

2001 ASSEMBLY BILL 839

February 20, 2002 - Introduced by Representatives WASSERMAN, GUNDRUM, AINSWORTH, ALBERS, COLON, GRONEMUS, GROTHMAN, GUNDERSON, LA FAVE, MUSSER, STASKUNAS and STONE. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 767.458 (1m) and 767.463 of the statutes; **relating to:**
2 prohibiting the dismissal, in a child's best interest, of an action to rebut a
3 presumption of paternity.

Analysis by the Legislative Reference Bureau

Under current law, a man who is married to a woman when she has a child is presumed to be the father of the child. The man may bring an action to rebut that presumption. The presumption is rebutted if the results of genetic tests show that another man is not excluded as the father of the child and that the probability that the other man is the father is 99% or higher. Current law also provides that in a paternity action a judge or family court commissioner may refuse to order genetic tests and dismiss the action if, upon the motion of a party or guardian ad litem, the judge or family court commissioner determines that it is not in the child's best interest to determine whether a man is the child's father or that a man other than the mother's husband is the father.

This bill provides that, regardless of a child's best interest, a judge or family court commissioner may not refuse to order genetic tests and dismiss a paternity action if the man who is presumed to be the father of the child because he is the mother's husband desires to rebut the presumption that he is the father.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

