

HOUSE No. 1406

By Messrs. Fagan of Taunton and Greene of Billerica, petition of James H. Fagan and others relative to the rights of non-biological parents ordered to pay child support. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

James H. Fagan
William G. Greene, Jr.

Thomas A. Golden, Jr.
John A. Lepper

In the Year Two Thousand and Seven.

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
2 appearing in the 2004 Official Edition, is hereby amended by
3 inserting after subsection (f) the following subsection:—

4 (g) Notwithstanding the provisions of any general or special law,
5 rule or regulation to the contrary, the court shall not find any person
6 chargeable with the support of a child if such person demonstrates
7 by a preponderance of competent scientific evidence that he is not
8 the biological parent of such child, regardless of whether and when
9 such person has previously made any voluntary acknowledgment of
10 parentage, unless, during the pendency of any action under this
11 chapter, such a person knowingly consents in writing after a compe-
12 tent scientific determination of parentage has been made.

1 SECTION 2. Section 11 of said Chapter 209C, as so appearing, is
2 hereby amended by inserting after subsection (d) the following sub-
3 section:—

4 (e) Notwithstanding the provisions of any general or special law,
5 rule or regulation to the contrary, the obligation of any person who
6 has been paying, by consent, voluntary acknowledgement of

7 parentage, court order, or otherwise, support for any child shall
8 immediately terminate if such person demonstrates by a preponder-
9 ance of competent scientific evidence that he is not the biological
10 parent of such a child. Such person shall not, however, be entitled to
11 any reimbursement for any such support payments already made.

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