As Amended by Senate Committee

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2651

By Committee on Judiciary

Requested by Representative Kessler

2-3

AN ACT concerning children and minors; relating to acknowledgment and claims of paternity; authorizing a challenge to a voluntary acknowledgment of paternity ~~at any time after acknowledgment in cases~~ **as soon as practicable after discovery** of fraud, duress or mistake of fact; specifying that certain genetic testing results ~~are considered a~~ **shall constitute a change of circumstances that warrants a court finding of** material mistake of fact; **{providing for recovery of actual damages in exceptional circumstances;}** amending K.S.A. 23-2204 **and 23-2209** and repealing the existing ~~section~~ **sections**.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 23-2204 is hereby amended to read as follows: 23-2204. (a) *The father of a child born to an unmarried mother may complete an acknowledgment of paternity that shall include the consent of such mother and the written descriptions required by subsection (b).*

(b) The state registrar of vital statistics, in conjunction with the secretary for children and families, shall review and, as needed, revise *the* acknowledgment of paternity forms for use under K.S.A. 23-2223 and ~~K.S.A.~~ 65-2409a, and amendments thereto. The acknowledgment of paternity forms shall include or have attached a written description ~~pursuant to subsection (b)~~ of the rights and responsibilities of acknowledging paternity.

~~(b) A~~ *Such* written description ~~of the rights and responsibilities of acknowledging paternity~~ shall state the following:

(1) An acknowledgment of paternity creates a permanent father and child relationship ~~which~~ *that* can only be ended by court order. A person who wants to revoke the acknowledgment of paternity ~~must~~ *shall* file the request with the court ~~before the child is one year old, unless the person was under age 18 when the acknowledgment of paternity was signed~~. A person under ~~age~~ 18 *years of age* when the acknowledgment was signed

has until one year after his or her 18th birthday to file a request, but if the child is more than one year old then, the judge ~~will~~ *shall* first consider the child's best interests. ~~The person will have to show that the acknowledgment was based on fraud, duress (threat) or an important mistake of fact, unless the request is filed within~~ *A person over 18 years of age* when the acknowledgment was signed has until 60 days ~~of~~ *after* signing the acknowledgment or ~~before any court hearing about the child~~ *prior to the date of any administrative or judicial proceeding relating to the child to establish a support order*, whichever is earlier*, to file a request. After these deadlines, the person will have to show that the acknowledgment was based on fraud, duress or a material mistake of fact and the judge shall first consider the child's best interests*;

(2) both the father and the mother are responsible for the care and support of the child. If necessary, this duty may be enforced through legal action such as a child support order, an order to pay birth or other medical expenses of the child or an order to repay government assistance payments for the child's care. A parent's willful failure to support the parent's child is a crime;

(3) both the father and the mother have rights of custody and parenting time with the child unless a court order changes their rights. Custody, residency and parenting time may be spelled out in a court order and enforced;

(4) both the father and the mother have the right to consent to medical treatment for the child unless a court order changes those rights;

(5) the child may inherit from the father and the father's family or from the mother and the mother's family. The child may receive public benefits, including, but not limited to, social security or private benefits, including, but not limited to, insurance or workers compensation because of the father-child or mother-child relationship;

(6) the father or the mother may be entitled to claim the child as a dependent for tax or other purposes. The father or the mother may inherit from the child or the child's descendants; and

(7) each parent has the right to sign or not sign an acknowledgment of paternity. Each parent has the right to talk with an attorney before signing an acknowledgment of paternity. Each parent has the right to be represented by an attorney in any legal action involving paternity or their rights or duties as a parent. Usually, each person is responsible for hiring the person's own attorney.

(c) Any duty to disclose rights or responsibilities related to signing an acknowledgment of paternity shall have been met by furnishing the written disclosures of subsection (b). Any duty to disclose orally the rights or responsibilities related to signing an acknowledgment of paternity may be met by means of an audio recording of the disclosures of subsection (b).

(d) An acknowledgment of paternity completed *prior to July 1, 1994,* without the written disclosures of subsection (b) is not invalid solely for that reason and may create a presumption of paternity pursuant to K.S.A. 23-2208, and amendments thereto. Nothing in K.S.A. 23-2202 through 23-2204, and amendments thereto, shall decrease the validity, force or effect of an acknowledgment of paternity executed in this state prior to ~~the effective date of this act~~ *July 1, 1994*.

(e) Upon request, the state registrar of vital statistics shall provide a certified copy of the acknowledgment of paternity to an office providing IV-D program services.

(f) An acknowledgment of paternity described in subsection (a) creates a permanent father and child relationship without the requirement of further adjudication.

~~*(g) (1) Except as provided in subsection (h), a signed and witnessed voluntary acknowledgment of paternity described in subsection (a) shall be considered a legal finding of paternity subject to the right of any signatory to revoke the acknowledgment within the earlier of the following:*~~

~~*(A) 60 days after signing; or*~~

~~*(B) prior to the date of any administrative or judicial proceeding relating to the child to establish a support order.*~~

~~*(2) After the deadline to revoke an acknowledgment of paternity pursuant to paragraph (1) or subsection (h), such acknowledgment may be challenged only on the basis of fraud, duress or material mistake of fact. For purposes of this section, genetic test results that exclude a signatory father or that rebuttably identifies another man as the father in accordance with K.S.A. 23-2208, and amendments thereto, shall be considered a material mistake of fact. Notwithstanding any other provision of law, a person seeking to revoke an acknowledgment of paternity on the basis of fraud, duress or material mistake of fact may file such request in an appropriate district court after the fraud, duress or material mistake of fact becomes known to such person. Such person shall have the burden of proving the fraud, duress or material mistake of fact and the court shall first consider the child's best interests before revoking an acknowledgment of paternity.*~~

~~*(3) The provisions of this subsection shall be construed and applied retroactively.*~~

~~*(h) A person who was under 18 years of age when such person signed an acknowledgment of paternity may challenge such acknowledgment until such person turns 19 years of age. If the child is more than one year of age at the time of such challenge, the court shall first consider the child's best interests before revoking such acknowledgment of paternity.*~~

Sec. 2. K.S.A. 23-2209 is hereby amended to read as follows: 23-

2209. (a) A child or any person on behalf of such a child, may bring an action:

(1) At any time to determine the existence of a father and child relationship presumed under K.S.A. 23-2208, and amendments thereto; or

(2) at any time until three years after the child reaches the age of majority to determine the existence of a father and child relationship which is not presumed under K.S.A. 23-2208, and amendments thereto.

(b) When authorized under K.S.A. 39-755 or 39-756, and amendments thereto, the secretary for children and families may bring an action at any time during a child's minority to determine the existence of the father and child relationship.

(c) This section does not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to the probate of estates or determination of heirship.

(d) Any agreement between an alleged or presumed father and the mother or child does not bar an action under this section.

(e) ~~Except as otherwise provided in this subsection, if an acknowledgment of paternity pursuant to K.S.A. 23-2204, and amendments thereto, has been completed the man named as the father, the mother or the child may bring an action to revoke the acknowledgment of paternity at any time until one year after the child's date of birth~~*(1) Except as provided in paragraph (2), a signed and witnessed voluntary acknowledgment of paternity pursuant to K.S.A. 23-2204, and amendments thereto, shall be considered a legal finding of paternity subject to the right of any signatory to revoke the acknowledgment within the earlier of the following:*

(A) 60 days after completion of such acknowledgment; or

(B) prior to the date of any administrative or judicial proceeding relating to the child in which the signatory is a party, including, but not limited to, a proceeding to establish a support order.

(2) A person who was under 18 years of age when such person signed an acknowledgment of paternity may challenge such acknowledgment until such person turns 19 years of age. If the child is more than one year of age at the time of such challenge, the court shall first consider the child's best interests before revoking such acknowledgment of paternity.

(3) (A) After the deadline to revoke an acknowledgment of paternity pursuant to paragraph (1) or (2), such acknowledgment may be challenged only on the basis of fraud, duress or material mistake of fact. For the purposes of this subsection, genetic test results with a verifiable chain of custody that exclude a signatory father or that rebuttably identify

another man as the father in accordance with K.S.A. 23-2208, and amendments thereto, shall constitute a change of circumstances that warrants a material mistake of fact finding by the court.

(B) Notwithstanding any other provision of law, a person seeking to revoke an acknowledgment of paternity on the basis of fraud, duress or material mistake of fact may file such request in an appropriate district court after the fraud, duress or material mistake of fact becomes known to such person and shall file such request as soon as practicable after such fraud, duress or material mistake of fact becomes known. Such person shall have the burden of proving the fraud, duress or material mistake of fact and the court shall first consider the child's best interests before revoking an acknowledgment of paternity.

(4) **The legal responsibilities, including any child support obligation, of any signatory arising from the acknowledgment of paternity shall not be suspended during the action, except for good cause shown.** ~~If the person bringing the action was a minor at the time the acknowledgment of paternity was completed, the action to revoke the acknowledgment of paternity may be brought at any time until one year after that person attains age 18, unless the court finds that the child is more than one year of age and that revocation of the acknowledgment of paternity is not in the child's best interest.~~

~~The person requesting revocation must show, and shall have the burden of proving, that the acknowledgment of paternity was based upon fraud, duress or material mistake of fact unless the action to revoke the acknowledgment of paternity is filed before the earlier of 60 days after completion of the acknowledgment of paternity or the date of a proceeding relating to the child in which the signatory is a party, including, but not limited to, a proceeding to establish a support order.~~

(5) **If a court of this state has assumed jurisdiction over the matter of the child's paternity or the duty of a man to support the child, that court shall have exclusive jurisdiction to determine whether an acknowledgment of paternity may be revoked under this subsection.**

(6) If an acknowledgment of paternity ~~has been revoked under~~ *is revoked pursuant to* this subsection, ~~it~~ *such revocation* shall not give rise to a presumption of paternity pursuant to K.S.A. 23-2208, and amendments thereto. Nothing in this subsection shall prevent a court from admitting a revoked acknowledgment of paternity into evidence for any other purpose.

(7) **If there has been an assignment of the child's support rights pursuant to K.S.A. 39-709, and amendments thereto, the secretary for children and families shall be a necessary party to any action under this subsection.**

(8) If a court orders revocation of an acknowledgment of paternity pursuant to this subsection 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 shall not be recoverable in any action. {**The court that orders such revocation may 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 court may 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.**}

(f) The amendments to this section by this act shall be construed and applied retroactively.

Sec. ~~2.~~ **3.** K.S.A. 23-2204 ~~is~~ **and 23-2209 are** hereby repealed.

Sec. ~~3.~~ **4.** This act shall take effect and be in force from and after its publication in the ~~statute book~~ ***Kansas register***.