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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. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

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

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:

Table of Contents
Title 16,
Chapter 9

(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:

Section
16-909

(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

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

Section 16-916

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

Section
16-924

(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."

Table of
Contents
Title 16
Chapter 23

(h) A new section 16-2342.1 is added to read as follows:

New
Section
16-2342.1

"§ 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:

Section
16-2343.1

(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.

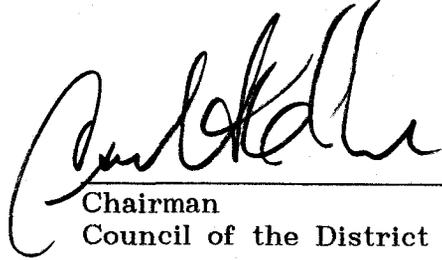
New
Section
16-2343.3

"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."

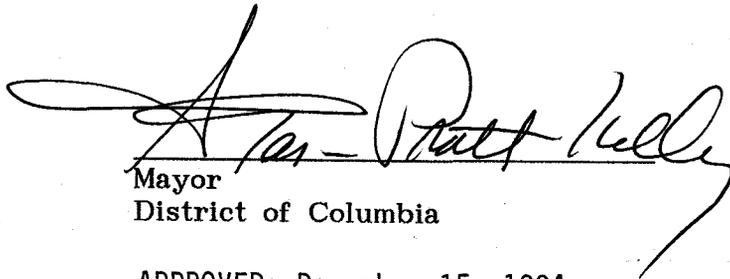
Sec. 3. The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), may issue rules to implement the provision of this act.

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)),

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

DOCKET NO: B10-777

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted First Reading, 11-1-94

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Barry

[] ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 12 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.)

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature] Secretary to the Council

December 9, 1994 Date

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted Final Reading, 12-6-94

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Barry

[] ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 12 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.)

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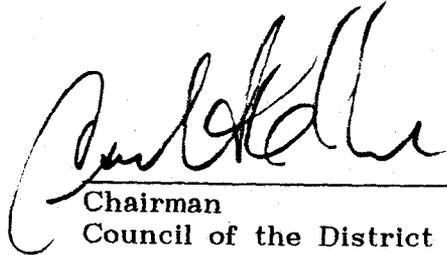
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Chairman
Council of the District of Columbia

Mayor
District of Columbia

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COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-777

X Item on Consent Calendar

X ACTION & DATE: Adopted First Reading, 11-1-94

X VOICE VOTE: Approved

Recorded vote on request

Absent: Barry

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

X Item on Consent Calendar

X ACTION & DATE: Adopted Final Reading, 12-6-94

X VOICE VOTE: Approved

Recorded vote on request

Absent: Barry

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
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Secretary to the Council

Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
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