SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2651

As Amended by Senate Committee on Judiciary

Brief*

HB 2651, as amended, would amend the Kansas Parentage Act to authorize a challenge to a voluntary acknowledgment of paternity (VAP) as soon as is practicable after discovery of fraud, duress, or mistake of fact; specify that genetic testing results would constitute a change of circumstances that warrants a court finding of a material mistake of fact; and provide for the recovery of actual damages in exceptional circumstances. The bill would also make technical amendments.

Voluntary Acknowledgment of Paternity

The bill would add to law concerning VAP that a father of a child born to an unmarried mother could complete a VAP that must include the consent of such mother and the written descriptions of the rights and responsibilities of acknowledging paternity as provided in continuing law.

The bill would also provide that a VAP creates a permanent father and child relationship without the requirement of further adjudication.

Forms

The bill would amend what is required to be included in the written descriptions of the rights and responsibilities on VAP forms to conform with the changes made by the bill.

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*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at https://klrd.gov/

Revocation

The bill would amend law concerning the revocation of VAP to provide that a signed and witnessed VAP would be considered a legal finding of paternity subject to the right of revocation with the earlier of:

- 60 days after signing; or
- Prior to the date of any administrative or judicial processing relating to the child to establish a support order.

Challenges to Voluntary Acknowledgment of Paternity

A person who was under 18 years of age when such person signed the VAP could challenge such VAP until the person turns 19. In this circumstance, if the child is more than one year old at the time of the challenge, the bill would require the court to consider the child's best interests before revoking a VAP.

After the deadlines described above have passed, the bill would provide that a VAP could be challenged only on the basis of fraud, duress, or material mistake of fact. For the purposes of a challenge, genetic test results, with a verifiable chain of custody that excludes a signatory father or that rebuttably identifies another man as the father in accordance with continuing law, would constitute a change of circumstances that warrants a material mistake of fact finding by the court.

A person seeking to revoke a VAP on the basis of fraud, duress, or material mistake of fact would be required to file such request in an appropriate district court as soon as practicable after the fraud, duress, or material mistake of fact becomes known to such person. The bill would require such person to have the burden of proving fraud, duress, or material mistake of fact, and the court would be required to first consider the child's best interests before revoking a VAP.

Effect of Revocation on Child Support

If a court orders revocation of a VAP pursuant to the bill and the party seeking revocation has a child support obligation or has paid child support, any support paid prior to the entry of such order would not be recoverable.

Actual Damages for Exceptional Circumstances

The bill would allow the court to make a written finding that exceptional circumstances warrant the award of actual damages sustained by the party seeking revocation. In determining such actual damages, the bill would allow the court to consider all of the facts and circumstances of the case, including, but not limited to, the amount of support paid prior to the entry of such order.

Retroactivity

The provisions of the bill would be construed and applied retroactively.

Effective Date

The bill would be in effect upon publication in the *Kansas Register.*

Background

The bill was introduced by the House Committee on Judiciary at the request of Representative Kessler.

House Committee on Judiciary

In the House Committee hearing, Representative Kessler and two private citizens provided **proponent**

testimony on the bill. Proponents generally stated this bill would allow the revocation of a VAP any time a man is found not to be a biological father rather than be limited to the current 60 days allowed for such revocation.

Neutral testimony was provided by a representative of the Department for Children and Families (DCF), who expressed concerns related to the retroactivity of the bill and the lack of a time limit for challenges based on fraud, duress, or mistake of material fact.

No other testimony was provided.

The House Committee amended the bill to:

- Modify language regarding when a person must file a challenge to a VAP to specify such challenge must be filed as soon as practicable after discovery;
- Modify language regarding genetic testing results to specify such results would constitute a change of circumstances that warrants a court finding of material mistake of fact; and
- Move language regarding VAP revocation and VAP challenges from law concerning VAP to law concerning the determination of father and child relationship.

House Committee of the Whole

The House Committee of the Whole amended the bill to allow the court to make a written finding that exceptional circumstances warrant the award of actual damages sustained by the party seeking revocation.

Senate Committee on Judiciary

In the Senate Committee hearing, Representative Kessler and two private citizens provided substantially similar **proponent** testimony to that provided in the House Committee hearing.

Written-only **neutral** testimony was provided by a representative of DCF.

No other testimony was provided.

The Senate Committee amended the bill to change the effective date to be upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Department of Health and Environment (KDHE) indicates enactment of the bill would increase expenditures by $33,319 in FY 2027 for a 0.5 FTE position and updates to its system. Of this amount, $28,319 would be for salaries and wages and $5,000 would be for system changes. KDHE notes that the Office of Vital Statistics would need to work with DCF to revise certain forms and an additional 0.5 FTE position would be needed to revise forms and perform system testing.

The Office of Judicial Administration indicates enactment of the bill could lead to increased litigation regarding paternity cases. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Enactment of the bill could also result in the collection of docket fees in cases filed under the provisions of the bill, which would be deposited in the State General Fund. However, a precise fiscal effect cannot be estimated.

DCF indicates the enactment of the bill would not have a fiscal effect on the agency. DCF notes that enactment of the bill could result in increased litigation caused by parties challenging open paternity cases with genetic tests. DCF notes that in calendar year 2024, 10,403 children of 12,578 children born to unmarried mothers were born with signed consent.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Children and minors; voluntary acknowledgment of paternity