the rights of nonbiological parents ordered to pay child support.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James H. Fagan	3rd Bristol
Matthew C. Patrick	3rd Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1406 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE RIGHTS OF NONBIOLOGICAL PARENTS ORDERED TO PAY CHILD SUPPORT.

*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 9 of chapter 209C of the General Laws, as appearing in the 2006 Official Edition, is hereby
2 amended by inserting after subsection (f) the following subsection:—
3 (g) Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the court shall
4 not find any person chargeable with the support of a child if such person demonstrates by a preponderance of
5 competent scientific evidence that he is not the biological parent of such child, regardless of whether and when such
6 person has previously made any voluntary acknowledgment of parentage, unless, during the pendency of any action
7 under this chapter, such a person knowingly consents in writing after a competent scientific determination of
8 parentage has been made.

9 SECTION 2. Section 11 of said chapter 209C, as so appearing, is hereby amended by inserting after subsection (d)
10 the following subsection:— (e) Notwithstanding the provisions of any general or special law, rule or regulation to
11 the contrary, the obligation of any person who has been paying, by consent, voluntary acknowledgement of
12 parentage, court order, or otherwise, support for any child shall immediately terminate if such person demonstrates
13 by a preponderance of competent scientific evidence that he is not the biological parent of such a child. Such person
14 shall not, however, be entitled to any reimbursement for any such support payments already made.

15 SECTION 3. This act shall take effect upon passage.