

SENATE BILL REPORT

SB 6113

As Reported By Senate Committee On:
Law & Justice, January 29, 1996
Ways & Means, February 6, 1996

Title: An act relating to paternity.

Brief Description: Authorizing the presumption of paternity to be rebutted in an appropriate administrative hearing.

Sponsors: Senators Wojahn, Winsley and Smith.

Brief History:

Committee Activity: Law & Justice: 1/23/96, 1/29/96 [DP].
Ways & Means: 2/5/96, 2/6/96 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6113 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Susan Lucas (786-7711)

Background: In current law, a man is presumed to be the father of a child under a number of circumstances. He may bring an action in court to rebut the presumption of paternity. Concern exists that the court process is lengthy and costly.

Summary of Substitute Bill: A responsible parent may provide evidence to rebut the presumption of paternity at an adjudicative proceeding. If the evidence is deemed credible, the department must refer the case to the superior court to determine whether the presumption should be rebutted. The department is responsible for the cost of the hearing.

Substitute Bill Compared to Original Bill: Rebuttals of the presumption of paternity which were originally decided in superior court are to be heard in superior court instead of in an administrative hearing. The department is responsible for the cost of the judicial hearing.

Appropriation: None.

Fiscal Note: Requested on January 22, 1996.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Law & Justice): Allowing a person to contest a presumption of paternity at an administrative hearing will save money and make the process more efficient and easier.

Testimony Against (Law & Justice): None.

Testified (Law & Justice): Senator Wojahn, prime sponsor.

Testimony For (Ways & Means): The prosecutor generally pursues the rebuttal of a presumption of paternity under current law. It is more efficient to refer all such cases to the superior court instead of creating a new administrative procedure. The amendment should ensure that the cost of this measure is nominal.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): Tom McBride, WA Assn. of Prosecuting Attorneys.