

9:17-41

**LEGISLATIVE HISTORY CHECKLIST**  
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(Paternity--establishment)

**NJSA:** 9:17-41

**LAWS OF:** 1994 **CHAPTER:** 164

**BILL NO:** S1306

**SPONSOR(S):** Cafiero and others

**DATE INTRODUCED:** June 30, 1994

**COMMITTEE:** **ASSEMBLY:** Health and Human Services

**SENATE:** Women's Issues

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** December 15, 1994

**SENATE:** October 20, 1994

**DATE OF APPROVAL:** December 20, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

P.L.1994, CHAPTER 164, approved December 20, 1994

1994 Senate No. 1306

1 AN ACT concerning the establishment of paternity, amending and  
2 supplementing P.L.1983, c.17 and Title 26 of the Revised  
3 Statutes and repealing section 14 of P.L.1983, c.17.

4  
5 BE IT ENACTED by the Senate and General Assembly of the  
6 State of New Jersey:

7 1. Section 4 of P.L.1983, c.17 (C.9:17-41) is amended to read  
8 as follows:

9 4. The parent and child relationship between a child and:

10 a. The natural mother, may be established by proof of her  
11 having given birth to the child, or under this act;

12 b. The natural father, may be established by proof that his  
13 paternity has been adjudicated under prior law; under the laws  
14 governing probate; by [an order of a court of competent  
15 jurisdiction in another state] giving full faith and credit to a  
16 determination of paternity made by any other state, whether  
17 established through voluntary acknowledgment or through judicial  
18 or administrative processes; by a Certificate of Parentage as  
19 provided in section 7 of P.L. , c. (C. )(Pending before the  
20 Legislature as this bill) that is executed by the father prior to or  
21 after the birth of a child, and filed with the appropriate State  
22 agency; by a default judgment or order of the court; by an order  
23 of the court based on a blood test or genetic test that meets or  
24 exceeds the specific threshold probability as set by the State  
25 creating a conclusive presumption of paternity; or under this act;

26 c. An adoptive parent, may be established by proof of adoption;

27 d. The natural mother or the natural father, may be  
28 terminated by an order of a court of competent jurisdiction in  
29 granting a judgment of adoption or as the result of an action to  
30 terminate parental rights.

31 e. The establishment of the parent and child relationship  
32 pursuant to subsections a., b., and c. of this section shall be the  
33 basis upon which an action for child support may be brought by a  
34 party and acted upon by the court without further evidentiary  
35 proceedings.

36 (cf: P.L.1983, c.17, s.4)

37 2. Section 11 of P.L.1983, c.17 (C.9:17-48) is amended to read  
38 as follows:

39 a. As soon as practicable after an action to declare the  
40 existence or nonexistence of the father and child relationship has  
41 been brought, a consent conference shall be held by the Superior  
42 Court, Chancery Division, Family Part intake service, the county

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 probation department or the county welfare agency. A court  
2 appearance shall be scheduled in the event that a consent  
3 agreement cannot be reached.

4 b. On the basis of the information produced at the conference,  
5 an appropriate recommendation for settlement shall be made to  
6 the parties, which may include any of the following:

7 (1) That the action be dismissed with or without prejudice; or

8 (2) That the alleged father voluntarily acknowledge his  
9 paternity of the child.

10 c. If the parties accept a recommendation made in accordance  
11 with subsection b. of this section, which has been approved by the  
12 court, judgment shall be entered accordingly.

13 d. If a party refuses to accept a recommendation made under  
14 subsection b. of this section or the consent conference is  
15 terminated because it is unlikely that all parties would accept a  
16 recommendation pursuant to subsection b. of this section, and  
17 blood tests or genetic tests have not been taken, the court [may]  
18 shall require the parties to submit to blood tests or genetic tests  
19 if the court determines that there is an articulable reason for  
20 suspecting that the alleged father is the natural father. The tests  
21 shall be scheduled within 10 days and shall be performed by  
22 qualified experts. Thereafter the Family Part intake service, with  
23 the approval of the court, shall make an appropriate final  
24 recommendation. If a party refuses to accept the final  
25 recommendation, the action shall be set for trial, except when  
26 the results of the blood test or genetic test indicate that the  
27 specific threshold probability as set by the State to establish  
28 paternity has been met or exceeded.

29 If the results of the blood test or genetic test indicate that the  
30 specific threshold probability as set by the State to establish  
31 paternity has been met or exceeded, the results shall be received  
32 in evidence as a conclusive presumption of paternity and no  
33 additional foundation testimony or proof of authenticity or  
34 accuracy shall be required to establish paternity. In actions  
35 based on allegations of fraud or inaccurate analysis, the court  
36 shall require that the additional blood test or genetic test be  
37 scheduled within 10 days and be performed by qualified experts.  
38 The test shall be paid for by the moving party.

39 If a party objects to the blood test or genetic test, the party  
40 shall make the objection to the appropriate agency, in writing,  
41 within 10 days of receipt of the results.

42 e. The guardian ad litem may accept or refuse to accept a  
43 recommendation under this section.

44 f. [The consent conference may be terminated and the action  
45 set for trial if the court finds it unlikely that all parties would  
46 accept a recommendation that might be made under subsection b.  
47 or d.] (Deleted by amendment, P.L. , c. (C. ))(Pending before the  
48 Legislature as this bill)

49 g. No evidence, testimony or other disclosure from the consent  
50 conference shall be admitted as evidence in a civil action except  
51 by consent of the parties. However, blood tests or genetic tests  
52 ordered pursuant to subsection d. of this section may be admitted  
53 as evidence.

54 h. The refusal to submit to a blood test or genetic test

1 required pursuant to subsection d. of this section, or both, shall  
2 be admitted into evidence and shall give rise to the presumption  
3 that the results of the test would have been unfavorable to the  
4 interests of the party who refused to submit to the test. Refusal  
5 to submit to a blood test or genetic test, or both, is also subject  
6 to the contempt power of the court.

7 (cf: P.L.1991, c.91, s.212)

8 3. R.S.26:8-28 is amended to read as follows:

9 26:8-28. a. Within five days after each birth, there shall be  
10 filed with the local registrar of the district in which the birth  
11 occurred a certificate of the birth filled out with durable black or  
12 blue ink in a legible manner.

13 b. In accordance with the provisions of the federal "Family  
14 Support Act of 1988," Pub.L.100-485, [the local registrar shall  
15 record the Social Security numbers of both parents] and section  
16 13721 of Pub.L.103-66 (42 U.S.C. §666), as part of the birth  
17 record, all information required by the State IV-D agency  
18 pursuant to section 7 of P.L. , c. (C. )(Pending before the  
19 Legislature as this bill) shall be recorded on a separate form  
20 provided or approved by the State registrar pursuant to  
21 subsection c. of R.S.26:8-24, and [the State registrar shall  
22 transmit those numbers to] filed with the State IV-D agency  
23 pursuant to R.S.26:8-30 and R.S.26:8-31 for the establishment  
24 and enforcement of child support [orders in effect] matters in the  
25 State. For the purposes of this subsection, "State IV-D agency"  
26 means the agency in the Department of Human Services  
27 designated to administer the Title IV-D Child Support Program.

28 c. The State registrar shall require each parent to provide his  
29 Social Security number in accordance with procedures established  
30 by the State registrar. The Social Security numbers furnished  
31 pursuant to this section shall be used exclusively for child support  
32 enforcement purposes.

33 d. The certificate of birth shall include the blood type of the  
34 child.

35 (cf: P.L.1992, c.70, s.1)

36 4. R.S.26:8-30 is amended to read as follows:

37 26:8-30. The attending physician, midwife or person acting as  
38 the agent of the physician or midwife, who was in attendance  
39 upon the birth shall be responsible for the proper execution and  
40 return of a certificate of birth, which certificate shall be upon  
41 the form provided or approved by the State department , and for  
42 making available to the mother and natural father a Certificate  
43 of Parentage along with related information as required by the  
44 State IV-D agency. It shall be the responsibility of personnel at  
45 the hospital or birthing facility to offer an opportunity to the  
46 child's natural father to execute a Certificate of Parentage.  
47 Failure of the natural father or mother to execute the  
48 Certificate of Parentage and the date of the request shall be  
49 noted on the Certificate of Parentage. The Certificate of  
50 Parentage shall be filed with the State IV-D agency or its  
51 designee. The provision of services related to paternity  
52 acknowledgment shall not be required when a legal action is  
53 pending in the case, such as adoption, or State law prohibits such  
54 intervention.

1 For the purposes of this section, "State IV-D agency" means  
2 the agency in the Department of Human Services designated to  
3 administer the Title IV-D Child Support Program.

4 (cf: P.L.1985, c.78, s.52)

5 5. R.S.26:8-31 is amended to read as follows:

6 26:8-31. In case there is no physician, midwife, or person  
7 acting as the agent of the physician or midwife, in attendance  
8 upon the birth, it shall be the duty of one of the following persons  
9 in the order named to file the birth certificate with the local  
10 registrar and file the Certificate of Parentage with the State  
11 IV-D agency or its designee :

12 a. The father or mother of the child;

13 b. The manager or superintendent of the public or private  
14 institution in which the birth occurred.

15 (cf: R.S.26:8-31)

16 6. (New section) A default order shall be entered in a  
17 contested paternity action upon a showing that proper notice has  
18 been served upon the party and the party has failed to appear at a  
19 hearing or trial; or has failed to respond to a notice or order that  
20 required a response within a specific period of time. A default  
21 order entered pursuant to this section shall be determinative for  
22 purposes of establishing the existence of paternity when proper  
23 notice has been served and a sworn statement by the mother  
24 indicating the parentage of the child has been executed.

25 7. (New section) A Certificate of Parentage may serve to  
26 satisfy the method of collection of Social Security numbers as  
27 required pursuant to subsection c. of R.S.26:8-28 and shall serve  
28 as the voluntary acknowledgement of paternity by a father. The  
29 Certificate of Parentage shall contain, at a minimum, the  
30 following information:

31 a. a sworn statement by the father that he is the natural father  
32 of the child;

33 b. the Social Security numbers and addresses of the father and  
34 mother;

35 c. the signature of the mother and father authenticated by a  
36 witness or notary; and

37 d. instructions for filing the Certificate of Parentage with the  
38 agency designated by the State IV-D agency.

39 In addition, the State IV-D agency, in cooperation with birthing  
40 centers and hospitals providing maternity services, shall provide  
41 written information to the father and mother of the child  
42 explaining the implications of signing a Certificate of Parentage,  
43 including the parental rights, responsibilities and financial  
44 obligations, as well as the availability of paternity establishment  
45 services and child support enforcement services.

46 8. Section 14 of P.L.1983, c.17 (C.9:17-51) is repealed.

47 9. This act shall take effect immediately.

48  
49  
50 STATEMENT

51  
52 This bill conforms State law to Pub.L.103-66, the "Omnibus  
53 Budget Reconciliation Act of 1993." This federal law made  
54 significant changes to section 466 of the Social Security

1 Act (42 U.S.C. §686) concerning child support enforcement. The  
2 bill provides:

- 3
- 4 • for voluntary acknowledgment of paternity prior to or  
5 after the birth of a child and requires that an explanation of  
6 the rights and responsibilities of acknowledging paternity be  
7 provided to the father and mother to ensure that due process  
8 safeguards are afforded;
  - 9 • that the voluntary acknowledgment of paternity creates a  
10 conclusive presumption of paternity;
  - 11 • that full faith and credit be given to a determination of  
12 paternity made by any other state, whether established  
13 through voluntary acknowledgment or through administrative  
14 or judicial processes;
  - 15 • that any objection to blood or genetic testing results must  
16 be made in writing within 10 days;
  - 17 • that a default order be entered in a paternity case if  
18 proper notice has been served upon the party and the party  
19 has failed to appear at a hearing or trial, or has failed to  
20 respond to a notice or order that required a response within a  
21 specific period of time; and
  - 22 • that blood or genetic testing results indicating a threshold  
23 probability that the alleged father is the father of the child  
24 create a conclusive presumption of paternity.
- 25

26 The voluntary acknowledgement of paternity will be known as a  
27 Certificate of Parentage. The Certificate of Parentage will  
28 include, at a minimum, the following information: a sworn  
29 statement by the father that he is the natural father of the child;  
30 the Social Security numbers and addresses of the father and  
31 mother; the signature of the father and mother authenticated by  
32 a witness or notary; and instructions for filing the Certificate of  
33 Parentage with the State IV-D agency or its designee. The same  
34 person who is required to return the birth certificate to the  
35 proper agency will be required to make available to the parents a  
36 Certificate of Parentage and file it with the State IV-D agency  
37 or its designee.

38 Section 14 of P.L.1983, c.17 (C.9:17-51) is repealed because it  
39 duplicates, in part, section 11 of P.L.1983, c.17 (C.9:17-48).  
40 Those provisions of Section 14 of P.L.1983, c.17 (C.9:17-51)  
41 which are not duplicative, are incorporated into section 11 of  
42 P.L.1983, c.17 (C.9:17-48).

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46  
47 Revises law concerning the establishment of paternity.

1     For the purposes of this section, "State IV-D agency" means  
2     the agency in the Department of Human Services designated to  
3     administer the Title IV-D Child Support Program.

4     (cf: P.L.1965, c.78, s.52)

5     5. R.S.26:8-31 is amended to read as follows:

6     26:8-31. In case there is no physician, midwife, or person  
7     acting as the agent of the physician or midwife, in attendance  
8     upon the birth, it shall be the duty of one of the following persons  
9     in the order named to file the birth certificate with the local  
10    registrar and file the Certificate of Parentage with the State  
11    IV-D agency or its designee :

12    a. The father or mother of the child;

13    b. The manager or superintendent of the public or private  
14    institution in which the birth occurred.

15    (cf: R.S.26:8-31)

16    6. (New section) A default order shall be entered in a  
17    contested paternity action upon a showing that proper notice has  
18    been served upon the party and the party has failed to appear at a  
19    hearing or trial; or has failed to respond to a notice or order that  
20    required a response within a specific period of time. A default  
21    order entered pursuant to this section shall be determinative for  
22    purposes of establishing the existence of paternity when proper  
23    notice has been served and a sworn statement by the mother  
24    indicating the parentage of the child has been executed.

25    7. (New section) A Certificate of Parentage may serve to  
26    satisfy the method of collection of Social Security numbers as  
27    required pursuant to subsection c. of R.S.26:8-28 and shall serve  
28    as the voluntary acknowledgement of paternity by a father. The  
29    Certificate of Parentage shall contain, at a minimum, the  
30    following information:

31    a. a sworn statement by the father that he is the natural father  
32    of the child;

33    b. the Social Security numbers and addresses of the father and  
34    mother;

35    c. the signature of the mother and father authenticated by a  
36    witness or notary; and

37    d. instructions for filing the Certificate of Parentage with the  
38    agency designated by the State IV-D agency.

39    In addition, the State IV-D agency, in cooperation with birthing  
40    centers and hospitals providing maternity services, shall provide  
41    written information to the father and mother of the child  
42    explaining the implications of signing a Certificate of Parentage,  
43    including the parental rights, responsibilities and financial  
44    obligations, as well as the availability of paternity establishment  
45    services and child support enforcement services.

46    8. Section 14 of P.L.1983, c.17 (C.9:17-51) is repealed.

47    9. This act shall take effect immediately.

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50                   STATEMENT

51  
52    This bill conforms State law to Pub.L.103-66, the "Omnibus  
53    Budget Reconciliation Act of 1993." This federal law made  
54    significant changes to section 466 of the Social Security

1 Act (42 U.S.C. §666) concerning child support enforcement. The  
2 bill provides:

3

4 • for voluntary acknowledgment of paternity prior to or  
5 after the birth of a child and requires that an explanation of  
6 the rights and responsibilities of acknowledging paternity be  
7 provided to the father and mother to ensure that due process  
8 safeguards are afforded;

9 • that the voluntary acknowledgment of paternity creates a  
10 conclusive presumption of paternity;

11 • that full faith and credit be given to a determination of  
12 paternity made by any other state, whether established  
13 through voluntary acknowledgment or through administrative  
14 or judicial processes;

15 • that any objection to blood or genetic testing results must  
16 be made in writing within 10 days;

17 • that a default order be entered in a paternity case if  
18 proper notice has been served upon the party and the party  
19 has failed to appear at a hearing or trial, or has failed to  
20 respond to a notice or order that required a response within a  
21 specific period of time; and

22 • that blood or genetic testing results indicating a threshold  
23 probability that the alleged father is the father of the child  
24 create a conclusive presumption of paternity.

25

26 The voluntary acknowledgement of paternity will be known as a  
27 Certificate of Parentage. The Certificate of Parentage will  
28 include, at a minimum, the following information: a sworn  
29 statement by the father that he is the natural father of the child;  
30 the Social Security numbers and addresses of the father and  
31 mother; the signature of the father and mother authenticated by  
32 a witness or notary; and instructions for filing the Certificate of  
33 Parentage with the State IV-D agency or its designee. The same  
34 person who is required to return the birth certificate to the  
35 proper agency will be required to make available to the parents a  
36 Certificate of Parentage and file it with the State IV-D agency  
37 or its designee.

38 Section 14 of P.L.1983, c.17 (C.9:17-51) is repealed because it  
39 duplicates, in part, section 11 of P.L.1983, c.17 (C.9:17-48).  
40 Those provisions of Section 14 of P.L.1983, c.17 (C.9:17-51)  
41 which are not duplicative, are incorporated into section 11 of  
42 P.L.1983, c.17 (C.9:17-48).

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47 Revises law concerning the establishment of paternity.



ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1306

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1994

The Assembly Health and Human Services Committee favorably reports Senate Bill No. 1306.

This bill conforms State law to Pub.L.103-66, the "Omnibus Budget Reconciliation Act of 1993." This federal law made significant changes to section 466 of the Social Security Act (42 U.S.C. §666) concerning child support enforcement. The bill provides:

- for voluntary acknowledgment of paternity prior to or after the birth of a child and requires that an explanation of the rights and responsibilities of acknowledging paternity be provided to the father and mother to ensure that due process safeguards are afforded;
- that the voluntary acknowledgment of paternity creates a conclusive presumption of paternity;
- that full faith and credit be given to a determination of paternity made by any other state, whether established through voluntary acknowledgment or through administrative or judicial processes;
- that any objection to blood or genetic testing results must be made in writing within 10 days of receipt of the results;
- that a default order be entered in a paternity case if proper notice has been served upon the party and the party has failed to appear at a hearing or trial, or has failed to respond to a notice or order that required a response within a specific period of time; and
- that blood or genetic testing results indicating a threshold probability that the alleged father is the father of the child create a conclusive presumption of paternity.

The voluntary acknowledgement of paternity will be known as a Certificate of Parentage. The Certificate of Parentage will include, at a minimum, the following information: a sworn statement by the father that he is the natural father of the child; the Social Security numbers and addresses of the father and mother; the signature of the father and mother authenticated by a witness or notary; and instructions for filing the Certificate of Parentage with the State IV-D agency or its designee. The same person who is required to return the birth certificate to the proper agency will be required to make available to the parents a Certificate of Parentage and file it with the State IV-D agency or its designee.

Section 14 of P.L.1983, c.17 (C.9:17-51) is repealed because it duplicates, in part, section 11 of P.L.1983, c.17 (C.9:17-48). Those provisions of Section 14 of P.L.1983, c.17 (C.9:17-51) which are not duplicative, are incorporated into section 11 of P.L.1983, c.17 (C.9:17-48).

This bill is identical to Assembly Bill No. 1952 (Heck/Lustbader), which the committee also reported on this date.

SENATE WOMEN'S ISSUES, CHILDREN  
AND FAMILY SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1306

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1994

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No.1306.

This bill conforms State law to Pub.L.103-66, the "Omnibus Budget Reconciliation Act of 1993." This federal law made significant changes to section 466 of the Social Security Act (42 U.S.C.§666) concerning child support enforcement. The bill provides:

- for voluntary acknowledgment of paternity prior to or after the birth of a child and requires that an explanation of the rights and responsibilities of acknowledging paternity be provided to the father and mother to ensure that due process safeguards are afforded;
- that the voluntary acknowledgment of paternity creates a conclusive presumption of paternity;
- that full faith and credit be given to a determination of paternity made by any other state, whether established through voluntary acknowledgment or through administrative or judicial processes;
- that any objection to blood or genetic testing results must be made in writing within 10 days;
- that a default order be entered in a paternity case if proper notice has been served upon the party and the party has failed to appear at a hearing or trial, or has failed to respond to a notice or order that required a response within a specific period of time; and
- that blood or genetic testing results indicating a threshold probability that the alleged father is the father of the child create a conclusive presumption of paternity.

The voluntary acknowledgement of paternity will be known as a Certificate of Parentage. The Certificate of Parentage will include, at a minimum, the following information: a sworn statement by the father that he is the natural father of the child; the Social Security numbers and addresses of the father and mother; the signature of the father and mother authenticated by a witness or notary; and instructions for filing the Certificate of Parentage with the State IV-D agency or its designee. The same person who is required to return the birth certificate to the proper agency will be required to make available to the parents a Certificate of Parentage and file it with the State IV-D agency or its designee.

Section 14 of P.L.1983, c.17 (C.9:17-51) is repealed because it duplicates, in part, section 11 of P.L.1983, c.17 (C.9:17-48). Those provisions of Section 14 of P.L.1983, c.17 (C.9:17-51) which are not duplicative, are incorporated into section 11 of P.L.1983, c.17 (C.9:17-48).