

Fiscal Estimate Narratives

DCF 3/23/2011

LRB Number	11-0235/1	Introduction Number	AB-0042	Estimate Type	Original
Description Presumption and conclusive determination of paternity on basis of genetic test results and orders that may be granted on the basis of genetic test results					

Assumptions Used in Arriving at Fiscal Estimate

Under current law there are various options available to and used by local child support agencies and courts to determine the paternity of a child. One of these procedures is to require the child, the child's mother, and the alleged father of the child to undergo genetic testing. If the results of the tests indicate that the man is not excluded as the father and the statistical probability is 99 percent or higher that he is the father, then the agency may pursue a paternity judgement. A man and a child's mother may also sign and file with the state registrar a form called a statement acknowledging paternity. In this case no genetic testing is required. Current law also contains a presumption of paternity in the case of marriage or if the man and the child's mother had a relationship at the time that the child was conceived and he and the child's mother are now married.

This bill adds another process for child support agencies to conclusively determine that a man is a child's father. Under the bill, a man is conclusively determined to be a child's father if all of the following exist: 1) genetic tests are performed; 2) both the mother of the child and the man are at least 18 years old; 3) there is no marriage or statement acknowledging paternity presumption; and 4) the genetic tests were performed in response to a subpoena issued by a county child support agency. The man may object to the findings. If so, the child support agency must commence a paternity action on behalf of the state. If the man does not submit an objection, the child support agency must file with the state registrar a report of the test results, showing a conclusive determination of paternity.

Currently, local county child support agencies pay for the cost of genetic testing. The local agencies are supported through a combination of federal, state and local revenues. In some situations the agency is able to recoup the costs of genetic testing from the man and the mother of the child. This bill will likely increase the number of genetic tests performed and therefore increase costs at the local level. Exactly how many additional genetic tests will result is not known. However, it is also likely that the number of situations, and therefore other administrative costs, related to reopening cases that have been determined without genetic testing will also decrease. Overall, if the bill becomes law it will likely improve the performance of the local agency and reduce staff time involved in reopening old cases where genetic testing was never performed.

Long-Range Fiscal Implications