



MISSOURI SENATE

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Senator Smith's Paternity Legislation Approved by Senate

SB 141 Restores Fairness to Questions of Paternity

JEFFERSON CITY — The Missouri Senate today approved a measure sponsored by Senator Jeff Smith, D-St. Louis, to provide DNA testing in paternity disputes. [Senate Bill 141](#) requires that any presumed father must be notified of any civil proceedings used to determine paternity, informs him of his right to contest the presumption of paternity and request genetic testing, and eliminates child support arrearage for non-fathers.

“If a man is determined through DNA testing not to be the father of a child, he should not be forced to continue making child support payments,” Sen. Smith said. “We’ve seen several instances where genetic testing proves a man is not the biological father of a child, but the court orders him to continue making child support payments. So this bill is simply a matter of fairness.”

In 2008, the state Family Support Division reported 33,810 children were born out of wedlock in Missouri, accounting for approximately 40% of all births in the state. Seven percent of all cases required action to determine paternity.

Under SB 141, the court is required to grant relief and set aside the previous judgment of paternity and child support if a genetic test disproves paternity. The court also must eliminate remaining child support payments, expunge any criminal non-support records, and order the Department of Health and Senior Services to modify the child’s birth certificate. The bill does not provide reimbursement for any child support payments made under a previous judgment.

“A number of states like Florida, Georgia and Ohio have already passed laws freeing men from financial obligations if they find they were deceived into parenthood,” Sen. Smith said. “If a non-biological father wants to continue supporting the child and wants to maintain that relationship, that’s wonderful, but he should not be forced to support someone else’s child.”

Senate Bill 141 now moves to the House for consideration.

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