



2023 Edition

Parentage Actions in Connecticut

A Guide to Resources in the Law Library

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This guide links to advance release opinions on the Connecticut Judicial Branch **website and to case law hosted on Google Scholar and Harvard's Case Law Access Project**. The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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Introduction

A Guide to Resources in the Law Library

- The Connecticut Parentage Act, [P.A. 21-15](#), changed certain paternity statutes. The new statutes can be viewed in [chapter 818](#) of the 2023 Connecticut General Statutes.
- “The purpose of what were formerly called bastardy actions and are now called paternity proceeding is to relieve the public of the burden of supporting an illegitimate child and to provide the mother with assistance in carrying out her **obligation of support.**” [Kuser v. Orkis](#), 169 Conn. 66, 71, 362 A.2d 943 (1975).
- **“In this State there are only three ways of legally establishing paternity: (1) the marital presumption if the mother and the putative father are married to each other; (2) adjudication of paternity by a court of competent jurisdiction; or (3) a formal acknowledgment of paternity in accordance with the acknowledgment statute.”** [Hjarne v. Martin](#), Superior Court, Judicial District of Hartford-New Britain at Hartford, No. FA00-0631333 (Apr. 21, 2002) (2002 WL 1163023) (2002 Conn. Super. LEXIS 1599).
- **“The private interests that are at stake in this litigation involve both the putative father and the child The putative father faces a possible loss of liberty if he is found ‘guilty’ and subsequently fails to pay court ordered child support.** General Statutes §§ 46b-171, 46b-215, 53-304. In addition, both father and child have substantial financial and property interests at stake. The father is liable for past, present and future child support. General Statutes § 46b-171. In later years the child may be liable for the support of its father; General Statutes § 53-304; and may eventually have claims upon the father’s estate. The child’s interests also extend to its health, which may depend upon an accurate family **medical history.**” [Lavertue v. Niman](#), 196 Conn. 403, 408, 493 A.2d 213 (1985).
- **“An educational support order may be entered with respect to any child who has not attained twenty-three years of age and shall terminate not later than the date on which the child attains twenty-three years of age.’** Connecticut General Statute § 46b-56c(a) An order may be issued pursuant to a Petition for Paternity and Support. Connecticut General Statute § 46b-56c(b)(3). The educational support statute provides that a ‘court may not enter an educational support order pursuant to this section unless the court finds as a matter of fact that it is more likely than not that the parents would have provided support to the child for higher education or private occupational school if the family were **intact.**’ Connecticut General Statute § 46b-56c.” [Watters v. Mase](#), Superior Court, Judicial District of Fairfield at Bridgeport, No. FA044003940 (Aug. 12, 2005) (2005 WL 2206900) (2005 Conn. Super. LEXIS 2189).

Section 1: Rights and Status of Children Born to Unmarried Parents

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the rights and status of children born to parents not married to each other (formerly children born out of wedlock).

DEFINITION:

- Child Born to Unmarried Parent: "A parent-child relationship extends equally to every child and parent, regardless of the marital status or gender of the parent or **the circumstances of the birth of the child.**" Conn. Gen. Stat. § [46b-472](#) (2023).
- Child of the Marriage: "The issue of any void or voidable marriage shall be deemed a child of the marriage. Any child born before, on or after October 1, 1976, whose birth occurred prior to the marriage of his parents shall be deemed a child of the marriage." Conn. Gen. Stat. § [46b-60](#).
- Equal Protection of the Law: "The United States Supreme Court, moreover, has held that illegitimate children cannot be denied equal protection of the law." [Trimble v. Gordon](#), 430 U.S. 762, 776, 97 S. Ct. 1459, 52 L.Ed. 2d 31 (1977). See [Lalli v. Lalli](#), 439 U.S. 259, 276, 99 S. Ct. 518, U.S.N.Y., 1978 where statutory provision did not violate equal protection clause.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
 - [Chapter 93](#). Registrars of Vital Statistics
 - § [7-50](#). Restrictions on contents of birth certificates. Exceptions. Filing of acknowledgments or adjudications of parentage. Removal or changing of parentage information. Access to copies restricted.
 - [Chapter 802b](#). Decedents' estate
 - § [45a-438](#). Distribution to children. Inheritance of child from or through parent.
 - [Chapter 815j](#). Dissolution of marriage, legal separation and annulment
 - § [46b-45a](#). Allegation of pregnancy in pleadings. Disagreement as to parentage. Hearing
 - § [46b-61](#). Orders re children where parents live separately. Filing of accompanying documents.
 - [Chapter 816](#). Support
 - § [46b-215](#). Relatives obliged to furnish support. Attorney General and attorney for town as parties. Orders.
 - [Chapter 818](#). CT Parentage Act
 - § 46b-458. Standing to maintain proceedings.

- § 46b-460. Personal jurisdiction.
- § 46b-467. Compelling disclosure of name of alleged genetic parent. Institution of action.
- § 46b-472. No discrimination based on marital status or gender of parent or circumstance of birth.
- § 46b-475. Adjudicating competing claims of parentage.
- § 46b-476. Acknowledgement of parentage.
- § 46b-477. Execution of acknowledgment of parentage.
- § 46b-478. Rules for acknowledgment of parentage.

See [Table 1](#)

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

U.S. Supreme Court

- [Pickett v. Brown](#), 462 U.S. 1, 16 n.15, 103 S.Ct. 2199, 76 L.Ed.2d 372 (1983). **"This Court for the reasons set forth below, finds that the child's interest in establishing paternity is a fundamental state and federal constitutional liberty interest of the child. The common law recognizes this right and the judicial system must afford the child an opportunity to exercise and protect her interest."**
- [Gomez v. Perez](#), 409 U.S. 535, 538, 93 S.Ct. 872, 35 L.Ed. 2d 56 (1973). **"Under these decisions, a State may not invidiously discriminate against illegitimate children by denying them substantial benefits accorded children generally. We therefore hold that once a State posits a judicially enforceable right on behalf of children to needed support from their natural fathers there is no constitutionally sufficient justification for denying such an essential right to a child simply because its natural father has not married its mother."**

Connecticut

- [Foster v. Smith](#), 91 Conn. App. 528, 534-535, 881 A.2d 497 (2005). "Connecticut appellate courts have decided that a minor child who is the subject of a paternity action has a fundamental interest in an accurate determination of paternity. See [Lavertue v. Niman](#), 196 Conn. 403, 409, 493 A.2d 213 (1985); [Ragin v. Lee](#), 78 Conn. App. 848, 861. The United States Supreme Court has also acknowledged that **'both the child and the defendant in a paternity action have a compelling interest in the accuracy of such a determination.'** [Little v. Streater](#), 452 U.S. 1, 13, 101 S.Ct. 2202, 68 L.Ed.2d 627 (1981). In [Ragin v. Lee](#), supra, 864, this court determined that a minor child had standing to bring a motion to open a default judgment of paternity on the basis of the child's independent right to an accurate determination of paternity in that proceeding. In reaching that decision, this court took into account the fact that **'Connecticut has long recognized that children have a separate and independent interest in family relations matters . . . [and that] . . . [o]ur Supreme Court has recognized that both the father and the child in a paternity proceeding have**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

an interest in seeing that their rights to companionship, care and custody are accurately adjudicated.’ (Citations omitted.) Id., 861. Furthermore, our Supreme Court has considered the child's interests in that regard to be especially strong. *Lavertue v. Niman*, supra, 409. ‘Any determination that a particular individual is a child's biological father may have profound sociological and psychological ramifications. . . . It is in the child's interest not only to have it adjudicated that some man is his or her father and thus liable for support, but to have some assurance that the correct person has been so identified.’”

- [Ragin v. Lee](#), 78 Conn. App. 848, 863, 829 A.2d 93 (2003). “We hold that a child who is the subject of a paternity action has fundamental interest in an accurate determination of paternity that is independent of the state's interest in establishing paternity for the benefit of obtaining payment for the child's care and any interest that the parents may have in the child.”
- [Brancato v. Moriscato](#), Superior Court, Judicial District of New Haven at New Haven, No. CV030472496 S (Feb. 27, 2003) (34 Conn. L. Rptr. 208, 209) (2003 WL 1090596) (2003 Conn. Super. LEXIS 538). “To suggest that paternity can only be established in this one way [the applicant . . . show that the decedent acknowledged her in writing and treated her openly as his child] is a gross misapplication of case law and the statutes pertaining to paternity and intestate inheritance.”
- [W. v. W.](#), 248 Conn. 487, 495, 728 A.2d 1076 (1999). “The second issue on appeal is whether the trial court acted improperly when it equitably estopped the defendant from denying that he is the father of the plaintiff's older child. We conclude that the trial court's action was proper.”
- [Stevens v. Leone](#), 35 Conn. Supp. 237, 239-240, 406 A.2d 402 (1979). “It seems obvious from the remarks of the chairman of the house judiciary committee at the time that the amendment was introduced that it was the intent of the legislature to expand the jurisdiction of the Superior Court regarding custody issues from controversies arising out of a dissolution of marriage to controversies in which a child had been born without benefit of marriage.”
- [Franklin v. Congelosi](#), 6 Conn. Cir. 357, 360, 273 A.2d 291 (1970). “Moreover, ‘[i]f the father of an illegitimate child is legally bound to support it, his promise to furnish such support or to pay for support rendered is itself enforceable without any consideration.’ 1A Corbin, Contracts § 231, p.347; note, 20 A.L.R.3d 500, 520.”

DIGESTS:

- ALR Index: *Legitimacy of Children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
Chapter 14. Paternity.
§ 14.01. Acknowledgement of paternity and agreement to support
§ 14.02. Establishing paternity
§ 14.03. Authority of court
§ 14.04. Enforcement of paternity judgment

WEST KEY
NUMBERS:

- *Parent and Child*
 - I. In general
 - # 102. Parentage and legitimacy in general
 - # 103. Paternity in general
 - # 106. Formalization of relation; legitimation
 - # 109. Marriage of parents, effect on child's legitimacy**
 - # 113. Disestablishment of relation; delegitimation
 - II. Proceedings to determine parentage
 - # 132. Paternity proceedings in general
 - # 133. Legitimation proceedings in general
 - # 134. Disestablishment or delegitimation proceedings in general
 - # 145. Who may maintain proceedings; parties; standing—Child
 - III. Evidence of parentage
 - (A) In general.
 - # 203. Presumptions and burden of proof
 - # 204. –In general
 - # 205. –As to paternity; presumed fatherhood
 - # 215. Degree of proof
 - (B) Experiments and tests; Scientific evidence
 - # 229. Presumptions and burden of proof
 - (C) Weight and sufficiency
 - # 232. As to paternity
- *Child Custody*
 - # 76. Welfare and best interest of child
 - # 89. Nonmarital circumstances of birth or conception
- *Child Support*
 - II. Duty to support children in general
 - # 34. Nonmarital children; adjudicated parents
- *Descent and Distribution*
 - II. Persons entitled to their respective shares
 - C. Nonmarital children, # 67.1-67.9

ENCYCLOPEDIAS:

- 14 *CJS Children Out-of-Wedlock*, Thomson West, 2017 (Also available on Westlaw).

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

§§ 1-7. In General

§§ 8-15. Evidence of Legitimacy

§§ 16-29. Legitimization and Similar Matters

§§ 28-31. Repudiation of Legitimacy or Presumed Paternity

§§ 32-38. Custody, Protection, and Visitation

§§ 39-63. Support, Maintenance and Education

§§ 64-70. Inheritance by or Through Children Born out-of-Wedlock

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
 - I. Who are Illegitimate Children
 - II. Presumption of Legitimacy and Paternity
 - III. Genetic Testing, Registry of Paternity, and Voluntary Acknowledgment and Denial of Paternity Under Uniform Parenting Act
 - IV. Civil Action to Establish Paternity
 - V. Support of Children
 - VI. Custody of Children
 - VII. Capacity to Take Property; Inheritance Rights
 - VIII. Legitimation
- 6 *COA 2d 1*, *Cause Of Action On Behalf Of Child Or Mother To Establish Paternity*, Thomson West, 1994.
 - § 17. Parties. Generally.
- 86 *ALR5th* 637, *Right Of Illegitimate Child To Maintain Action To Determine Paternity*, by George L. Blum, Annotation, Thomson West, 2001.
- 17 *ALR6th* 593, *Legal Status Of Posthumously Conceived Child Of Decedent*, by William H. Danne, Jr., Annotation, Thomson West, 2006.
- 116 *ALR Fed* 121, *Eligibility Of Illegitimate Child For **Survivor's Benefits** Under Social Security Act, Pursuant To § 216(h)(2)(A) of Act (42 USCS § 416(h)(2)(A), Where State Intestacy Law Denying Inheritance Right, Or Application Of That State Law To § 216(h)(2)(A), May Violate Child's Right To Equal Protection of Laws*, by William G. Phelps, Annotation, Thomson West, 1993.
- 17 *ALR4th* 1292, *Right of Illegitimate Grandchildren To Take Under Testamentary Gift To "Grandchildren"* by Lee R. Russ, Annotation, Thomson West, 1982.
- 36 *ALR Fed* 166, *Posthumous Illegitimate Child As "Child" Entitled to **Survivor's Benefits** Under § 216 of The Social Security Act, (42 USCS § 416)*, by Catherine R. Lazuran, Annotation, Thomson West, 1978.

- 78 ALR3d 1230, *Right Of Illegitimate Child, After Levy v Louisiana, To Recover Under Wrongful Death Statute For Death Of Putative Father*, by Donald M. Zupanec, Annotation, Thomson West, 1977.
- 38 ALR3d 613, *Discrimination On Basis of Illegitimacy As Denial Of Constitutional Rights*, by Irwin J. Schiffres, Annotation, Thomson West, 1971.
- 41 L Ed.2d 1228, *Supreme Court's Views as to the Status and the Rights of Illegitimate Children*, Annotation, Thomson West, 1975.

PAMPHLETS:

TEXTS &
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- [Acknowledge Parentage For Your Child...And For You!](#)
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 10. Parentage
§ 10.03. CHECKLIST: Asserting a Claim of Parentage
§ 10.04. Asserting a Claim of Parentage-In General
- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
Chapter 38. Child Support
§ 38.8. Illegitimate children
§ 38.11. Support claim not based on birth or adoption
§ 38.13. Child's need for maintenance
- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 3d ed., by Ralph H. Folsom, et al., 2022 ed., Thomson West (also available on Westlaw).
Chapter 3. Guardianships
§ 3: 10. Status of illegitimate children
- *LexisNexis Practice Guide: Connecticut Probate and Estate Administration*, by James I. Dougherty & Louis R. Piscatelli, 2022 ed., LexisNexis.
Chapter 9. Miscellaneous Issues in Probate and Estate Administration
§ 9.09. Definition of Children under Connecticut Law
§ 9.11. Establishing Parentage
- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
Chapter 1. Overview of Disputed Paternity Actions
§ 1.03. Present Legal Status of the Nonmarital Child
[1] Custody
[2] Visitation
[3] Support Orders and Agreements
[4] Rights of Inheritance

- [5] Wrongful Death Recovery
- [6] **Workers'** Compensation
- [7] Social Security Benefits
- [8] Citizenship
- [9] Income Tax Dependency Exemption
- Chapter 5. Rights Enforceable in Paternity Actions
 - § 5.01. Effect of Judgment
 - § 5.02. Child Support
 - § 5.03. Custody and Visitation
 - § 5.04. Name Change

- *6 Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 63. Paternity proceedings
 - § 63.01. Introduction
 - [1]. Nature and Purpose of Proceedings Generally
 - [d]. Legitimation

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- F. Paul Kurmay, *In Re Estate of Kachur*, 22 Quinnipiac Probate Law Journal 13 (2008).
- Kate Schuler, *Liberalization of Posthumous Paternity Testing – Expanding the Rights of Illegitimate Children, The [notes]* 17 Quinnipiac Probate Law Journal 150, (2003).
- Randy Curry, *Illegitimate Children—Protecting Their Rights In The Courtroom*, 8 Journal of Juvenile Law 234 (1984).
- Aviam Soifer, *Parental Autonomy, Family Rights and The Illegitimate: A Constitutional Commentary*, 7 Connecticut Law Review 1 (1974).

Table 1: Child Born to Unmarried Parents: Selected Statutory Provisions

| Children Born to Unmarried Parents: Selected Statutory Provisions | |
|--|---|
| Birth Certificate | <p>“(a) No certificate of birth shall contain any specific statement that the child was born to parents married or unmarried to each other, except that information on whether the child was born to parents married or unmarried to each other and the marital status of the person who gave birth shall be recorded on a confidential portion of the certificate pursuant to section 7-48. Upon the completion of an acknowledgment of parentage at a hospital, concurrent with the hospital's electronic transmission of birth data to the department, or at a town in the case of a home birth, concurrent with the registration of the birth data by the town, the acknowledgment shall be filed in the parentage registry maintained by the department, as required by section 19a-42a, and the name of the acknowledged parent shall be entered in or upon the birth certificate or birth record of such child. All properly completed post birth acknowledgments or certified adjudications of parentage received by the department shall be filed in the parentage registry maintained by the department, and the name of the acknowledged parent shall be entered in or upon the birth record or certificate of such child by the department, if there is no parentage, other than the person who gave birth, already recorded on the birth certificate. If the certificate already contains the information of a parent other than the person who gave birth, information shall not be removed except upon receipt by the department of a certified order by a court of competent jurisdiction in which there is a finding that the individual recorded on the birth certificate, specifically referenced by name, is not the child's parent, or a finding that a different individual than the one recorded, specifically referenced by name, is the child's parent. The name of the parent on a birth certificate or birth record shall otherwise be removed or changed only upon the filing of a rescission in such registry, as provided in section 19a-42a. The Social Security number of the father of a nonmarital child may be entered in or upon the birth certificate or birth record of such child if such entry is done in accordance with 5 USC 552a.” Conn. Gen. Stat. § 7-50(a) (2023).</p> |

| | |
|------------------|--|
| Health insurance | <p>"An insurer shall not deny enrollment of a child under the group health plan of the child's parent if: (1) The child was born out of wedlock, provided the father of the child has acknowledged paternity pursuant to section 46b-570 or has been adjudicated the father pursuant to section 46b-569; (2) the child is not claimed as a dependent on the federal income tax return of the parent; (3) the child does not reside with the parent or in the insurer's service area; or (4) if the child is receiving, or is eligible for benefits under a state medical assistance plan required by the Social Security Act." Conn. Gen. Stat. § 38a-497a(c) (2023).</p> |
| Inheritance | <p>"Except as provided in section 45a-731, for the purposes of this chapter, a child and the child's legal representatives shall qualify for inheritance from or through the parent if parentage is established in accordance with the provisions of the Connecticut Parentage Act or by adoption. If parentage is based on subdivision (3) of subsection (a) of section 46b-488 or sections 46b-495 to 46b-505, inclusive, of the Connecticut Parentage Act, parentage shall be established by a voluntary acknowledgment of parentage under sections 46b-476 to 46b-487, inclusive, of the Connecticut Parentage Act, or by court adjudication." Conn. Gen. Stat. § 45a-438b (2023).</p> <p>"The adoptive parent and the adopted person shall have rights of inheritance from and through each other and the biological and adopted relatives of the adoptive parent. The right of inheritance of an adopted person extends to the heirs of such adopted person, and such heirs shall be the same as if such adopted person were the biological child of the adoptive parent;" Conn. Gen. Stat. § 45a-731(2) (2023).</p> |
| Discrimination | <p>"A parent-child relationship extends equally to every child and parent, regardless of the marital status or gender of the parent or the circumstances of the birth of the child." Conn. Gen. Stat. § 46b-472 (2023).</p> |

Section 2: Children and Annulment of Marriage

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic resources relating to children and annulment of marriage including child support, custody and visitation

SEE ALSO:

- [§ 5h Blood and DNA Testing](#)
- [§ 5i Evidence](#)
- [§ 5j Defenses](#)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
§ [46b-60](#). Orders re children and alimony in annulment cases. "In connection with any petition for annulment under this chapter, the Superior Court may make such order regarding any child of the marriage and concerning alimony as it might make in an action for dissolution of marriage. The issue of any void or voidable marriage shall be deemed a child of the marriage. Any child born before, on or after October 1, 1976, whose birth occurred prior to the marriage of his parents shall be deemed a child of the marriage."

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Hames v. Hames](#), 163 Conn. 588, 593, 316 A.2d 379 (1972). "Section 46-28 of the General Statutes provides that the issue of any void or voidable marriage shall be deemed legitimate and permits the Superior Court to order alimony, custody and child support as it might in a divorce proceeding."
- [Sarantos v. Sarantos](#), 18 Conn. Supp. 472, 474 (1953). "Our statute (§ 7341) empowers our court to annul a marriage illegal under the laws of the foreign state in which it was celebrated. It does not purport to carry over to Connecticut the foreign law of the state in which the marriage was celebrated as to the legitimacy of the offspring of such marriage. The question of legitimacy under the facts here is governed by the law of Connecticut, which at the time of the child's birth was, and up to the present time continuously has been, the domicile of both parents and of the child."

DIGESTS:

- ALR Index: *Legitimacy of Children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
 - Chapter 14. Paternity.
 - § 14.01. Acknowledgement of paternity and agreement to support
 - § 14.02. Establishing paternity
 - § 14.03. Authority of court

TEXTS &
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 7 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 14. Procedure in Annulment Actions
 - § 14:8 Legitimacy of children

- 4 *Am Jur 2d* Annulment of Marriage, Thomson West, 2018 (Also available on Westlaw).
 - § 84 Necessity of dispute as to validity of marriage

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
 - Presumptions of Legitimacy and Paternity
 - § 11. Presumption where child born after termination of marriage

- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).
 - § 2. Legitimacy of Issue of Void or Voidable Marriage
 - § 12. Birth after termination of marriage as affecting legitimacy of child

- 46 *ALR3d* 158, *Presumption Of Legitimacy Of Child Born After Annulment, Divorce Or Separation*, by Ferdinand S. Tinio, Annotation, Thomson West, 1972.

- 63 *ALR2d* 1008, ***Court's Power As To Custody And Visitation Of Children In Marriage Annulment Proceedings***, Annotation, Thomson West, 1959.

- 63 *ALR2d* 1029, ***Court's Power As To Support And Maintenance Of Children In Marriage Annulment Proceedings***, Annotation, Thomson West, 1959.

- 6 *COA 2d* 1, *Cause Of Action On Behalf Of Child Or Mother To Establish Paternity*, Thomson West, 1994.

- 65 *COA 2d* 617, *Cause of Action To Annul Marriage*, Thomson West, 2014.
 - § 21. Misrepresentation Regarding Pregnancy or **Child's** Paternity.

Section 3: Rights of Unmarried Parents in Parentage Actions

A Guide to Resources in the Law Library

- SCOPE: Bibliographic resources relating to parental rights and status of parents not married to each other in parentage actions.
- SEE ALSO:
- [§ 5h Blood and DNA testing](#)
 - [§ 5i Evidence](#)
 - [§ 5j Defenses](#)
- DEFINITIONS:
- **“Father and mother joint guardians.** The father and mother of every minor child are joint guardians of the person of the minor, and the powers, rights and duties of the father and the mother in regard to the minor shall be equal. If either father or mother dies or is removed as guardian, the other parent of the minor child shall become the sole **guardian of the person of the minor.**” Conn. Gen. Stat. § [45a-606](#) (2023).
 - “Once parental rights of the alleged genetic parent have been adjudicated in such parent's favor under subsection (b) of this section, or acknowledged as provided for under sections 46b-476 to 46b-487, inclusive, such parent's rights and responsibilities shall be equivalent to those of the birth parent, including those rights defined under section 45a-606.” Conn. Gen. Stat. § [46b-571\(f\)](#) (2023). (Emphasis added).
 - “The notice to the alleged parent shall inform the alleged parent that (A) the alleged parent has a right to be represented by an attorney, and if the alleged parent is indigent, the court will appoint an attorney for such parent, (B) if the alleged parent is found to be the parent, the alleged parent will be required to financially support the child until the child attains the age of eighteen years, (C) if the alleged parent does not admit parentage and such person is alleged to be a genetic parent, the court or family support magistrate may, pursuant to section 46b-499, order a genetic test to determine parentage and that the cost of such test shall be paid by the state in IV-D support cases, and in non-IV-D cases shall be paid by the petitioner, except that if the alleged parent is subsequently adjudicated to be the parent of the child, such person shall be liable to the state or the petitioner, as the case may be, for the amount of such cost, and (D) if the alleged parent fails to return the answer form or fails to appear for a scheduled genetic test without good cause, a default judgment of parentage shall be entered.” Conn. Gen. Stat. § [46b-560\(e\)\(2\)](#) (2023).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023)
 - [Chapter 802h](#). Protected persons and their property § 45a-606. Father and mother joint guardians.
 - [Chapter 815j](#). Dissolution of marriage, legal separation and annulment § 46b-61. Orders re children where parents live separately.
 - [Chapter 816](#). Support § 46b-215. Relatives obliged to furnish support. Attorney General and attorney for town as parties. Orders.
 - [Chapter 818](#). CT Parentage Act
 - § 46b-458. Standing to maintain proceedings.
 - § 46b-560. Petition to adjudicate parentage.
 - § 46b-561. Procedure brought prior to birth of child.
 - § 46b-562. Action by state or town.
 - § 46b-471. Establishment of a parent-child relationship.
 - § 46b-482. Procedure for rescission.
 - § 46b-483. Challenge after expiration period for rescission. Procedure for challenge.

COURT RULES

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Connecticut Practice Book (2023)
 - [Chapter 25](#). Superior Court - Procedure in Family Matters § 25-68. Right to Counsel in State Initiated Paternity Actions

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- U.S. Supreme Court
- [Lehr v. Robertson](#), 463 U.S. 248, 266-267, 103 S. Ct. 2985, 77 L.Ed. 2d 614 (1983). **"the existence or nonexistence of a substantial relationship between parent and child is a relevant criterion in evaluating both the rights of the parent and the best interests of the child We therefore found that a Georgia statute that always required a mother's consent to the adoption of a child born out of wedlock, but required the father's consent only if he had legitimated the child, did not violate the Equal Protection Clause We have held that these statutes may not constitutionally be applied in that class of cases where the mother and father are in fact similarly situated with regard to their relationship with the child."**
 - [Caban v. Mohammed](#), 441 U.S. 380, 99 S.Ct. 1760, 60 L.Ed. 2d 297 (1979).
 - [Quilloin v. Walcott](#), 434 U.S. 246, 98 S.Ct. 549, 54 L.Ed.2d 511 (1978).
 - [Stanley v. Illinois](#), 405 U.S. 645, 658, 92 S. Ct. 1208, 31 L.Ed. 2d 551 (1972). **"The State of Illinois assumes custody**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

of the children of married parents, divorced parents, and unmarried mothers only after a hearing and proof of neglect. The children of unmarried fathers, however, are declared dependent children without a hearing on parental fitness and **without proof of neglect. Stanley's claim in the state courts** and here is that failure to afford him a hearing on his parental qualifications while extending it to other parents denied him equal protection of the laws. We have concluded that all Illinois parents are constitutionally entitled to a hearing on their fitness before their children are removed **from their custody."**

Connecticut

- Tata v. Levine, Superior Court, Judicial District of New Britain at New Britain, No. FA88-0432921S (July 11, 2017) (64 Conn. L. Rptr. 743, 743-744) (2017 WL 3469324) (2017 Conn. Super. LEXIS 3929). "Defendant's appeal asserts that the Magistrate's ruling was a denial of due process, an abuse of discretion and contrary to law. An acknowledgment of paternity has the effect of a judgment. C.G.S. Section 46b-172(a)(1). The court must take any assertion that a judgment is based on fraud or duress very seriously because such a judgment is no judgment at all. *Reville v. Reville*, 312 Conn. 428 (2014); *Weinstein v. Weinstein*, 275 Conn. 671 (2005); Conn. Gen. Statutes, Section 52-212a. Defendant argues that a claim of fraud, duress and/or mutual mistake trumps the 46b-172 statute of limitations. This court agrees."
- Weaver v. Solone, Superior Court, Judicial District of Waterbury at Waterbury, No. FA98-0160460S (September 8, 2006) (42 Conn. L. Rptr. 63, 66) (2006 WL 2730425) (2006 Conn. Super. LEXIS 2760). "In Connecticut, General Statutes section 46b-172 requires that the father be reimbursed monies he made to the State upon a subsequent determination of non-paternity."
- Ashe v. Nixon, Superior Court, Judicial District of New Haven at New Haven, No. FA 05-4010683S (June 24, 2005) (2005 WL 2129301) (2005 Conn. Super. LEXIS 2103). "Paternity actions by those claiming to be a child's biological father are brought to the Probate Court. See General Statutes § 46b-172a. Sections 46b-56(b) and 46b-59 of the General Statutes, however, allow actions for visitation to be brought in the Superior Court. Under the recent case of *Roth v. Weston*, 259 Conn. 202 (2002), the Superior Court has limited power to grant visitation to non-parents against the wishes of the custodial parent. But Mr. Ashe claims to be the biological father of the minor child with whom he seeks visitation. If he proves that allegation by the requisite standard of proof, he has a right to seek visitation with the minor child, and any orders regarding visitation will be

guided by the best interest of the minor **child.**”

- [Weidenbacher v. Duclos](#), 234 Conn. 51, 661 A.2d 988 (1995).

See [Table 4](#)

- [Chaffee v. Cunningham](#), Superior Court, Judicial District of Hartford-New Britain at New Britain, No. FA88-603938 (March 29, 1989) (4 C.S.C.R. 371, 371). **“This court feels that similar to an action for dissolution of marriage, the defendant could file an answer and a cross-complaint setting forth his claims as to whether or not he is merely seeking visitation orders, custody orders and support orders in the paternity action.”**
- [Stevens v. Leone](#), 35 Conn. Supp. 237, 239-240, 406 A.2d 402 (1979). “It seems obvious from the remarks of the chairman of the house judiciary committee at the time that the amendment was introduced that it was the intent of the legislature to expand the jurisdiction of the Superior Court regarding custody issues from controversies arising out of a dissolution of marriage to controversies in which a child had been born without benefit of marriage.”

DIGESTS:

- ALR Index: *Legitimacy of Children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
 - Chapter 14. Paternity.
 - § 14.01. Acknowledgement of paternity and agreement to support
 - § 14.02. Establishing paternity
 - § 14.03. Authority of court
 - § 14.04. Enforcement of paternity judgment

WEST KEY NUMBER:

- *Parent and Child*
 - I. In general
 - # 102. Parentage and legitimacy in general
 - # 103. Paternity in general
 - # 106. Formalization of relation; legitimation
 - # 113. Disestablishment of relation; delegitimation
 - # 123. Name of child
 - II. Proceedings to determine parentage
 - # 132. Paternity proceedings in general
 - # 133. Legitimation proceedings in general
 - # 134. Disestablishment or delegitimation proceedings in general
 - # 142. Who may maintain proceedings; parties; standing—Father
 - # 148. Jurisdiction—Personal jurisdiction

152. Process and notice

III. Evidence of parentage

(A) In general.

203. Presumptions and burden of proof

204. –In general

205. –As to paternity; presumed fatherhood

215. Degree of proof

(B) Experiments and tests; Scientific evidence

222. Necessity; right to obtain, compel, or discover

229. Presumptions and burden of proof

(C) Weight and sufficiency

232. As to paternity

- *Child Custody*

- # 76. Welfare and best interest of child

- # 89. Nonmarital circumstances of birth or conception

- *Child Support*

- II. Duty to support children in general

- # 34. Nonmarital children; adjudicated parents

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).

- IV. Civil Action to Establish Paternity

- B. Evidence

- § 72. Genetic tests

- V. Support of Child

- A. In General

- § 92. **Duty of mother's husband to support child**

- VI. Custody of Child

- § 96. Rights of father - Visitation

- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).

- § 35. Change of custody between parents as to child born out of wedlock

- § 37. Father's rights as to child born out of wedlock

- § 38. Father's rights as to child born out of wedlock—
Visitation

- VI. Support, maintenance, and education.

- 58 *A.L.R.5th* 669, *Right Of Putative Father To Visitation With Child Born Out Of Wedlock*, by Robin Cheryl Miller, Annotation, Thomson West, 1998.

- 84 *A.L.R.4th* 655, *Parental Rights Of Man Who Is Not Biological Or Adoptive Father Of Child But Was Husband Or Cohabitant Of Mother When Child Was Conceived Or Born*, by Alan Stephens, Thomson West, 1991.

- 51 *A.L.R.4th* 565, *Paternity Proceedings: Right To Jury Trial*, by David M. Holliday, Annotation, Thomas West, 1987.

- 37 A.L.R.4th 724, *Natural Parent's Parental Rights As Affected By Consent To Child's Adoption By Other Natural Parent*, by Russell G. Donaldson, Annotation, Thomson West, 1985.
- 4 A.L.R.4th 363, *Right Of Indigent Defendant In Paternity Suit To Have Assistance Of Counsel At State Expense*, by Kristine Cordier Karnezis Annotation, Thomson West, 1981.
- 74 A.L.R.3d 421, *Right Of Natural Parent To Withdraw Valid Consent To Adoption Of Child*, by Gary D. Spivey, Annotation, Thomson West, 1976.
- 45 A.L.R.3d 216, *Rights Of Putative Fathers To Custody Of Illegitimate Child*, by Thomas J. Goger, Annotation, Thomson West, 1972.
- 51 A.L.R.2d 497, *Necessity Of Securing Consent Of Parents Of Illegitimate Child To Its Adoption*, Annotation, Thomson West, 1957.
- 6 COA 2d 1, *Cause Of Action On Behalf Of Child Or Mother To Establish Paternity*, Thomson West, 1994.
 - §§ 9-16. Defendant's case against paternity
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 10. Parentage
- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - Chapter 42. Child Custody and Visitation
 - § 42.2. Rights of unmarried or noncohabiting parents
- 5 *Child Custody and Visitation Law and Practice*, by Sandra Morgan Little, Matthew Bender, 2022.
 - Chapter 30. Rights of putative fathers to custody and visitation
 - § 30.02. The putative **father's standing to seek** custody of his child
 - § 30.03. Rights of the putative father vs. the natural mother or legal parent
 - § 30.04. Rights of the putative father vs. a non-parent
 - § 30.05. Rights of the putative father to visitation
 - § 30.06. Right of the putative father to have his child bear his surname

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 2 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022.
 - Chapter 27. The Rights of Putative Fathers
 - § 27.02 The Constitutional Foundation
 - § 27.03 The Constitutional Implications of the Protections of the Rights of Putative Fathers and the Extent of Those Rights in Particular Cases
 - [2] Paternity Actions
- 1 *Adoption Law & Practice*, Joan H. Hollinger, Matthew Bender, 2022.
 - Chapter 2. Consent
 - § 2.04[2] Status of unwed fathers in adoption proceedings
 - § 2.04A Rights of putative fathers with respect to putative father registries and other sources
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 63. Paternity Proceedings
 - § 63.01. Introduction
 - [1]. Nature and Purpose of Proceedings
 - Generally
 - [a]. Duty to Support
 - [b]. Proceedings Civil in Nature
 - [c]. Constitutional Considerations
 - [d]. Legitimation

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Jeffrey A. Parnas *Irrationalities in Legal Parentage: Gender Identity and Beyond* 51 U. Balt. L. Rev. (2021).
- Hannah Kalichman *For the Children: Intentional and Functional Approaches to Same-Sex Parentage in Connecticut* 52 Conn. L. Rev. 411 (2020).
- James J. Vedder & Brittney M. Miller, *Presumptions in Paternity Cases: Who is the Father in the Eyes of the Law*, 40 Family Advocate 26 (2018).
- Jamie D. Pedersen *The New Uniform Parentage Act of 2017* 40 Fam. Adv. 1 (2018).
- Susan M. Zajac, Comment, *The Doctrine Of Family Integrity: Protecting The Parental Rights Of Unwed Fathers Who Have Substantial Relationships With Their Children*, 13 Connecticut Law Review 145 (Fall 1980).
- Aviam Soifer, *Parental Autonomy, Family Rights and The Illegitimate: A Constitutional Commentary*, 7 Connecticut Law Review 1 (1974).

Table 2: Challenging or Determining Parentage

| Challenging or Determining Parentage | |
|--------------------------------------|---|
| Cases: | <ul style="list-style-type: none"> • W. v. W., 248 Conn. 487, 495, 728 A.2d 1076 (1999). “The second issue on appeal is whether the trial court acted improperly when it equitably estopped the defendant from denying that he is the father of the plaintiff’s older child. We conclude that the trial court’s action was proper.” • Temple v. Meyer, 208 Conn. 404, 410, 544 A.2d 629 (1988). “Even if the plaintiff had demonstrated that he had been Timothy’s psychological parent, such a finding would not demonstrate that visitation continued to be in the best interest of the child.” |
| Encyclopedias: | <ul style="list-style-type: none"> • 84 ALR 4th 655, <i>Parental Rights Of Man Who Is Not Biological Or Adoptive Father Of Child But Was Husband Or Cohabitant Of Mother When Child Was Conceived Or Born</i>, by Alan Stephens, Thomson West, 1991. |
| Texts & Treatises: | <ul style="list-style-type: none"> • 8 Connecticut Practice Series, <i>Family Law and Practice with Forms</i>, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw). <ul style="list-style-type: none"> § 42.2. Rights of unmarried or noncohabiting parents |

Table 3: Opening a Parentage (Paternity) Judgment

| Opening a Parentage (Paternity) Judgment | |
|--|---|
| <p>Connecticut Practice Book (2023) § 25a-17</p> | <p>“(a) Any mother or acknowledged father who wishes to challenge an acknowledgement of paternity pursuant to General Statutes § 46b-172 (a)(2) shall file a motion to open judgment, which shall state the statutory grounds upon which the motion is based and shall append a certified copy of the document containing the acknowledgement of paternity to such motion.”</p> <p><i>*Please note:</i> General Statute § 46b-172 has been transferred. See Chapter 818 of the Connecticut statutes for the current statutes regarding acknowledgement and opening a parentage (paternity) judgment.</p> |
| <p>Asia A.M. v. Geoffrey M., Jr., 182 Conn. App. 22, 28, 188 A. 3d 762 (2018).</p> | <p>“The state claims that the ‘court erred in concluding that <i>Ragin v. Lee</i>, [supra, 78 Conn. App. at 848, 829 A.2d 93], provides a fourth and independent ground to open an acknowledgment of paternity,’ apart from the requirements set forth in § 46b-172 (a) (2). The state contends that, pursuant to § 46b-172 (a) (2), absent a finding of fraud, duress, or material mistake of fact, the magistrate lacked the authority to open the judgment outside of the rescission period, and that the court ‘erred in finding that the [f]amily [s]upport [m]agistrate ... did not have to comply with the statutory criteria of ... § 46b-172.’ In response, the plaintiff and the attorney for the guardian ad litem claim that the court properly concluded that the best interests of the child is a nonstatutory ground for opening an acknowledgment of paternity. We agree with the state.”</p> |

| | |
|--|--|
| <p><u>Barss v. Harrelle</u>, Superior Court, Judicial District, New London at Norwich, No. KNOFA-0129832S (Nov. 25, 2005) (40 Conn. L. Rptr. 350, 351) (2005 WL 3372868) (2005 Conn. Super. LEXIS 3178).</p> | <p>"The Rhode Island acknowledgement was authorized under R.I. Gen. Laws 15-8-3, which provides in relevant part that 'a man is presumed to be the natural father of a child if . . . a sworn acknowledgement of paternity of a child born out of wedlock is signed by both parents . . . and is forwarded to the state registrar of vital records for the purpose of amending the birth certificate. The sworn acknowledgement becomes a conclusive presumption if there is no court challenge to this document within sixty (60) days of the signing of this acknowledgment. The only defenses which may be raised to the signing of this acknowledgement after the sixty (60) day period are fraud, duress, or mistake of fact.' In <u>Pettinato v. Pettinato</u>, 582 A2d. 909 (R.I., 1990), Rhode Island's supreme court held that the presumption created by this statute could not be overcome by a mother who introduced the results of genetic blood testing proving that her husband had not fathered the older of her two children. The parties had utilized the statutory acknowledgement process because this child had been born prior to their marriage. The court indicated its concern about a ' . . . situation wherein a mother can tell a man that he is the father of the child . . . and then illegitimize the child . . . by attacking the presumption of paternity that she helped bring about . . .,' and relied upon the principle of equitable estoppel in deeming the blood test results to be, in this context, irrelevant. Legal paternity had been previously and sufficiently established. Connecticut law requires the same conclusion."</p> |
| <p>Connecticut Family Support Magistrate Decision</p> | <p><u>Hightower v. Barrett</u>, Family Support Magistrate, Judicial District of Hartford at Hartford, Docket No. FA 11-4055296 (Sept. 12, 2014). <i>Motion to Open Judgments of Paternity by Acknowledgement</i></p> |

Section 4: Marital Presumption in Connecticut

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the presumption in Connecticut that a child born to parents who are married is the genetic child of both parents.

DEFINITION:

- Presumed parent: (1) The person and the person who gave birth to the child are married to each other and the child is born during the marriage, whether the marriage is or could be declared invalid; (2) The person and the person who gave birth to the child were married to each other and the child is born not later than three hundred days after the date on which the marriage is terminated by death, dissolution or annulment, or after a decree of separation; or (3) The person, jointly with another parent, resided in the same household with the child and openly held out the child as the person's own child from the time the child was born or adopted and for a period of at least two years thereafter, **including any period of temporary absence.**" Conn. Gen. Stat. § [46b-488\(a\)](#) (2023).
- Marital presumption: "postulates that a child born in wedlock is presumed to be a legitimate child of the mother and her husband." [Weidenbacher v. Duclos](#), 234 Conn. 51, 68-69, 661 A.2d 988 (1995).
- Rebuttable presumption: "We have never held, however, that this presumption is irrebuttable and conclusive against a person claiming to be the biological father of the child. On the contrary, we have held that this presumption may be rebutted a person who presents clear, convincing and satisfactory evidence that the mother's husband is not the child's natural father." [Ibid.](#), p. 69.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023).
 - [Chapter 815j](#). Dissolution of marriage, legal separation and annulment
 - § 46b-61. Orders re children where parents live separately. Filing of accompanying documents.
 - [Chapter 818](#). CT Parentage Act
 - § 46b-458. Standing to maintain proceedings.
 - § 46b-560. Petition to adjudicate parentage.
 - § 46b-561. Procedure brought prior to birth of child.
 - § 46b-562. Action by state or town.
 - § 46b-488. Presumption of parentage.

CASES:

United States Supreme Court

- [Michael H. v. Gerald D.](#), 491 U.S. 110, 129, 109 S. Ct. 2333, 105 L. Ed. 2d 91 (1989). "Where, however, the child is born into an extant marital family, the natural father's unique opportunity conflicts with the similarly unique

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

opportunity of the husband of the marriage; and it is not unconstitutional for the State to give categorical preference to the latter."

Connecticut

- [W. v. W.](#), 248 Conn. 487, 495, 728 A.2d 1076 (1999). "The second issue on appeal is whether the trial court acted improperly when it equitably estopped the defendant from **denying that he is the father of the plaintiff's older child. We conclude that the trial court's action was proper.**"
- [Weidenbacher v. Duclos](#), 234 Conn. 51, 68-69, 661 A.2d 988 (1995).

See [Table 4](#).

- [Jack Mancuso v. Kim Dorsey](#), Superior Court, Judicial District of New Haven at Meriden, No. CV89-0233398S (March 5, 1990) (1 Conn. L. Rptr. 333, 334-335) (1990 WL 265960) (1990 Conn. Super. LEXIS 2114). "**The court finds it is a fact that the petitioner knew from the date of birth that Kim and her husband believed that the husband was the father of the child and were representing at all times that he was the father of the child. The court finds that the child was never represented to be the child of the petitioner. The child believes the husband is her father and enjoys a traditional family life in a comfortable home owned by Kim and her husband. He has legitimized the child by marrying Kim D. and acknowledging paternity in the probate court For the foregoing reasons, the court concludes that the petitioner is equitably estopped from pursuing this action and will not advance the petition by granting the petitioner's motions for testing.**"
- [Freda v. Freda](#), 39 Conn. Supp. 230, 232, 476 A.2d 153 (1984). "**The finding of paternity in this case was the same as if the court had given its approval to an agreement submitted to the court. The litigation required for the application of collateral estoppel was not present and the court may open its judgment if it is shown that fraud in obtaining it was present.**"
- [Schaffer v. Schaffer](#), 187 Conn. 224, 226, 445 A.2d 589 (1982). "**Although the trial court did not specify the nature of the plaintiff's burden, it is clear that in Connecticut there is a presumption that a child born during lawful wedlock is the child of the husband, which presumption may be rebutted only by clear, convincing, and satisfactory proof that the child is illegitimate.**"
- [Stevens v. Leone](#), 35 Conn. Supp. 237, 240, 406 A.2d 402 (1979). "**The court concludes that in view of the legislative history resulting in the present § 46b-61 of the General**

Statutes, the father of an illegitimate child need no longer be limited to bringing a petition for a writ of habeas corpus to invoke the jurisdiction of the Superior Court in a question regarding custody. It is clear that it was the intent of the legislature to permit an illegitimate father to institute a cause of action regarding custody under the authority of § 46b-61, **as was done in the present case.**"

WEST KEY NUMBERS:

- *Parent and Child*
 - III. Evidence of parentage
 - (A) In general.
 - # 203. Presumptions and burden of proof
 - # 204. –In general
 - # 205. –As to paternity; presumed fatherhood
 - # 215. Degree of proof
 - (B) Experiments and tests; Scientific evidence
 - # 229. Presumptions and burden of proof

DIGESTS:

- ALR Index: *Legitimacy of children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
 - Chapter 14. Paternity.
 - § 14.01. Acknowledgement of paternity and agreement to support
 - § 14.02. Establishing paternity
 - § 14.03. Authority of court

ENCYCLOPEDIAS:

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Online databases are available for in-library use. Remote access is not available.

- 41 *Am Jur. 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
 - Presumptions of legitimacy and paternity
 - §§ 8-12. In general
 - §§ 13-21. Rebutting presumption from birth in wedlock
- 14 *CJS* Children Out-Of-Wedlock, 2017 (Also available on Westlaw).
 - § 12. Birth in after termination of marriage
 - §§ 28-31. Repudiation of legitimacy or presumed paternity
- 14 *POF2d* 409, **Husband's Sterility** as Rebutting Presumption of Legitimacy, 1977 (Also available on Westlaw).
- 84 *A.L.R.4th* 655, *Parental Rights Of Man Who Is Not Biological Or Adoptive Father Of Child But Was Husband Or Cohabitant Of Mother When Child Was Conceived Or Born*, by Alan Stephens, Thomson West, 1991.
- 90 *A.L.R.3d* 1032, *Who May Dispute Presumption Of Legitimacy Of Child Conceived Or Born During Wedlock*, by Donald M. Zupanec, Thomson West, 1979.

- 84 *A.L.R.3d* 495, *Proof of Husband's Impotency or Sterility as Rebutting Presumption of Legitimacy*, by James O. Peterson, Thomson West, 1978.
- 46 *A.L.R.3d* 158, *Presumption of Legitimacy of Child Born After Annulment, Divorce, Or Separation*, by Ferdinand S. Tinio, Thomson West, 1972.

TEXTS & TREATISES:

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References to online databases refer to in-library use of these databases. Remote access is not available.

- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
 - § 38.9. Illegitimate children—Presumption of paternity
 - § 42.2. Rights of unmarried or noncohabiting parents
- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 3d ed., by Ralph H. Folsom, et al., 2022 ed., Thomson West (also available on Westlaw).
 - Chapter 3. Guardianships
 - § 3:10. Status of illegitimate children
- *2 Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
 - § 1.05. Presumption of Legitimacy
 - [1]. In General
 - [2]. Reason for the Presumption
 - [3]. Nature of the Presumption and Evidentiary Standard To Overcome Presumption
- *6 Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 63. Paternity Proceedings
 - § 63.02. Preliminary Considerations
 - [5]. Presumption of legitimacy
 - [a]. Rebuttable Presumption of Legitimacy
 - [b]. Effect of Divorce on Presumption of Legitimacy
 - [c]. Irrebuttable Presumption of Legitimacy
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 10. Parentage

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- James J. Vedder & Brittney M. Miller, *Presumptions in Paternity Cases: Who is the Father in the Eyes of the Law*, 40 *Family Advocate* 26 (2018).
- Traci Dallas, Notes, *Rebutting the Marital Presumption: A Developed Relationship Test*, 88 *Columbia Law Review* 369 (1988).

- Aviam Soifer, *Parental Autonomy, Family Rights and The Illegitimate: A Constitutional Commentary*, 7 Connecticut Law Review 1 (1974).

Table 4: Weidenbacher v. Duclos

| Weidenbacher v. Duclos | |
|------------------------|--|
| Definition | "a 'presumption of legitimacy,' . . . postulates that a child born in wedlock is presumed to be a legitimate child of the mother and her husband." Weidenbacher v. Duclos , 234 Conn. 51, 68-69, 661 A.2d 988 (1995). |
| Rebuttable | ". . .we have held that this presumption may be rebutted by a person who presents clear, convincing and satisfactory evidence that the mother's husband is not the child's natural father Indeed, we have not limited or restricted in any way the class of persons who may present such proof and thereby overcome the presumption. " Ibid, p. 69. |
| Not A Per Se Bar | "In sum, there is no persuasive reason today to deny the putative father of a child born in wedlock the opportunity to rebut the presumption of legitimacy. Accordingly, we hold that the mere fact that a child was born while the mother was married is not a per se bar that prevents a man other than her husband from establishing standing to bring an action for a writ of habeas corpus for custody of or visitation with a minor child." Ibid., pp. 73-74. |
| Standing | "In deciding whether the putative father has standing, the trial court, on the basis of all the evidence before it, must determine whether the putative father has established that his interests and the best interests of the child outweigh those of the marital family unit." Ibid., pp. 76-77. |
| Twofold Task | "In accordance with our precedents, the petitioner has a twofold task ahead. First, he must prove, by clear and convincing evidence, that he is the biological father Second, the petitioner must prove to the trial court that it is in the best interests of . . . [the child] that he be awarded custody or visitation. Ibid., p.78. |

Section 5: Proceedings to Establish Parentage

A Guide to Resources in the Law Library

- The Connecticut Parentage Act, [P.A. 21-15](#), changed certain paternity statutes. The new statutes can be viewed in [chapter 818](#) of the 2023 Connecticut General Statutes.
- **"In this State there are only three ways of legally establishing paternity: (1) the marital presumption if the mother and the putative father are married to each other; (2) adjudication of paternity by a court of competent jurisdiction; or (3) a formal acknowledgment of paternity in accordance with the acknowledgment statute."** [Hjarne v. Martin](#), Superior Court, Judicial District of Hartford-New Britain at Hartford, No. FA00-0631333 (Apr. 21, 2002) (2002 WL 1163023) (2002 Conn. Super. LEXIS 1599).
- **"A paternity action results in a finding of 'guilt' or 'innocence,' and nonpayment of support orders attendant to a finding of 'guilt' may lead to contempt and imprisonment. General Statutes §§ 46b-171, 46b-215, 53-304. Nonetheless, the plaintiff in a paternity proceeding need only prove her case by a fair preponderance of the evidence."** [Lavertue v. Niman](#), 196 Conn. 403, 407, 493 A.2d 213 (1985).
- **"Although paternity actions may have 'quasi-criminal' overtones; [Little v. Streater](#), 452 U.S. 1, 10, 101 S. Ct. 2202, 68 L. Ed. 2d 627 (1981); they are civil actions to which the general rules governing civil actions apply."** [Green v. Green](#), 39 Conn. Supp. 325, 326, 464 A.2d 72 (1983).
- "Historically, the action was criminal in form but civil in nature. It is fundamental, however, that the rules governing civil actions apply." [Kuser v. Orkis](#), 169 Conn. 66, 71, 362 A.2d 943 (1975).

Section 5a: Jurisdiction

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic resources relating to jurisdiction in parentage matters.

DEFINITIONS:

- **"Any person claiming to be the alleged genetic parent of a child born to an unmarried birth parent and for whom parentage of the nonbirth parent has not yet been established shall file a claim for parentage with the Probate Court for the district in which either the birth parent or the child resides, on forms provided by such court. The claim may be filed at any time during the life of the child, whether before, on or after the date the child reaches the age of eighteen, or after the death of the child, but not later than sixty days after the date of notice under section 45a-716."** Conn. Gen. Stat. § [46b-571\(a\)](#) (2023).
- **"By filing a claim under this section, the alleged genetic parent submits to the jurisdiction of the Probate Court."** Conn. Gen. Stat. § [46b-571\(e\)](#) (2023).
- **"Except for petitions in uncontested actions brought pursuant to sections 46b-517, 46b-531 and 46b-535, when a petition to adjudicate parentage pursuant to section 46b-489 or sections 46b-495 to 46b-583, inclusive, is filed, the court, or any judge or family support magistrate assigned to the court, shall cause a summons, signed by such judge or magistrate, by the clerk of the court, or by a commissioner of the Superior Court to be issued, requiring the alleged parent to appear in court at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons to show cause why the request for relief in such petition should not be granted. Conn. Gen. Stat. [46b-560\(a\)\(1\)\(A\)](#) (2023).**
- **"If the alleged parent resides out of or is absent from the state, notice required for the exercise of jurisdiction over such alleged parent shall be actual notice, and shall be in the manner prescribed for personal service of process by the law of the place in which service is made."** Conn. Gen. Stat. § [46b-560\(b\)](#) (2023).
- **"In any proceeding to establish parentage, the court or family support magistrate may exercise personal jurisdiction over a nonresident alleged parent if the court or magistrate finds that the alleged parent was personally served in this state or that the alleged parent resided in this state and while residing in this state (1) paid prenatal expenses for the birth parent and support**

for the child, (2) resided with the child and held himself or herself out as the parent of the child, or (3) paid support for the child and held himself or herself out as the parent of the child, provided the nonresident alleged parent has received actual notice of the pending petition **for parentage pursuant to this subsection.**" Conn. Gen. Stat. § [46b-560\(c\)](#) (2023).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
 - [Chapter 818](#). CT Parentage Act
 - § 46b-459. Notice of proceeding.
 - § 46b-460. Personal jurisdiction.
 - § 46b-561. Procedure brought prior to birth of child.
 - § 46b-562. Action by state or town.
 - § 46b-468. Binding effect of determination of parentage.
 - § 46b-571 Filing of claim for parentage by alleged genetic parent.
 - § 46b-572. Enforcement and modification of prior orders and agreements.

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2022 supplement (also available on Westlaw).
 - Form 504.6. Petition for parentage (paternity) proceeding by mother
 - Form 504.7. Petition for parentage (paternity) proceeding by state or town
 - Form 505.2. Plea in parentage (paternity)
 - Form 508.2. Mittimus—Paternity

WEST KEY NUMBERS:

- *Parent and Child*
 - # 149. Jurisdiction—In general
 - # 150. Jurisdiction—Personal jurisdiction

DIGESTS:

- **Dowling's Digest:** *Paternity* § 1
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
 - Chapter 14. Paternity.
 - § 14.01. Acknowledgement of paternity and agreement to support
 - § 14.02. Establishing paternity
 - § 14.03. Authority of court
 - § 14.04. Enforcement of paternity judgment

CASES:

- *Athitang v. Sek*, Superior Court, Judicial District of New Haven at New Haven, No. 5033349S (Jan. 21, 2011) (2011 WL 522882) (2011 Conn. Super. LEXIS 128). *Grandfather had no standing to challenge a determination of paternity on grounds that his deceased son may not be the father of the child, where grandfather had no pecuniary interest in deceased son's estate.*

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [W. v. W.](#), 256 Conn. 657, 666, 779 A2d 716 (2001).
"Furthermore, even if it is the biological father who has been located at the address discovered by the plaintiff, this court does not have jurisdiction over him. He lives in Massachusetts. It is not alleged that he has ever been in Connecticut, that he has ever been married to the plaintiff, that he knows he is the father of the child, or that he has been served with any notice of these proceedings. As a result, this court cannot bring this individual before us pursuant to General Statutes §§ 46b-44 and 46b-46 in order to resolve the issue of support. Therefore, we conclude that the trial court did not abuse its discretion in applying the doctrine of equitable estoppel in this case."
- [Weidenbacher v. Duclos](#), 234 Conn. 51, 661 A.2d 988 (1995).
- [Shannon Lach v. Richard Welch](#), Superior Court, Judicial District of Litchfield at Litchfield, No. FA93-0063955 (September 8, 1994) (12 Conn. L. Rptr. 403, 403) (1994 WL 506410) (1994 Conn. Super. LEXIS 2264).
"Moreover, this court has already addressed, and denied, the defendant's argument that a paternity action under General Statutes § 46b-160 does not survive the death of the putative father."
- [Roberts v. Greaves](#), Superior Court, Judicial District of Hartford-New Britain at Hartford, No. BS904F/82 (July 30, 1986) (1 C.S.C.R. 589, 589). "Therefore, jurisdiction to determine paternity is implicit whenever there is jurisdiction to determine paternity support. That is the accepted view in this state and the prevailing view in the majority of jurisdictions that have considered this issue."
- [Collins v. Scholz](#), 34 Conn. Supp. 501, 506, 373 A.2d 200 (1976). "The court's conclusion that the defendant did not reside or have his usual place of abode at the Fairfield address necessarily led to the conclusion that the attempted abode service made at that address was invalid and that the court had no jurisdiction over the person of the defendant. Accordingly, the court had to dismiss the action for lack of jurisdiction."
- [Kuser v. Orkis](#), 169 Conn. 66, 72, 362 A.2d 943 (1975). "In the present case, personal jurisdiction over the defendant was obtained when he was served with a true and attested copy of the writ, summons and complaint. This service of process gave the court in personam jurisdiction and was valid for that purpose regardless of any irregularity or deficiency in the body arrest of the

defendant for security purposes, which procedure was not necessary to establish jurisdiction."

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
 - § 40. Jurisdiction
 - § 41. Venue
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).
 - § 87. Jurisdiction
- 76 *A.L.R.3d* 708, *Long-Arm Statutes: Obtaining Jurisdiction Over Nonresident Parent In Filiation Or Support Proceeding* by James O. Pearson, Annotation, Thomson West, 1977.
- 6 *COA 2d* 1, *Cause Of Action On Behalf Of Child Or Mother To Establish Paternity*, Thomson West, 1994.
 - § 19. Jurisdiction
- Connecticut Estate Practice Series, *Probate Jurisdiction and Procedure in Connecticut 2d*, by Ralph H. Folsom, et. al., 2022 ed., Thomson West, 2020 (also available on Westlaw).
 - § 2:34. Probate court jurisdiction over paternity proceedings
- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
 - § 2.03. Jurisdiction and Venue
 - § 4.06. Personal Service of Summons Upon the Respondent
 - § 4.07. Long-Arm Jurisdiction
 - § 4.09. Subject Matter Jurisdiction
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 63. Paternity Proceedings
 - § 63.02. Preliminary Considerations
 - [2]. Jurisdiction and Venue Over the Defendant
 - [a]. Subject Matter Jurisdiction
 - [b]. *In Personam* Jurisdiction
 - [i]. Long-arm Jurisdiction
 - [ii]. Minimum Contacts
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 10. Parentage

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Noah J. Kores, *How to Establish and Disestablish Paternity*, 25 Connecticut Lawyer no. 6, pp. 18-23 (February 2015).
- F. Paul Kurmay, *In Re Estate of Kachur*, 22 Quinnipiac Probate Law Journal 13 (2008).

Section 5b: Venue

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic resources relating to venue in parentage matters.

TREATED ELSEWHERE:

- [§ 5a Jurisdiction](#)

DEFINITION:

- "Any person claiming to be the alleged genetic parent of a child born to an unmarried birth parent and for whom parentage of the nonbirth parent has not yet been established shall file a claim for parentage with the Probate Court for the district in which either the birth parent or the child resides, on forms provided by such court. The claim may be filed at any time during the life of the child, whether before, on or after the date the child reaches the age of eighteen, or after the death of the child, but not later than sixty days after the date of notice under section 45a-716." Conn. Gen. Stat. § [46b-571\(a\)](#) (2023).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
[Chapter 818](#). CT Parentage Act
§ 46b-461. Venue.
§ 46b-560. Petition to adjudicate parentage. Continuance of case. Evidence. Jurisdiction over alleged parent. Personal service. Petition to include answer form, notice and application for appointment of counsel. Genetic tests. Default judgment, when.
§ 46b-561. Procedure brought prior to birth of child.
§ 46b-562. Action by state or town.
§ 46b-571 Filing of claim for parentage by alleged genetic parent.
§ 46b-572. Enforcement and modification of prior orders and agreements.

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2022 supplement (also available on Westlaw).
Form 504.6. Petition for parentage (paternity) proceeding by mother
Form 504.7. Petition for parentage (paternity) proceeding by state or town
Form 505.2. Plea in parentage (paternity)
Form 508.2. Mittimus—Paternity

WEST KEY NUMBERS:

- *Parent and Child*
151. Venue

DIGESTS:

- **Dowling's Digest:** *Paternity* §1

- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
 - Chapter 14. Paternity.
 - § 14.01. Acknowledgement of paternity and agreement to support
 - § 14.02. Establishing paternity
 - § 14.03. Authority of court
 - § 14.04. Enforcement of paternity judgment

CASES:

- [Hynes v. Jones](#), 331 Conn. 385, 204 A.3d 1128 (2019). “On appeal, the plaintiff claims that the Probate Court lacks jurisdiction over a fund award paid to the plaintiff **as a ‘representative payee’ because that award is neither (1) the property of the estate of her late husband, the decedent Thomas Hynes, within the meaning of General Statutes § ++++++-98 (a), nor (2) the property of their daughter, Olivia T. Hynes, within the meaning of General Statutes § 45a-629 (a), which governs property to which a minor child is ‘entitled,’ or General Statutes § 45a-631 (a), which governs property ‘belonging to’ a minor. We agree with the plaintiff and, accordingly, reverse the judgment of the Appellate Court”.**

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
 - § 40. Jurisdiction
 - § 41. Venue
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).
 - § 88. Venue
- 6 *COA 2d 1, Cause Of Action On Behalf Of Child Or Mother To Establish Paternity*, Thomson West, 1994.
 - § 19. Jurisdiction and venue

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- Connecticut Estate Practice Series, *Probate Jurisdiction and Procedure in Connecticut 2d*, by Ralph H. Folsom, et. al., 2022 ed., Thomson West, 2020 (also available on Westlaw).
 - § 2: 34. Probate court jurisdiction over paternity proceedings
- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
 - § 2.03. Jurisdiction and venue
 - § 4.08. Venue
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 63. Paternity Proceedings
 - § 63.02. Preliminary Considerations

[2]. Jurisdiction and Venue Over the Defendant

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 10. Parentage

Section 5c: Petition to Adjudicate Parentage

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the petition to adjudicate parentage (formerly petition by mother or expectant mother).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023).
[Chapter 818](#). CT Parentage Act
§ 46b-560. Petition to adjudicate parentage. Continuance of case. Evidence. Jurisdiction over alleged parent. Personal service. Petition to include answer form, notice and application for appointment of counsel. Genetic tests. Default judgment, when.
§ 46b-561. Procedure brought prior to birth of child.

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2022 supplement (also available on Westlaw).
Form 504.6. Petition for (parentage) paternity proceeding by mother
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 2. Jurisdiction.
§ 2.22. Determining the Parties to Dissolution, Paternity and Custody Actions

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [Connecticut Judicial Branch Forms](#)
[JD-FM-75](#). Application for waiver of fees/Appointment of counsel, Family.
[JD-FM-187](#). Answer Parentage Petition.
**Please see Sec. 46b-560 et. seq for statutes regarding petition to adjudicate parentage*

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Shannon Lach v. Richard Welch](#), Superior Court, Judicial District of Litchfield at Litchfield, No. FA93-0063955 (June 13, 1994) (9 C.S.C.R. 701, 703) (1994 WL 271518) (1994 Conn. Super. LEXIS 1520). "Since our Supreme court decided *Hayes*, a court faced with the question of paternity is no longer dependent upon fallible testimony: through ... advancements in genetic testing, science has virtually eliminated the 'proof problem' by developing an effective means to prove the identity of an illegitimate child's father in the absence of the father."
- [Delgado v. Martinez](#), 25 Conn. App. 155, 159, 593 A.2d 518 (1991). "Accordingly, we hold that the statute of limitations enunciated in General Statutes 46b-172 (a) is not enforceable against a party who has not validly waived his procedural due process rights and where a judgment of

paternity has been entered without notice and an **opportunity to be heard.**”

DIGESTS:

- ALR Index: *Legitimacy of children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
 - Chapter 14. Paternity.
 - § 14.01. Acknowledgement of paternity and agreement to support
 - § 14.02. Establishing paternity
 - § 14.03. Authority of court
 - § 14.04. Enforcement of paternity judgment

ENCYCLOPEDIAS:

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).

TEXTS &
TREATISES:

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- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 10. Parentage
- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
 - § 2.05. Pretrial proceedings
 - [1]. Elements of petition and Response
 - § 4.05. Verification of the petition
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 63. Paternity proceedings
 - § 63.03. Initial procedures in the Paternity Action
 - [1]. Form and Sufficiency of Complaint or Petition
 - [a]. FORM: Complaint to Determine Paternity
 - [b]. Drafting Petition or Complaint

Section 5d: Claim for Parentage

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to claim for parentage (formerly claim for paternity by father).

SEE ALSO:

- [§ 3. Rights of Unmarried Parents in Parentage Actions](#)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023).
[Chapter 818](#). CT Parentage Act
§ 46b-565 Assessment of costs for genetic tests.
§ 46b-566 Genetic tests in IV-D support cases when parentage is at issue.
§ 46b-567 Compelling disclosure of name of alleged genetic parent. Institution of action.
§ 46b-568 Withdrawal of petition. Agreement of settlement.
§ 46b-569 Judgment of court or family support magistrate.
§ 46b-570 Agreement to support; judgment. Proceeding to obtain order of support.
§ 46b-571 Filing of claim for parentage by alleged genetic parent.

FORMS:

- [Connecticut Probate Court Forms](#)
[PC-907](#). Petition/Parentage (Formerly Paternity) Claim

*See the [Children's Matters](#) webpage on the [Connecticut Probate](#) website for information regarding petitioning the Probate Court to establish parentage.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Ashe v. Nixon](#), Superior Court, Judicial District of New Haven at New Haven, No. FA 05-4010683S (June 24, 2005) (2005 WL 2129301) (2005 Conn. Super. LEXIS 2103).
"Paternity actions by those claiming to be a child's biological father are brought to the Probate Court. See General Statutes § 46b-172a. Sections 46b-56(b) and 46b-59 of the General Statutes, however, allow actions for visitation to be brought in the Superior Court. Under the recent case of *Roth v. Weston*, 259 Conn. 202 (2002), the Superior Court has limited power to grant visitation to non-parents against the wishes of the custodial parent. But Mr. Ashe claims to be the biological father of the minor child with whom he seeks visitation. If he proves that allegation by the requisite standard of proof, he has a right to seek visitation with the minor child, and any orders regarding visitation will be guided by the best interest of the minor child."
- [Weidenbacher v. Duclos](#), 234 Conn. 51, 53, 661 A.2d 988 (1995). "This appeal raises an issue of first impression for this court: Whether a man who alleges that he is the biological father of a minor child has standing to establish his

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

paternity when the mother, at the time of the child's birth, was married to another man."

- [Shannon Lach v. Richard Welch](#), Superior Court, Judicial District of Litchfield at Litchfield, No. FA93-0063955 (June 13, 1994) (9 C.S.C.R. 701, 703) (1994 WL 271518) (1994 Conn. Super. LEXIS 1520). "Since our Supreme court decided *Hayes*, a court faced with the question of paternity is no longer dependent upon fallible testimony: through ... advancements in genetic testing, science has virtually eliminated the 'proof problem' by developing an effective means to prove the identity of an illegitimate child's father in the absence of the father."
- [Delgado v. Martinez](#), 25 Conn. App. 155, 159, 593 A.2d 518 (1991). "Accordingly, we hold that the statute of limitations enunciated in General Statutes 46b-172 (a) is not enforceable against a party who has not validly waived his procedural due process rights and where a judgment of paternity has been entered without notice and an **opportunity to be heard.**"

DIGESTS:

- ALR Index: *Legitimacy of children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.

Chapter 14. Paternity.

§ 14.01. Acknowledgement of paternity and agreement to support

§ 14.02. Establishing paternity

§ 14.03. Authority of court

§ 14.04. Enforcement of paternity judgment

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- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).

TEXTS & TREATISES:

- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
 - § 2.05. Pretrial Proceedings
 - [1]. Elements of Petition and Response
 - § 4.05. Verification of the Petition

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- *6 Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
Chapter 63. Paternity proceedings
§ 63.03. Initial procedures in the Paternity Action
[1]. Form and Sufficiency of Complaint or Petition
[a]. FORM: Complaint to Determine Paternity
[b]. Drafting Petition or Complaint
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 10. Parentage

Section 5e: Parties and Standing

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic resources relating to parties and standing in parentage actions.

SEE ALSO:

- [Table 5: Parentage Action by State or Town](#)

DEFINITION:

- Attorney General: "The Attorney General shall be and remain a party to any action for dissolution of marriage, legal separation or annulment, and to any proceedings after judgment in such action, if any party to the action, or any child of any party, is receiving or has received aid or care from the state. The Attorney General may also be a party to such action for the purpose of establishing, enforcing or modifying an order for support or alimony if any party to the action is receiving support enforcement services pursuant to Title IV-D of the Social Security Act." Conn. Gen. Stat. § [46b-55](#) (2023).
- Cease to be a party: "Failing perfection of parental rights as prescribed by this section, any person claiming to be the alleged genetic parent of a child born to an unmarried birth parent (1) who has not been adjudicated the parent of such child by a court of competent jurisdiction, or (2) who has not acknowledged in writing that such person is the parent of such child, or (3) who has not contributed regularly to the support of such child, or (4) whose name does not appear on the birth certificate, shall cease to be a legal party in interest in any proceeding concerning the custody or welfare of the child, including, but not limited to, guardianship and adoption, unless such person has shown a reasonable degree of interest, concern or responsibility for the child's **welfare.**" Conn. Gen. Stat. § [46b-571\(g\)](#) (2023).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023)
 - [Chapter 818](#). CT Parentage Act
 - § 46b-458. Standing to maintain proceedings.
 - § 46b-463. Child as party.

WEST KEY NUMBERS:

- *Parent and Child*
 - # 140. Who may maintain proceedings; parties; standing
 - # 141. -In general
 - # 142. -Father
 - # 143. -Mother
 - # 144. -Spouse or other partner of parent
 - # 145. -Child

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

146. –Government entities and officials

147. –Other particular parties

- [Weidenbacher v. Duclos](#), 234 Conn. 51, 76, 661 A.2d 988 (1995). "Accordingly, we conclude that a man's mere assertion that he is the biological father, without more, is insufficient to confer standing to challenge the paternity of a child born in wedlock. Rather, we hold that a putative father of such a child must offer proof, at a preliminary evidentiary hearing devoted to standing, that he is entitled to set in motion the judicial machinery to determine whether he is the biological father of the child."
- [Andrews-White v. Mitchell](#), Superior Court, Judicial District of Hartford-New Britain at Hartford, No. FA950710468S (Nov. 13, 1995) (15 Conn. L. Rptr. 629, 629-630) (1995 WL 684779) (1995 Conn. Super. LEXIS 3150). **"The defendant accurately notes the statutory limits as to who may initiate paternity actions; C.G.S. § 46b-160 (mother or expectant mother); C.G.S. § 46b-162 (action by state or town) and C.G.S. § 46b-172a [claim for paternity by putative father]. The statutory scheme is devoid of reference to an action by a child or her guardian. This is a disturbing scenario when one considers that it is the child's interest which is at stake; as it is the child who has the primary interest in establishing a relationship to its father** [Pickett v. Brown](#), 462 U.S. 1, 16 n.15 (1983).

This Court for the reasons set forth below, finds that the child's interest in establishing paternity is a fundamental state and federal constitutional liberty interest of the child. The common law recognizes this right and the judicial system must afford the child an **opportunity to exercise and protect her interest."**

- [Shannon Lach v. Richard Welch](#), Superior Court, Judicial District of Litchfield at Litchfield, No. FA93-0063955 (September 8, 1994) (12 Conn. L. Rptr. 403, 403) (1994 WL 506410) (1994 Conn. Super. LEXIS 2264). **"Moreover, this court has already addressed, and denied, the defendant's argument that a paternity action under General Statutes § 46b-160 does not survive the death of the putative father."**
- ALR Index: *Legitimacy of children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.

Chapter 14. Paternity.

§ 14.01. Acknowledgement of paternity and agreement to support

§ 14.02. Establishing paternity

DIGESTS:

§ 14.03. Authority of court

§ 14.04. Enforcement of paternity judgment

ENCYCLOPEDIAS:

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).
- George L. Blum, Annotation, *Right Of Illegitimate Child To Maintain Action To Determine Paternity*, 86 *ALR 5th* 637 (2001).

TEXTS &
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 10. Parentage
- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
§ 1.04. Types of Proceedings and Parties
[3] Parties Who May Sue
[4] Necessary Parties
§ 2.05. Pretrial Proceedings
[2] Parties and Standing
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
Chapter 63. Paternity Proceedings
§ 63.02. Preliminary Considerations
[4] Parties in the Paternity Proceeding
[a] Who May Maintain the Action
[i] The Child
[ii] Mother/Pregnant Woman
[iii] Biological and Presumed Fathers
[iv] Public Agencies
[v] Persons Providing Support for the Child or Other Interested Parties
[b] Necessary Parties/Joinder

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Susan Hazeldean, *Illegitimate Parents*, 55 *UC Davis Law Review* 1583 (2022).
- Jeffrey A. Parnas *Irrationalities in Legal Parentage: Gender Identity and Beyond* 51 *U. Balt. L. Rev.* (2021).
- Hannah Kalichman *For the Children: Intentional and Functional Approaches to Same-Sex Parentage in Connecticut* 52 *Conn. L. Rev.* 411 (2020).
- Jessica Feinberg, *A Logical Step Forward: Extending Voluntary Acknowledgements of Parentage to Female Same-Sex Couples*, 30 *Yale Journal of Law & Feminism* 99 (2018).

- F. Paul Kurmay, *In Re Estate of Kachur*, 22 Quinnipiac Prob. Law Journal 13 (2008).
- Aviam Soifer, *Parental Autonomy, Family Rights and The Illegitimate: A Constitutional Commentary*, 7 Connecticut Law Review 1 (1974).

Table 5: Parentage Action by State or Town

| Parentage Action by State or Town | |
|-----------------------------------|--|
| Statute: | <p>"The state or any town interested in the support of a child born to parents not married to each other may, if the parent who gave birth neglects to bring a petition, institute such proceedings against the alleged parent, and may take up and pursue any petition commenced by the parent who gave birth for the maintenance of the child, if the parent who gave birth fails to prosecute to final judgment. The petition may be made by the Commissioner of Social Services on information or belief. The parent who gave birth to the child may be subpoenaed for testimony on the hearing of the petition." Conn. Gen. Stat. § 46b-562 (2023).</p> |
| Form: | <p>3 Connecticut Practice Series, <i>Connecticut Civil Practice Forms</i>, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2022 supplement (also available on Westlaw). Form 504.7. Petition for parentage (paternity) proceeding by state or town</p> |
| Cases: | <p>"In appearing on behalf of the state in this action, the attorney general was exercising this right given by § 52-440a [now 46b-162]." Cross v. Wilson, 35 Conn. Supp. 628, 632, 403 A.2d 1103 (1978).</p> |

Section 5f: Notice

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic resources relating to notice and service of notice in parentage actions in Connecticut

SEE ALSO:

- [§3. Rights of Unmarried Parents in Parentage Actions](#)

DEFINITION:

- Summons: "Except for petitions in uncontested actions brought pursuant to sections 46b-517, 46b-531 and 46b-535, when a petition to adjudicate parentage pursuant to section 46b-489 or sections 46b-495 to 46b-583, inclusive, is filed, the court, or any judge or family support magistrate assigned to the court, shall cause a summons, signed by such judge or magistrate, by the clerk of the court, or by a commissioner of the Superior Court to be issued, requiring the alleged parent to appear in court at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons to show cause why the request for relief in **such petition should not be granted.**" Conn. Gen. Stat. § [46b-560\(a\)\(1\)\(A\)](#) (2023).
- Actual notice: "If the alleged parent resides out of or is absent from the state, notice required for the exercise of jurisdiction over such alleged parent shall be actual notice, and shall be in the manner prescribed for personal service of process by the law of the place in which service is made. Conn. Gen. Stat. § [46b-560\(b\)](#) (2023).
- Notice to alleged parent: "The notice to the alleged parent shall inform the alleged parent that (A) the alleged parent has a right to be represented by an attorney, and if the alleged parent is indigent, the court will appoint an attorney for such parent, (B) if the alleged parent is found to be the parent, the alleged parent will be required to financially support the child until the child attains the age of eighteen years, (C) if the alleged parent does not admit parentage and such person is alleged to be a genetic parent, the court or family support magistrate may, pursuant to section 46b-499, order a genetic test to determine parentage and that the cost of such test shall be paid by the state in IV-D support cases, and in non-IV-D cases shall be paid by the petitioner, except that if the alleged parent is subsequently adjudicated to be the parent of the child, such person shall be liable to the state or the petitioner, as the case may be, for the amount of such cost, and (D) if the alleged parent fails to return the answer form or fails to appear for a scheduled genetic test without good cause, a default judgment of parentage shall be entered.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

WEST KEY NUMBERS:

DIGESTS:

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- Conn. Gen. Stat. (2023)
 - [Chapter 818](#). CT Parentage Act
 - § 46b-459. Notice of proceeding.
 - § 46b-560. Petition to adjudicate parentage.
 - § 46b-562. Action by state or town.
 - § 46b-571 Filing of claim for parentage by alleged genetic parent.
- *Parent and Child*
 - # 149. Jurisdiction—In general
 - # 150. Jurisdiction—Personal jurisdiction
 - # 152. Process and notice
- **Dowling’s Digest: Paternity**
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
 - Chapter 14. Paternity.
 - § 14.02. Establishing paternity
 - § 14.03. Authority of court
 - § 14.04. Enforcement of paternity judgment
- *Crowder v. Dozier*, Superior Court, Judicial District of New Britain at New Britain, No. FA16-4039520S (April 5, 2017) (2017 WL 1430016) (2017 Conn. Super. LEXIS 616). “Defendant filed a motion to open the paternity judgment on January 20, 2017. On February 14, 2017 the defendant testified under oath before the Magistrate that he had never been served by a marshal and therefore did not know to appear on September 27, 2016. The Magistrate granted the motion, opened the judgment and ordered genetic testing.”
- *W. v. W.*, 256 Conn. 657, 666, 779 A.2d 716 (2001). **“Furthermore, even if it is the biological father who has been located at the address discovered by the plaintiff, this court does not have jurisdiction over him. He lives in Massachusetts. It is not alleged that he has ever been in Connecticut, that he has ever been married to the plaintiff, that he knows he is the father of the child, or that he has been served with any notice of these proceedings. As a result, this court cannot bring this individual before us pursuant to General Statutes §§ 46b-44 and 46b-46 in order to resolve the issue of support. [fn4] Therefore, we conclude that the trial court did not abuse its discretion in applying the doctrine of equitable estoppel in this case.”**
- *Banks v. Evans*, 6 Conn. App. 175, 178, 504 A.2d 522 (1986). **“The entire record of this case also indicates that the notice to the defendant of the trial was reasonable under all the circumstances.”**

ENCYCLOPEDIAS:

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).

TEXTS &
TREATISES:

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References to online databases refer to in-library use of these databases. Remote access is not available.

- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
Chapter 4. Conducting the Paternity Trial
§ 4.06. Personal Service of Summons Upon the Respondent
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
Chapter 63. Paternity Proceedings
§ 63.03. Initial Procedures in the Paternity Action [2]. Effecting Service Upon the Defendant

Table 6: Service and Return of Process

| Service and Return of Process | |
|---|---|
| <p>§ 46b-560(a)(1)(B) (2023).</p> | <p>"A state marshal, proper officer or investigator shall make due return of process to the court not less than twenty-one days before the date assigned for hearing. In the case of a child or pregnant person being supported wholly or in part by the state, service of such petition may be made by any investigator employed by the Department of Social Services and any proper officer authorized by law."</p> |
| | <p>"In the case of a child or pregnant person being supported wholly or in part by the state, service of such petition may be made by any investigator employed by the Department of Social Services and any proper officer authorized by law."</p> |
| <p>§ 46b-560(a)(1)(B)(2)(b) (2023).</p> | <p>"If the alleged parent resides out of or is absent from the state, notice required for the exercise of jurisdiction over such alleged parent shall be actual notice, and shall be in the manner prescribed for personal service of process by the law of the place in which service is made."</p> |

Section 5g: Hearing

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic resources relating to the hearing in an action to establish parentage in Connecticut.

DEFINITION:

- **"Except for petitions in uncontested actions brought** pursuant to sections 46b-517, 46b-531 and 46b-535, when a petition to adjudicate parentage pursuant to section 46b-489 or sections 46b-495 to 46b-583, inclusive, is filed, the court, or any judge or family support magistrate assigned to the court, shall cause a summons, signed by such judge or magistrate, by the clerk of the court, or by a commissioner of the Superior Court to be issued, requiring the alleged parent to appear in court at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons to show cause why the request for relief in **such petition should not be granted.**" Conn. Gen. Stat. § [46b-560\(a\)\(1\)\(A\)](#) (2023).
- **Default Judgment:** "The court or family support magistrate shall enter a default judgment against a nonresident alleged parent if such alleged parent (1) fails to answer or otherwise respond to the petition, or (2) in cases in which the alleged parent is an alleged genetic parent, fails to appear for a scheduled genetic test without good cause, provided a default judgment shall not be entered against a nonresident alleged parent unless (A) there is evidence that the nonresident alleged parent has received actual notice of the petition pursuant to subsection (b) of this section and (B) there is verification that the process served upon the alleged parent included the answer form, notice to the defendant and an application for appointment of counsel required by subsection (d) of this section. Upon entry of a default judgment, a copy of the judgment and a form for a motion to reopen shall be served upon the adjudicated parent in the same manner as provided in subsection (b) of this section." Conn. Gen. Stat. § [46b-560\(g\)](#) (2023).
- **Hearing (Probate):** "If a claim for parentage is filed by the alleged genetic parent of any minor child born to an unmarried birth parent, the Probate Court shall schedule a hearing on such claim, send notice of the hearing to all **parties involved and proceed accordingly.**" Conn. Gen. Stat. § [46b-571\(b\)](#) (2023).

STATUTES:

- Conn. Gen. Stat. (2023)
[Chapter 818](#). CT Parentage Act

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

WEST KEY NUMBERS:

DIGESTS:

CASE:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

TEXTS & TREATISES:

§ 46b-560. Petition to adjudicate parentage.
§ 46b-571 Filing of claim for parentage by alleged genetic parent.

- *Parent and Child*
 - # 160. Trial or hearing
 - # 161. –In general
 - # 162. –Time of trial or hearing; continuance and adjournment
 - # 163. –Questions of law or fact
 - # 164. –Instructions
 - # 165. –Verdict or findings
 - # 166. New trial or rehearing
- **Dowling’s Digest:** *Paternity*
- [Melanson v. Rogers](#), 38 Conn. Supp. 484, 491, 451 A.2d 825 (1982). “A review of the trial judge’s charge reveals that he correctly instructed the jury that the plaintiff has the burden of proving that the defendant is the father. Moreover, there is nothing in the charge which would indicate that the defendant had the burden of proving David Libby or anyone else was the real father. Thus, the instruction was not improper.”
- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
 - §§ 77-86. Trial, Judgment, and Order
 - § 77. Paternity as factual issue to be determined
 - § 78. Closed proceeding
 - § 79. Right to jury trial
 - § 80. Presence of child in court
 - § 81. Instructions to jury
 - § 85. Binding effect of determination of paternity
 - § 86. Vacation or modification of order
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 10. Parentage
- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 2. Paternity Proceedings
 - § 2.02. Civil Nature of Paternity Proceedings
 - [2]. Right to Court Appointed Counsel
 - [3]. Right to a Jury Trial

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References to online databases refer to in-library use of these databases. Remote access is not available.

- § 2.05. Pretrial Proceedings
- § 2.06. Finality of Judgment or Order
- § 2.07. Postjudgment Proceedings
- Chapter 4. Conducting the Paternity Trial
 - § 4.11. Documents and Records To Be Subpoenaed
 - § 4.13. Quantum of Proof
 - § 4.14. Admissibility of Blood Tests
 - § 4.15. Exhibits
 - § 4.16. Examination of Witnesses

- *6 Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 63. Paternity Proceedings
 - § 63.05. Settlement Opportunities and Trial
 - § 63.06. Orders and Judgment
 - [4]. Recovery of Costs, Prenatal, Postnatal, and Other Expenses
 - [5]. Attorney Fees
 - [6]. Selection of Surname

Section 5h: Blood & DNA Testing

A Guide to Resources in the Law Library

- SCOPE: Bibliographic resources relating to the admissibility of blood and genetic tests in parentage actions.
- SEE ALSO:
- [§ 5i Evidence](#)
- DEFINITION:
- **"Courts have allowed the use of blood tests in paternity litigation for the last half century."** [Moore v. McNamara](#), 201 Conn. 16, 26, 513 A.2d 660 (1986).
 - Order to submit to blood test: "If the court or family support magistrate may exercise personal jurisdiction over the nonresident alleged parent pursuant to subsection (d) of this section and the answer form is returned and the alleged parent does not admit parentage, in cases in which the alleged parent is an alleged genetic parent, the court shall order genetic tests pursuant to section 46b-497. Such order shall be served upon the alleged parent in the same manner as provided in subsection (c) of this section. Unless the alleged genetic parent requests otherwise, the genetic test of the alleged genetic parent shall be made in the state where the alleged genetic parent resides at a location convenient to him or her. The costs of such test shall be paid by the state in IV-D support cases, and in non-IV-D cases shall be paid by the petitioner, except that if the alleged genetic parent is subsequently adjudicated the parent of the child, such person shall be liable to the state or the petitioner, as the case may be, for the amount of the costs." Conn Gen. Stat. § [46b-560\(f\)](#) (2023).
 - HLA blood test: "One type of blood test, the human leukocyte antigen (HLA) tissue typing test, can determine paternity with a rate of 98 percent probability. Fingerprinting with deoxyribonucleic acid, or DNA, can positively identify a person's father Several Connecticut paternity cases have focused on the accuracy of these tests. See generally [State v. Skipper](#), 228 Conn. 610, 637 A.2d 1101 (1994) (HLA and DNA tests); [Miller v. Kirshner](#), 225 Conn. 185, 621 A.2d 1326 (1993) (HLA tests).
- STATUTES:
- Conn. Gen. Stat. (2023).
 - [Chapter 818](#). CT Parentage Act
 - § 46b-495. Genetic testing. Definitions.
 - § 46b-496. Scope and limitations of genetic testing.
 - § 46b-497. Authority to order or deny genetic testing.
 - § 46b-498. Requirements for genetic testing.

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

§ 46b-500. Challenge to genetic testing results.
§ 46b-501. Cost of genetic testing.
§ 46b-560. Petition to adjudicate parentage.
§ 46b-565. Assessment of costs for genetic tests.
§ 46b-566 Genetic tests in IV-D support cases when parentage is at issue.

REGULATIONS: • Conn. Agencies Regs. § [46b-168a-1](#). Genetic tests required by IV-D agency (July 2000).

FORMS: • 5 *Am Jur Pleading & Practice Bastards* §77, Thomson West, 2019 (Also available on Westlaw)
§ 77. Motion—For blood test of putative father
§ 78. Motion—For blood test of putative father—
Comparison of blood types

RECORDS & BRIEFS:

- [Motion for Payment of Blood Tests](#), A-915 *Connecticut Supreme Court Records and Briefs* (May 1986), [Moore v. McNamara](#).

CASES:

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- [Myers v. Stevens](#), Superior Court, Judicial District of Ansonia-Milford at Milford, No. AAN-FA15-4023018S (January 24, 2018) (2018 WL 915018) (2018 Conn. Super. LEXIS 127). **“Both DCF records and testimony from Janelle Myers reveal that after Jordan was born, Darric refused to take a paternity test. Janelle, his twin sister, gave her DNA which established his paternity.”**
- [White v. Cordier](#), Superior Court, Judicial District of Hartford at Hartford, No. FA94-0616380 (June 1, 2000) (27 Conn. L. Rptr. 365, 367) (2000 WL 773006) (2000 Conn. Super. LEXIS 1415). **“Where the court properly orders a DNA test and there is an allegation of requisite sexual contact between the parties it is admissible in evidence without further foundation or proof of authenticity or accuracy.”**
- [In the Interest of Darlene C., a person under the age of eighteen years](#), Superior Court, Judicial District of Middlesex at Middletown, No docket number (January 2, 1998) (21 Conn. L. Rptr. 30, 31) (1998 WL 7061) (1998 Conn. Super. LEXIS 2). **“His court appointed lawyer challenged the DCF motion for blood testing and, on February 16, 1994, this court (Foley, J.) sustained the objection on the ground that in juvenile proceedings where the motion for blood testing is not accompanied by a verified statement by the child’s mother, as is the custom in the usual paternity cases brought under Conn. Gen. Stat. § 46b-168, there must be a fact-based evidentiary hearing in order to satisfy due process before the blood testing can be ordered over the objection of the putative father.”** [*This case decision was reversed in part on other grounds.*]

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Weidenbacher v. Duclos](#), 234 Conn. 51, 71, 661 A.2d 988 (1995). "Furthermore, modern scientific tests can determine, with near perfect accuracy, who is the true biological father of a child."
- [State v. Skipper](#), 228 Conn. 610, 611, 637 A.2d 1101 (1994). "The dispositive issue in this appeal is the admissibility of the probability of paternity statistic calculated from DNA evidence."
- [Shannon Lach v. Richard Welch](#), Superior Court, Judicial District of Litchfield at Litchfield, No. FA93-0063955 (June 13, 1994) (9 C.S.C.R. 701, 703) (1994 WL 271518) (1994 Conn. Super. LEXIS 1520). "Since our Supreme court decided *Hayes*, a court faced with the question of paternity is no longer dependent upon fallible testimony: through ... advancements in genetic testing, science has virtually eliminated the 'proof problem' by developing an effective means to prove the identity of an illegitimate child's father in the absence of the father."
- [Miller v. Kirshner](#), 225 Conn. 185, 197, 621 A.2d 1326 (1993). "We conclude that when the defendant consented to have his blood tested not simply to establish exclusion from paternity but also to calculate the likelihood of paternity, such consent encompassed HLA testing. Therefore, the defendant's argument that his constitutional rights under the fourth and fifth amendments were violated because he did not consent to an HLA test is without merit."
- [In Re L.](#), 42 Conn. Sup. 562, 566-567, 632 A.2d 59 (1993). "This brings us to the interests of the movant. It is true that a parent has a fundamental right and interest in his family's integrity The movant, however, is not asserting the rights of a parent in his motion. Rather, he merely avers that he may be L.'s parent. That is his only linchpin on which to hang any claim of a right or an entitlement to compel L. to submit to a blood test. At best, such an uncertain assertion of a possible familial relation may entitle the movant to a judicial forum in which to resolve the uncertainty. See General Statutes § 52-29; [Stevens v. Leone](#), 35 Conn. Sup. 237, 406 A.2d 402 (1979) [L v. R.](#), 518 S.W.2d 113 (Mo. App. 1974); [Slawek v. Stroh](#), 62 Wis.2d 295, 303-307, 215 N.W.2d 9 (1974); see also [In re Paternity of C.A.S.](#), 161 Wis.2d 1015, 1027-32, 468 N.W.2d 719 (1991); cf. General Statutes § 46b-172a. Such an uncertain claim does not give rise to a special constitutional status. Entitlement to a blood test, as previously observed, is statutory and is discretionary with the court. Balancing L.'s Constitutional right to bodily integrity against the movant's tentative and attenuated status, the former must obviously prevail."

WEST KEY
NUMBERS:

- *Parent and Child*
 - (B) Experiments and tests; scientific evidence
 - # 221. In general
 - # 222. Necessity; right to obtain, compel, or discover
 - # 226. Manner of obtaining
 - # 227. Agreements
 - # 228. Competency and examination of experts
 - # 229. Presumptions and burden of proof

DIGESTS:

- ALR Index: *Legitimacy of children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
 - Chapter 14. Paternity.
 - § 14.02. Establishing paternity
 - [1]. Evidence; Admissibility of evidence.
 - [2]. Genetic testing
 - [3]. Timing

ENCYCLOPEDIAS:

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Online databases are available for in-library use. Remote access is not available.

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
 - § 70. Blood tests
 - § 72. Genetic tests
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).
 - § 76. Blood and genetic tests
- Alan Stephens, Annotation, *Admissibility Or Compellability Of Blood Test To Establish Testee's Nonpaternity For Purpose Of Challenging Testee's Parental Rights*, 87 *ALR4th* 572 (1991).
- John P. Ludington, Annotation, *Admissibility And Weight Of Blood-Grouping Tests In Disputed Paternity Cases*, 43 *ALR4th* 579 (1986).
- Jean E. Maess, Annotation, *Admissibility, Weight And Sufficiency Of Human Leukocyte Antigen (HLA) Tissue Typing Tests In Paternity Cases*, 37 *ALR4th* 167 (1985).
- 6 *COA 2d* 1, *Cause Of Action On Behalf Of Child Or Mother To Establish Paternity*, Thomson West, 1994.
 - § 24. Genetic and Blood Grouping Tests
 - § 25. —Purposes for Which Tests May Be Used
 - § 26. —Paternity Calculations
 - § 28. Burden and Standard of Proof
 - § 29. —Presumptions Based on Paternity Test Results
- 40 *Proof of Facts 2d* 1, *Blood Typing*, by David Polin, Thomson West, 1984 (Also available on Westlaw).
 - § 1.5. Comparison of blood typing to DNA evidence
 - §§ 16-25. Proof of probability of paternity through blood testing

- 36 *Proof of Facts 3d 1, Proof Of Criminal Identity Or Paternity Through Polymerase Chain Reaction (PCR) Testing*, by Daniel J. Penofsky, Thomson West, 1996 (Also available on Westlaw).

§§ 95-103. Proof of paternity from match of DNA fingerprints based on PCR and application of paternity probabilities

PAMPHLETS:

- [Acknowledge Parentage For Your Child...And For You!](#)

TEXTS & TREATISES:

- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 1. Overview of Disputed Paternity Actions
 - § 1.06. Evidence to Establish or Disestablish Paternity
 - [b] Ordering Blood Tests
 - Chapter 3. Evidentiary and Related Issues in Paternity Proceedings
 - § 3.07. DNA Testing
 - § 3.08. Human Leukocyte Antigen (HLA) Testing
 - § 3.09. Miscellaneous Tests
 - § 3.12. Disposition of Cases Based on Genetic Testing
 - Chapter 4. Conducting the Paternity Trial
 - § 4.14. Admissibility of Blood Tests
 - Chapter 13. Scientific Aspects of DNA Testing
 - Chapter 14. Admissibility of DNA Testing in Individual States
 - § 14.07. Connecticut.
 - Chapter 15. Analysis of Genetic Test Results for Courtroom Use
 - Chapter 16. Determining Paternity After Death: Genetic Testing when a Parent is not Available

- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 63. Paternity Proceedings
 - § 63.04. Pretrial Procedures
 - [2]. Blood Tests
 - [a]. HLA, Blood Group Tests, and DNA Tests
 - [b]. Authority for Ordering Blood Tests
 - [c]. Refusal to Submit to Blood Tests; Sanctions
 - [d]. Discovery and Expert Witnesses

LAW REVIEWS:

- F. Paul Kurmay, *In Re Estate of Kachur*, 22 Quinnipiac Probate Law Journal 13 (2008).

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

Public access to law review databases is available on-site at each of our [law libraries](#).

Figure 1: Motion for payment of blood tests

MOTION FOR PAYMENT OF BLOOD TESTS

The Defendant moves that the costs of blood tests for the Plaintiff, the minor child subject of this action and the Defendant be paid by the State as the Defendant is unemployed and indigent.

The Defendant also moves that said tests be ordered to be performed at the Hartford Hospital.

THE DEFENDANT

BY: [name]
LAW OFFICES OF [name]
[address]

Filed July 20, 1984

ORDER

The above and foregoing motion having been heard, it is hereby ORDERED: GRANTED.

BY THE COURT
_____, J.

Dated October 1, 1984

Section 5i: Evidence

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to evidence in an action to establish parentage.

SEE ALSO: • [§ 5h Blood tests](#)

DEFINITION: • Prima facie case: **"The plaintiff did not waver in her assertions that the defendant was the first person with whom she had engaged in sexual relations, that such relations took place during the likely period of conception and that she had not had sexual relations with anyone else during that time. This evidence, added to Urso's testimony of the defendant's alleged admission of paternity, was sufficient to establish a prima facie case."** [Palomba v. Gray](#), 208 Conn. 21, 32, 543 A.2d 1331 (1988).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
 - [Chapter 802h](#). Protected persons and their property § 45a-606. Father and mother joint guardians.
 - [Chapter 815j](#). Dissolution of marriage, legal separation and annulment § 46b-61. Orders re children where parents live separately.
 - [Chapter 818](#). CT Parentage Act § 46b-505. Admissibility of results of genetic testing. § 46b-560. Petition to adjudicate parentage. § 46b-564. Testimony of parent or alleged parent. § 46b-565 Assessment of costs for genetic tests. § 46b-571 Filing of claim for parentage by alleged genetic parent.

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

- Conn. Agencies Regs. § [46b-168a-1](#). Genetic tests required by IV-D agency (July 2000)

CASES:

- [DiMichele v. Perrella](#), 158 Conn. App. 726, 733, 120 A.3d 551 (2015). "Put differently, a relationship between two parties does not constitute a special relationship unless that relationship is one of 'trust and confidence.' *Id.*; W. Keeton, *supra*, § 106, pp. 738-39. We therefore decline to recognize a special relationship of 'trust and confidence' between the parties in the present case, where the record reveals that, prior to the plaintiff's discovery of the children's paternity, no relationship existed between them. We conclude that the parties in this case did not share a special relationship, and

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

thus the defendant did not have a duty to disclose the children's paternity to the plaintiff."

- [Waskewicz v. Black](#), Superior Court, Judicial District of Ansonia-Milford, No. FA97-0057416 (Jan. 3, 2000) (2000 WL 38772) (1999 Conn. Super. LEXIS 3487). **"Defendant claims that by the evidence he presented, he has raised a 'doubt' as to his presence in Morris, Connecticut on July 10, 1995. Plaintiff must only prove her case by a fair preponderance of the evidence in a paternity proceeding. [Palomba v. Gray](#), 208 Conn. 21, 25 (1988). 'Fair preponderance of the evidence' is defined as 'the better evidence, the evidence having the greater weight, the more convincing force in your mind.'** Cross v. Huttenlocher, 185 Conn. 390, 394 (1981). I find the testimony of the plaintiff with regard to the facts in dispute to be credible and that she was with the defendant on July 10, 1995 and had sexual relations with him that evening at his house in Morris, Connecticut."
- [Palomba v. Gray](#), 208 Conn. 21, 26, 543 A.2d 1331 (1988). **"Evidence that the plaintiff has been constant in accusing the defendant of being the father of the child is admissible at trial to corroborate her testimony and to establish a prima facie case. General Statutes 46b-160; [Lavertue v. Niman](#), supra[196 Conn. 403, 407, 493 A.2d 123 (1985)]; [Armstrong v. Watrous](#), 138 Conn. 127, 129, 82 A.2d 800 (1951). Once the plaintiff has established a prima facie case, the burden shifts to the defendant to prove his innocence by evidence other than his own. [Mosher v. Bennett](#), 108 Conn. 671, 674, 144 A.2d 297 (1929); [Holmes v. McLean](#), 5 Conn. Cir. Ct. 476, 479, 256 A.2d 849 (1969)."**
- [Thomas v. Rose](#), 10 Conn. App. 71, 74, 521 A.2d 597 (1987). **"No medical testimony was offered to show that her heroin addiction impaired her ability to recall events and nothing in the exhibits would lead to that conclusion."**
- [DiMauro v. Natalino](#), 11 Conn. App. 548, 550-551, 528 A.2d 851 (1987). **"During cross-examination, the plaintiff was asked an isolated question regarding whether she had had sexual relations with anyone other than the defendant during the time that the child was conceived. She responded, 'Yes, I did.' When viewed in isolation, this testimony appears damaging to the plaintiff's case. This question was asked, however, in the midst of cross-examination regarding the surname of the woman with whom the plaintiff was sharing an apartment at the time of conception. It would not have been unreasonable for the jury to conclude, therefore, that the plaintiff was confused when she answered this particular question. Moreover, at four separate times during the trial, the plaintiff denied having had sexual relations with anyone other than the defendant at the time of conception. Thus, the jury was presented with one inconsistency within the**

plaintiff's testimony, and it was incumbent upon them to weigh her testimony as a whole."

- [Melanson v. Rogers](#), 38 Conn. Supp. 484, 486, 451 A.2d 825 (1982). "While it is true that the child whose paternity is in dispute may be exhibited to show a resemblance between that child and the alleged father; [Shailer v. Bullock](#), 78 Conn. 65, 66, 61 A. 65 (1905); [Holmes v. McLean](#), 5 Conn. Cir. Ct. 476, 481, 256 A.2d 849 (1969); there is no requirement that the child be brought in to show the lack of any such resemblance."
- [Holmes v. McLean](#), 5 Conn. Cir. Ct. 476, 482, 256 A.2d 849, (1969). "Evidence, however, is permissible if it shows relations with other men about the time of commencement of the period of gestation."

WEST KEY
NUMBERS:

- *Parent and Child*
 - III. Evidence of parentage
 - (A) In general, # 201-220
 - # 202. Judicial notice
 - # 205. Presumptions and burden of proof—As to paternity; presumed fatherhood
 - # 208. Admissibility—In general
 - # 209. Admissibility—Testimony, admissions, and declarations of mother
 - # 210. Admissibility—Character and conduct of mother
 - # 211. Admissibility—Testimony, admissions, and declarations of putative father
 - # 212. Admissibility—Character and conduct of putative father
 - # 213. Admissibility—Intimacy and intercourse between mother and putative or presumed father
 - # 214. Admissibility—Resemblance of child to putative father
 - # 215. Degree of proof
 - (B) Experiments and tests; scientific evidence, # 221-230
 - # 221. In general
 - # 226. Manner of obtaining
 - # 228. Competency and examination of experts
 - # 229. Presumptions and burden of proof
 - (C) Weight and sufficiency, # 231-240
 - # 232. As to paternity

DIGESTS:

- ALR Index: *Legitimacy of children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
 - Chapter 14. Paternity.
 - § 14.02. Establishing paternity

- [1]. Evidence; Admissibility of evidence.
- [2]. Genetic testing
- [3]. Timing

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
 - §§ 58-76. Evidence
 - § 58. Applicable rules and admissibility
 - § 59. Burden of proof in paternity action
 - § 60. Degree of proof in paternity action
 - § 61. Testimony of the mother
 - § 62. Testimony of putative father
 - § 63. Declarations of mother
 - § 64. Declarations of putative father
 - § 65. Declaration of other persons
 - § 66. Intimacy and relations of parties
 - § 67. Reputation and character of mother
 - § 68. Relations of mother with other men
 - § 69. Reputation and character of putative father
 - § 70. Blood tests
 - § 71. Human leukocyte antigen tests
 - § 72. Genetic tests
 - § 75. Exhibition of child to jury
 - § 76. —To show race or color of child

- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).
 - §§ 103-110. Evidence

- Alan R. Gilbert, Annotation, Admissibility, *In Disputed Paternity Proceedings, Of Evidence To Rebut Mother's Claim of Prior Chastity*, 59 *ALR3d* 659 (1974).

- 6 *COA 2d* 1, *Cause Of Action On Behalf Of Child Or Mother To Establish Paternity*, Thomson West, 1994.
 - Plaintiff's Case for Paternity
 - § 4. Generally
 - § 5. Mother's Sexual Intercourse with Defendant
 - § 6. —Intercourse during Period of Child's Conception
 - § 7. Absence of Intercourse with Other Men
 - § 8. Child's Biological Affinity to Defendant

 - Defendant's** Case against Paternity
 - § 9. Generally
 - § 10. Absence of Sexual Intercourse
 - § 11. Unlikelihood or Impossibility of Paternity
 - § 12. **Mother's** Relations with Other Men
 - § 13. Presumption That Another Man is Father
 - § 13.5. Paternity by artificial insemination
 - § 14. Untimeliness of Action
 - § 15. Prior Proceeding as Bar
 - § 16. —Prior Settlement

§ 16.5. Estoppel

Proof

- § 23. Generally
- § 24. Genetic and Blood Grouping Tests
- § 27. Expert Opinion
- § 28. Burden and Standard of Proof
- § 29. —Presumptions Based on Paternity Test Results

- *Husband's Sterility As Rebutting Presumption Of Legitimacy*, 14 POF2d 409 (1977).

TEXTS &
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 10. Parentage
- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
Chapter 1. Overview of Disputed Paternity Actions.
 - § 1.06. Evidence To Establish or Disestablish Paternity.
 - [1] Blood Tests.
 - [2] Testimony of Non-Access.
 - [3] Impotence or Sterility or Other Biological Impossibility.
 - [4] Effect of Void or Voidable Marriage.
 - [5] Acknowledgement of Parental Status Through Other Legal Proceedings or Course of Conduct.Chapter 2. Paternity Proceedings
 - § 2.02. Civil Nature of Paternity Proceedings.
 - [1]. The Standard of Proof.Chapter 3. Evidentiary and Related Issues in Paternity Proceedings.
 - § 3.02. **Mother's** Testimony.
 - § 3.03. **Father's** Testimony.Chapter 4. Conducting the Paternity Trial.
 - § 4.11. Documents and Records to be Subpoenaed.
 - § 4.13. Quantum of Proof.
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
Chapter 63. Paternity proceedings
 - § 63.05. Settlement Opportunities and Trial
 - [4]. Burden of Proof
 - [5]. Competency of Witnesses
 - [6]. Evidence of the **Mother's** Sexual Conduct
 - [7]. Quantum of Proof to Establish Paternity
 - [8]. Demonstrative and Physical Evidence
 - [9]. Admissions, Character and Conduct of Defendant

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- F. Paul Kurmay, *In Re Estate of Kachur*, 22 Quinnipiac Probate Law Journal 13 (2008).

Section 5j: Defenses

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to evidence in an action to establish parentage.

SEE ALSO:

- [§ 5h Blood tests](#)
- [§ 5i Evidence](#)

DEFINITIONS:

- Collateral estoppel: **"or issue preclusion, prohibits the relitigation of an issue when that issue was actually litigated and necessarily determined in a prior action."** [Aetna Casualty & Surety Co. v. Jones](#), 220 Conn. 285, 296, 596 A.2d 414 (1991).
- Res judicata: **"Claim preclusion (res judicata) and issue preclusion (collateral estoppel) have been described as related ideas on a continuum. [C]laim preclusion prevents a litigant from reasserting a claim that has already been decided on the merits. . . . [I]ssue preclusion, prevents a party from relitigating an issue that has been determined in a prior suit. [Virgo v. Lyons](#), 209 Conn. 497, 501, 551 A.2d 1243 (1988), quoting [Gionfriddo v. Gartenhaus Cafe](#), 15 Conn. App. 392, 401-402, 546 A.2d 284 (1988), aff'd, 211 Conn. 67, 557 A.2d 540 (1989)."** (Internal quotation marks omitted.)" [Nancy G. v. Dept. of Children and Families](#), 248 Conn. 672, 681, 733 A.2d 136 (1999).
- Laches: **"The burden is on the party alleging laches to establish that defense 'Laches consists of two elements. First, there must have been a delay that was inexcusable, and, second, that delay must have prejudiced the defendant. [Kurzatkowski v. Kurzatkowski](#), 142 Conn. 680, 685, 116 A.2d 906 (1955). . . . The mere lapse of time does not constitute laches . . . unless it results in prejudice to the defendant . . . as where, for example, the defendant is led to change his position with respect to the matter in question. . . . [Bozzi v. Bozzi](#), [177 Conn. 232, 239, 413 A.2d 834 (1979)]."** (Citations omitted; internal quotation marks omitted.)" [Burrier v. Burrier](#), 59 Conn. App. 593, 596, 758 A.2d 373 (2000).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023).
 - [Chapter 818](#). CT Parentage Act
 - § 46b-468. Binding effect of determination of parentage.
 - § 46b-560. Petition to adjudicate parentage.
 - § 46b-571 Filing of claim for parentage by alleged genetic parent.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Fischer v. Zollino](#), 303 Conn. 661 (2012). *The trial court incorrectly ruled that putative father of a child, upon hearing that he was deceived by his wife, the child's mother, and the child's biological father as to the child's paternity, was estopped from recovering from the biological father funds that the putative father expended to raise the child while believing her to be his offspring.*
- [Bickham v. Bickham](#), Superior Court, Judicial District of New London at New London, No. FA084109840 (February 21, 2012) (53 Conn. L. Rptr. 496) (2012 WL 798932) (2012 Conn. Super. LEXIS 499). *A case examining and distinguishing [Fischer](#) (supra).*
- [In Re Yadirah F.-S](#), Superior Court, Judicial District of Hartford at Hartford, Juvenile Matters, No. H12-CP10-013519-A (November 10, 2011) (52 Conn. L. Rptr. 889) (2011 WL 6004529) (2011 Conn. Super. LEXIS 2885). *Conflicting paternity judgments.*
- [Jack Mancuso v. Kim Dorsey](#), Superior Court, Judicial District of New Haven at Meriden, No. CV89-0233398S (March 5, 1990) (1 Conn. L. Rptr. 333, 334) (1990 WL 265960) (1990 Conn. Super. LEXIS 2114). **"The court finds it is a fact that the petitioner knew from the date of birth that Kim and her husband believed that the husband was the father of the child and were representing at all times that he was the father of the child. The court finds that the child was never represented to be the child of the petitioner. The child believes the husband is her father and enjoys a traditional family life in a comfortable home owned by Kim and her husband. He has legitimized the child by marrying Kim D. and acknowledging paternity in the probate court."**

"For the foregoing reasons, the court concludes that the petitioner is equitably estopped from pursuing this action and will not advance the petition by granting the petitioner's motions for testing." *Id.* at 335.

- [Freda v. Freda](#), 39 Conn. Supp. 230, 232, 476 A.2d 153 (1984). **"The finding of paternity in this case [marital presumption] was the same as if the court had given its approval to an agreement submitted to the court. The litigation required for the application of collateral estoppel was not present and the court may open its judgment if it is shown that fraud in obtaining it was present."**

DIGESTS:

- ALR Index: *Legitimacy of children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.

Chapter 14. Paternity.

§ 14.01. Acknowledgement of paternity and agreement to support

§ 14.02. Establishing paternity

§ 14.03. Authority of court

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 161 *Am Jur Trials* Litigating Disestablishment of Paternity, Thomson West, 2019 (Also available on Westlaw).
- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
 - § 50. Failure to file birth certificate
 - § 52. Res judicata
 - § 55. Death of mother
 - § 56. Death of child; stillborn child
 - § 57. Death of father
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).
 - §§ 80-84. Defenses and abatement of proceedings
 - § 80. Defenses, generally
 - § 81. Equitable estoppel
 - § 82. Release or settlement
 - § 83. Abatement of proceedings, generally
 - § 84. Death
- James O. Pearson, Annotation, *Proof Of Husband's Impotency Or Sterility As Rebutting Presumption Of Legitimacy*, 84 ALR3d 495 (1978).
- Robert A. Brazener, *Statute Of Limitations In Illegitimacy Or Bastardy Proceedings*, 59 ALR3d 685 (1974).
- 6 *COA 2d* 1, *Cause Of Action On Behalf Of Child Or Mother To Establish Paternity*, Thomson West, 1994.
 - Defendant's Case Against Paternity**
 - § 9. Generally
 - § 10. Absence of Sexual Intercourse
 - § 11. Unlikelihood or Impossibility of Paternity
 - § 12. Mother's Relations with Other Men**
 - § 13. Presumption That Another Man is Father
 - § 13.5. Paternity by artificial insemination
 - § 14. Untimeliness of Action
 - § 15. Prior Proceeding as Bar
 - § 16. —Prior Settlement
 - § 16.5. Estoppel

PAMPHLETS:

- [Acknowledge Parentage For Your Child...And For You!](#)

TEXTS &
TREATISES:

- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 4. Conducting the Paternity Trial
 - § 4.12. Defenses to Paternity.

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References to online databases refer to in-library use of these databases. Remote access is not available.

- [1]. Presumption of Legitimacy.
- [1A]. Presumption of Paternity.
- [2]. Collateral Estoppel.
- [3]. Res Judicata.
- [4]. Laches.
- [5]. Statute of Limitations.
- [6]. Question of Law as a Defense.
- [7]. Double Jeopardy Not a Defense in Paternity Proceedings.
- [8]. Age of Respondent Not a Defense.
- [9]. Full Faith and Credit.

- *6 Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
 - Chapter 63. Paternity Proceedings
 - § 63.02. Preliminary Considerations
 - [3]. Statute of Limitations
 - [5]. Presumption of Legitimacy
 - § 63.05. Settlement Opportunities and Trial
 - [10]. Laches, *Res Judicata*, and Estoppel
 - § 63.07. Enforcement Proceedings and Modification
 - § 63.08. Appellate Review
- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
 - Chapter 10. Parentage

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Kristin K. Jacobs, *Comment, If the Genes Don't Fit: An Overview of Paternity Disestablishment Statutes*, 24 Journal of the American Academy of Matrimonial Lawyers 249 2011-2012.

Section 5k: Postjudgment Proceedings

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic resources relating to postjudgment proceedings following judgment or order of parentage.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023).
[Chapter 818](#). CT Parentage Act
§ 46b-489. Adjudicating parentage of child with presumed parent.
§ 46b-560. Petition to adjudicate parentage.
§ 46b-571 Filing of claim for parentage by alleged genetic parent.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Colbert v. Carr](#), 140 Conn. App. 229, 231, 57 A.3d 878 (2013). "The plaintiff, Colleen Colbert, appeals from the judgment rendered by the trial court in this paternity action that she brought against the defendant, Charles N. Carr. The plaintiff claims that the court improperly (1) denied her request for attorney's fees, (2) failed to award three years of child support retroactive from the date of the filing of her petition to establish paternity and (3) refused to deviate from the mandatory child support guidelines. We affirm the judgment of the trial court."
- [Eubanks v. Moss](#), Superior Court, Judicial District of Fairfield, Family Support Magistrate Division at Bridgeport, No. FBTF880246900 (March 5, 2010) (2010 WL 2196559) (2010 Conn. Super. LEXIS 1073). "The motion for genetic testing is precluded by the Appellate Court's decision in *Cardona v. Negron*, 53 Conn.App. 152, 157, 728 A.2d 1150 (1999), wherein the court held that where a paternity judgment exists the court lacks the authority to order genetic tests unless the judgment is first opened. Apparently, the defendant thought to avoid the unambiguous directive of *Cardona* by filing the motion under the docket number of the damages case. This ruse is unavailing. The fact remains that paternity in this case was settled at law in 1988 and accordingly the court lacks authority to order genetic testing unless and until the acknowledgment is opened."
- [Weaver v. Solone](#), Superior Court, Judicial District of Waterbury at Waterbury, No. FA98-0160460S (September 8, 2006) (42 Conn. L. Rptr. 63, 65) (2006 WL 2730425) (2006 Conn. Super. LEXIS 2760). "In a well reasoned, critical analysis of the benefits afforded a minor child as a result of maintaining a paternity judgment after it is learned that the legal father is not the biological father, the Court in *Tina v. Christopher*, FA No. 94-0119611, (Colella, F.S.M., Dec. 15, 2001) (31 Conn. L. Rptr. 144) denied the father's motion to open.

In a thoughtful analysis, the court reasoned that: *These types of cases are difficult to address, given the many emotional and financial competing interests of all the parties. However, no issue is more important than the issue of what is in the best interests of the child, emotionally and financially. Perhaps the most profound legal decision that can be made during the life of a child is a determination (or subsequent termination) of paternity. The most obvious conclusion one draws from a review of Connecticut case law is that such decision must be made on a case-by-case basis.*"

- [Greene v. Bynum](#), 46 Conn. App. 1, 5, 698 A.2d 334 (1997). **"By filing an insufficient petition for appeal, the defendant failed to comply with the requirements of the statute and, thus, lacked standing to appeal. See [Beckish v. Manafort](#), 175 Conn. 415, 419, 399 A.2d 1274 (1978).** The trial court, consequently, lacked jurisdiction to hear the appeal from the decision of the family court magistrate. Although the question of the trial court's jurisdiction was not raised at the hearing because the state did not appear at that hearing, subject matter jurisdiction may be raised at any time and, when it is raised, it must be decided."
- [Miller v. Kirshner](#), 225 Conn. 185, 199, 621 A.2d 1326 (1993). **"The trial court heard the testimony of all of the witnesses and rendered its judgment accordingly. We will not usurp the fact-finding function of the trial court and retry the case on appeal as the defendant would have us do."**
- [Erisoty's Appeal from Probate](#), 216 Conn. 514, 522, 582 A.2d 760 (1990). **"We conclude, therefore, that because the plaintiff's constitutionally protected interests in human dignity and privacy were adversely affected by the Probate Court order to submit to a blood grouping test, the plaintiff was aggrieved and could properly appeal the order pursuant to § 45-288."**
- [Fortier v. Laviero](#), 10 Conn. App. 181, 182, 522 A.2d 313 (1987). **"Even if we assume arguendo, that the court erred in allowing into evidence the defendant's blood type, the defendant has failed to show that, given the other evidence relied on by the court, the admission was harmful. The court made only limited use of the evidence of the defendant's blood type, and explicitly found that 'the most convincing evidence of paternity' was the testimony of the parties themselves. In order to establish reversible error, the defendant has the burden of showing that an error is both erroneous and harmful."**

- [Fedele v. Romero](#), 37 Conn. Supp. 885, 886, 441 A.2d 867 (1982). "The validity of a claim that a decision is unsupported by the evidence may be tested only by reference to the record together with exhibits and transcripts filed in the matter."

WEST KEY NUMBERS:

- *Child Support*
IX. Enforcement, # 440-498

DIGESTS:

- ALR Index: *Legitimacy of children*
- ALR Digest: *Parent and Child, Child Custody, Child Support*
- *Connecticut Family Law Citations: A Reference Guide to Connecticut Family Law Decisions*, by Monika D. Young, LexisNexis, 2022.
Chapter 14. Paternity.
§ 14.03. Authority of court
§ 14.04. Enforcement of paternity judgment

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Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use.

- 41 *Am Jur 2d* Illegitimate Children, Thomson West, 2015 (Also available on Westlaw).
- 14 *CJS* Children Out-of-Wedlock, Thomson West, 2017 (Also available on Westlaw).
- Donald M. Zupanec, Annotation, *Effect, In Subsequent Proceedings, Of Paternity Findings Or Implications In Divorce Or Annulment Decree Or In Support Or Custody Order Made Incidental Thereto*, 78 ALR3d 846 (1977).

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *LexisNexis Practice Guide: Connecticut Family Law*, Louise Truax, editor, 2023 ed., LexisNexis.
Chapter 10. Parentage
- 1 *Disputed Paternity Proceedings*, Nina M. Vitek, Matthew Bender, 2022 (also available on Lexis).
Chapter 2. Paternity Proceedings
§ 2.07. Postjudgment Proceedings.
[1]. Enforcing Paternity Judgment or Order
[2]. Relief from Paternity Judgment or Order
[a]. In General.
[b]. Newly Discovered Evidence.
[c]. Mistake or Excusable Neglect.
[d]. Prospective Relief.
[e]. Relief on Other Grounds
[f]. Relief Based on DNA Evidence
- 6 *Family Law and Practice*, by Arnold H. Rutkin, Matthew Bender, 2022 (also available on Lexis).
Chapter 63. Paternity Proceedings
§ 63.07. Enforcement Proceedings and Modification
§ 63.08. Appellate Review

A

Acknowledged parent: "... **a person who has established a parent-child relationship under sections 46b-476 to 46b-487, inclusive.**" Conn. Gen. Stat. § [46b-451\(1\)](#) (2023).

Acknowledgment of parentage: (a) An acknowledgment of parentage under section 46b-476 shall: (1) Be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent-child relationship, and the signatures shall be attested by a notarial officer or witnessed; (2) State that the child whose parentage is being acknowledged shall not have another acknowledged or adjudicated parent or person who is a parent of the child under sections 46b-509 to 46b-538, inclusive, other than the person who gave birth to the child; (3) State that the child whose parentage is being acknowledged shall not, at the time of signing, have a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage; (4) State that no action is pending in which the child's parentage is at issue, unless all parties to the action agree to the establishment of the signatory's parentage pursuant to the acknowledgment; and (5) State that the signatories understand that the acknowledgment is the equivalent of an adjudication of parentage of the child and that a challenge to the acknowledgment is permitted only under limited **circumstances.**" Conn. Gen. Stat. § [46b-477](#) (2023).

Action to establish paternity: "Historically, the action was criminal in form but civil in nature. It is fundamental, however, that the rules governing civil actions **apply.**" [Kuser v. Orkis](#), 169 Conn. 66, 71, 362 A.2d 943 (1975).

Actual notice: "If the alleged parent resides out of or is absent from the state, notice required for the exercise of jurisdiction over such alleged parent shall be actual notice, and shall be in the manner prescribed for personal service of process by the law of the place in which service is made." Conn. Gen. Stat. § [46b-560\(b\)](#) (2023).

Adjudicated parent: "... **a person who has been adjudicated to be a parent of a child by a court of competent jurisdiction.**" Conn. Gen. Stat. § [46b-451\(2\)](#) (2023).

Alleged genetic parent: "... **a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. 'Alleged genetic parent' includes an alleged genetic father and alleged genetic mother.**" Conn. Gen. Stat. § [46b-451\(3\)](#) (2023).

Assisted reproduction: "... **a method of causing pregnancy other than sexual intercourse.**" Conn. Gen. Stat. § [46b-451\(4\)](#) (2023).

Attorney General: **"Not later than five days after the filing of a claim for parentage,** the court shall cause a certified copy of such claim to be served upon the birth parent of such child by personal service or service at the birth parent's usual place of abode, and to the Attorney General by first class mail. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231." Conn. Gen. Stat. § [46b-571\(a\)](#) (2023).

B

Bastardy actions: "The purpose of what were formerly called bastardy actions and are now called paternity proceedings is to relieve the public of the burden of supporting an illegitimate child and to provide the mother with assistance in carrying out her obligation of support." [Kuser v. Orkis](#), 169 Conn. 66, 71, 362 A.2d 943 (1975).

Burden of proof: **"A paternity action results in a finding of 'guilt' or 'innocence,' and nonpayment of support orders attendant to a finding of 'guilt' may lead to contempt and imprisonment.** General Statutes §§ 46b-171, 46b-215, 53-304. Nonetheless, the plaintiff in a paternity proceeding need only prove her case by a fair preponderance of the evidence." [Lavertue v. Niman](#), 196 Conn. 403, 407, 493 A.2d 213 (1985).

C

Cease to be a party: "Failing perfection of parental rights as prescribed by this section, any person claiming to be the alleged genetic parent of a child born to an unmarried birth parent (1) who has not been adjudicated the parent of such child by a court of competent jurisdiction, or (2) who has not acknowledged in writing that such person is the parent of such child, or (3) who has not contributed regularly to the support of such child, or (4) whose name does not appear on the birth certificate, shall cease to be a legal party in interest in any proceeding concerning the custody or welfare of the child, including, but not limited to, guardianship and adoption, unless such person has shown a reasonable degree of interest, concern or responsibility for the child's welfare." Conn. Gen. Stat. § [46b-571\(g\)](#) (2023).

Child Born to Unmarried Birth Parent: "A parent-child relationship extends equally to every child and parent, regardless of the marital status or gender of **the parent or the circumstances of the birth of the child.**" Conn. Gen. Stat. § [46b-472](#) (2023).

Child of the Marriage: "In connection with any petition for annulment under this chapter, the Superior Court may make such order regarding any child of the marriage and concerning alimony as it might make in an action for dissolution of marriage. The issue of any void or voidable marriage shall be deemed a child of the marriage. Any child born before, on or after October 1, 1976, whose

birth occurred prior to the marriage of his parents shall be deemed a child of the marriage.” Conn. Gen. Stat. § [46b-60](#) (2023).

Collateral estoppel (as defense to paternity): “or issue preclusion, prohibits the relitigation of an issue when that issue was actually litigated and necessarily determined in a prior action.” [Aetna Casualty & Surety Co. v. Jones](#), 220 Conn. 285, 296, 596 A.2d 414 (1991).

Compelling disclosure: “If the birth parent of any child born to parents unmarried to each other, fails or refuses to disclose the name of the alleged genetic parent of such child under oath to the Commissioner of Social Services, if such child is a recipient of public assistance, or otherwise to a guardian or a guardian ad litem of such child, such birth parent may be cited to appear before any judge of the Superior Court and compelled to disclose the name of the alleged genetic parent under oath and to institute an action to establish the parentage of such child. The criteria adopted by the Commissioner of Social Services pursuant to subsection (c) of section 46b-168a shall apply to establish good cause or other exceptions for refusing to cooperate with the provisions of this subsection.” Conn. Gen. Stat. § [46b-567\(a\)](#) (2023).

D

Default Judgment: “The court or family support magistrate shall enter a default judgment against a nonresident alleged parent if such alleged parent (1) fails to answer or otherwise respond to the petition, or (2) in cases in which the alleged parent is an alleged genetic parent, fails to appear for a scheduled genetic test without good cause, provided a default judgment shall not be entered against a nonresident alleged parent unless (A) there is evidence that the nonresident alleged parent has received actual notice of the petition pursuant to subsection (b) of this section and (B) there is verification that the process served upon the alleged parent included the answer form, notice to the defendant and an application for appointment of counsel required by subsection (d) of this section. Upon entry of a default judgment, a copy of the judgment and a form for a motion to reopen shall be served upon the adjudicated parent in the same manner as provided in subsection (b) of this section.” Conn. Gen. Stat. § [46b-560\(g\)](#) (2023).

Determination of parentage: “**Establishment of a parent-child relationship by a court adjudication or signing of a valid acknowledgment of parentage under sections 46b-476 to 46b-487, inclusive.**” Conn. Gen. Stat. § [46b-451\(8\)](#) (2023).

Donor: “... **a person who provides a gamete or gametes or an embryo or embryos intended for use in assisted reproduction, whether or not for consideration.**” Conn. Gen. Stat. § [46b-451\(9\)](#) (2023).

E

Equal Protection of the Law (Illegitimate children): "The United States Supreme Court, moreover, has held that illegitimate children cannot be denied equal protection of the law." [Trimble v. Gordon](#), 430 U.S. 762, 776, 97 S. Ct. 1459, 52 L.Ed. 2d 31 (1977). See [Lalli v. Lalli](#), 439 U.S. 259, 99 S. Ct. 518, U.S.N.Y., (1978) where statute did not violate equal protection clause.

E

Father: See Parent

G

Genetic surrogate: "... **a** person who is not an intended parent and who agrees to become pregnant through assisted reproduction using that person's own gamete, under a genetic surrogacy agreement as provided in sections 46b-521 to 46b-538, **inclusive.**" Conn. Gen. Stat. § [46b-521\(1\)](#) (2023).

Gestational surrogate: "... **a** person who is not an intended parent and who agrees to become pregnant through assisted reproduction using gametes that are not that person's own, under a gestational surrogacy agreement as provided in sections 46b-521 to 46b-538, inclusive. Conn. Gen. Stat. § [46b-521\(2\)](#) (2023).

Genetic testing: "**(a) Genetic** shall be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by: (1) The AABB, formerly known as the American Association of Blood Banks, or a successor to its functions; or (2) An accrediting body designated by the Secretary of the United States Department of Health and Human Services. (b) A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each person undergoing genetic testing. (c) Based on the ethnic or racial group of a person undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in **calculating a relationship index.**" Conn. Gen. Stat. § [46b-498](#) (2023).

I

Intended parent: "... a person, married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction." Conn. Gen. Stat. § [46b-451\(13\)](#) (2023).

J

Joint Guardians: "The father and mother of every minor child are joint guardians of the person of the minor, and the powers, rights and duties of the father and the mother in regard to the minor shall be equal. If either father or mother dies or is removed as guardian, the other parent of the minor child shall become the sole guardian of the person of the minor." Conn. Gen. Stat. § [45a-606](#) (2023).

L

Laches (as defense to parentage): "The burden is on the party alleging laches to establish that defense 'Laches consists of two elements. First, there must have been a delay that was inexcusable, and, second, that delay must have prejudiced the defendant. [Kurzatkowski v. Kurzatkowski](#), 142 Conn. 680, 685, 116 A.2d 906 (1955). . . . The mere lapse of time does not constitute laches . . . unless it results in prejudice to the defendant . . . as where, for example, the defendant is led to change his position with respect to the matter in question. . . . [Bozzi v. Bozzi](#), [177 Conn. 232, 239, 413 A.2d 834 (1979)].' (Citations omitted; internal quotation marks omitted.)" [Burrier v. Burrier](#), 59 Conn. App. 593, 596, 758 A.2d 373 (2000).

M

Marital presumption: "postulates that a child born in wedlock is presumed to be a legitimate child of the mother and her husband." [Weidenbacher v. Duclos](#), 234 Conn. 51, 68-69, 661 A.2d 988 (1995). *Rebuttable presumption*: "We have never held, however, that this presumption is irrebuttable and conclusive against a person claiming to be the biological father of the child. On the contrary, we have held that this presumption may be rebutted a person who presents clear, convincing and satisfactory evidence that the mother's husband is not the child's natural father." *Ibid.*, p. 69.

Mother: See Parent

N

Notice to the alleged parent: "The notice to the alleged parent shall inform the alleged parent that (A) the alleged parent has a right to be represented by an attorney, and if the alleged parent is indigent, the court will appoint an attorney for such parent, (B) if the alleged parent is found to be the parent, the alleged parent will be required to financially support the child until the child attains the age of eighteen years, (C) if the alleged parent does not admit parentage and such person is alleged to be a genetic parent, the court or family support magistrate may, pursuant to section 46b-499, order a genetic test to determine parentage and that the cost of such test shall be paid by the state in IV-D support cases, and in non-IV-D cases shall be paid by the petitioner, except that if the alleged parent is subsequently adjudicated to be the parent of the child, such person shall be liable to the state or the petitioner, as the case may be, for the amount of such cost, and (D) if the alleged parent fails to return the answer form or fails to appear for a scheduled genetic test without good cause, a default judgment of parentage shall be entered." Conn. Gen. Stat. § [46b-560\(e\)\(2\)](#) (2023).

O

Order to submit to genetic test: "If the court or family support magistrate may exercise personal jurisdiction over the nonresident alleged parent pursuant to subsection (d) of this section and the answer form is returned and the alleged parent does not admit parentage, in cases in which the alleged parent is an alleged genetic parent, the court shall order genetic tests pursuant to section 46b-497. Such order shall be served upon the alleged parent in the same manner as provided in subsection (c) of this section. Unless the alleged genetic parent requests otherwise, the genetic test of the alleged genetic parent shall be made in the state where the alleged genetic parent resides at a location convenient to him or her. The costs of such test shall be paid by the state in IV-D support cases, and in non-IV-D cases shall be paid by the petitioner, except that if the alleged genetic parent is subsequently adjudicated the parent of the child, such person shall be liable to the state or the petitioner, as the case may be, for the amount of the costs. Conn. Gen. Stat. § [46b-560\(f\)](#) (2023).

P

Parent: "means a person who has established a parent-child relationship under section 46b-471." Conn. Gen. Stat. § [46b-451\(14\)](#) (2023).

Parentage or parent-child relationship: "means the legal relationship between a child and a parent of the child." Conn. Gen. Stat. § [46b-451\(15\)](#) (2023).

Parental Rights of Alleged Genetic Parent: "Once parental rights of the alleged genetic parent have been adjudicated in such parent's favor under subsection (b) of this section, or acknowledged as provided for under sections 46b-476 to 46b-487, inclusive, such parent's rights and responsibilities shall be equivalent

to those of the birth parent, including those rights defined under section 45a-606. Thereafter, disputes involving custody, visitation or support shall be transferred to the Superior Court under chapter 815j, except that the Probate Court may enter a temporary order for custody, visitation or support until an order is entered by the Superior Court." Conn. Gen. Stat. § [46b-571\(f\)](#) (2023).

Presumed parent: "Except as otherwise provided in sections 46b-450 to 46b-553, inclusive, a person is presumed to be a parent of a child if: (1) The person and the person who gave birth to the child are married to each other and the child is born during the marriage, whether the marriage is or could be declared invalid; (2) The person and the person who gave birth to the child were married to each other and the child is born not later than three hundred days after the date on which the marriage is terminated by death, dissolution or annulment, or after a decree of separation; or (3) The person, jointly with another parent, resided in the same household with the child and openly held out the child as the person's own child from the time the child was born or adopted and for a period of at least two years thereafter, including any period of temporary absence." Conn. Gen. Stat. § [46b-488\(a\)](#) (2023).

Prima facie case: "**The plaintiff did not waver in her assertions that the defendant** was the first person with whom she had engaged in sexual relations, that such relations took place during the likely period of conception and that she had not had sexual relations with anyone else during that time. This evidence, added to Urso's testimony of the defendant's alleged admission of paternity, was **sufficient to establish a prima facie case.**" [Palomba v. Gray](#), 208 Conn. 21, 32, 543 A.2d 1331 (1988).

Q

Quasi-Criminal: "**Although paternity actions may have 'quasi-criminal' overtones; [Little v. Streater](#), 452 U.S. 1, 10, 101 S. Ct. 2202, 68 L. Ed. 2d 627 (1981); they are civil actions to which the general rules governing civil actions apply.**" [Green v. Green](#), 39 Conn. Supp. 325, 326, 464 A.2d 72 (1983).

R

Res judicata (as defense to paternity): "Claim preclusion (res judicata) and issue preclusion (collateral estoppel) have been described as related ideas on a continuum. [C]laim preclusion prevents a litigant from reasserting a claim that has already been decided on the merits. . . . [I]ssue preclusion, prevents a party from relitigating an issue that has been determined in a prior suit. [Virgo v. Lyons](#), 209 Conn. 497, 501, 551 A.2d 1243 (1988), quoting [Gionfriddo v. Gartenhaus Cafe](#), 15 Conn. App. 392, 401-402, 546 A.2d 284 (1988), aff'd, 211 Conn. 67, 557 A.2d 540 (1989)." (Internal quotation marks omitted.)" [Nancy G. v. Dept. of Children and Families](#), 248 Conn. 672, 681, 733 A.2d 136 (1999).

S

Summons: “...when a petition to adjudicate parentage pursuant to section 46b-489 or sections 46b-495 to 46b-583, inclusive, is filed, the court, or any judge or family support magistrate assigned to the court, shall cause a summons, signed by such judge or magistrate, by the clerk of the court, or by a commissioner of the Superior Court to be issued, requiring the alleged parent to appear in court at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons to show cause why the **request for relief in such petition should not be granted.**” Conn. Gen. Stat. § [46b-560\(a\)\(1\)\(A\)](#) (2023).

Surrogacy agreement: “... **an** agreement between one or more intended parents and a person who is not an intended parent in which such person agrees to become pregnant through assisted reproduction and which provides that each intended parent is a parent of a child conceived under the agreement. Unless **the context otherwise requires, ‘surrogacy agreement’ includes an agreement** with a person acting as a gestational surrogate and an agreement with a **person acting as a genetic surrogate.**” Conn. Gen. Stat. § [46b-521\(3\)](#) (2023).