



MEMORANDUM

TO: Honorable Members of the Assembly Committee on Family Law

FROM: Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs

DATE: May 21, 2019

SUBJECT: Support for Assembly Bill 166 – Administrative Paternity

County child support agencies work with parents to ensure both mother and father, when appropriate, take responsibility for the care and well-being of their children. In a number of cases, the first step in ensuring parental responsibility is establishing paternity.

Under current law, a court may adjudicate a man to be a child's father in a paternity action, or a man and a child's mother may sign and file a statement acknowledging paternity with the state registrar. Both cases result in a conclusive determination that the man is the child's father, and the state registrar may change the child's birth certificate to show the man as the child's father and a court may enter orders for child support, legal custody, and physical placement rights with respect to the man.

Administrative paternity legislation would streamline the paternity establishment process in Wisconsin by allowing local child support agencies to walk participants through the paternity establishment process without having to go to court.

Under Assembly Bill 166, a man is conclusively determined to be a child's father if all of the following are satisfied:

- Genetic tests are performed with respect to the child, the child's mother, and the man in response to a subpoena issued by a county child support agency.
- The test results show that the man is not excluded as the father and the statistical probability that he is the father is 99 percent or higher.
- Both the mother and the man are at least 18 years old.
- There is no marriage or statement acknowledging paternity presumption.

If all of the requirements are satisfied, the child support agency must send notice to the parties advising of the test results, that an action may be commenced for orders related to child support, legal custody, and physical placement, and that either party may submit to the child support agency a written objection to the test results. If either party submits an

objection, the child support agency must commence a paternity action on behalf of the state and the test results are admissible in the action. If neither party objects, the name of the father will be added on the child's original birth certificate.

Establishing administrative paternity in Wisconsin makes sense for the following reasons:

- Frees up time for already overworked judges and court personnel.
- Streamlines the paternity establishment process in Wisconsin.
- Affords participants the same due process rights they enjoy under current law. If a man alleged to be the father objects to the use of the test results to establish paternity administratively, the child support agency would not be allowed to submit the results to the state registrar, and instead, would have to file a court action to proceed with paternity establishment.
- Many parents prefer to avoid a court process to establish paternity.
- Establishes paternity in a timely manner – no need to wait for a court date, especially in uncontested cases.
- Supports the state's interest in ensuring all children have two parents to care and provide for them [Wis. Stats. §767.80(6m) - "Father for Every Child Law"].

Thank you for considering our comments.