

HOUSE BILL No. 2342

By Committee on Judiciary

2-12

1 AN ACT concerning the Kansas parentage act; relating to the
2 determination of father and child relationship; amending K.S.A. 2014
3 Supp. 23-2209 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 23-2209 is hereby amended to read as
7 follows: 23-2209.(a) A child or any person on behalf of such a child, may
8 bring an action:

9 (1) At any time to determine the existence of a father and child
10 relationship presumed under K.S.A. 2014 Supp. 23-2208, and amendments
11 thereto; or

12 (2) at any time until three years after the child reaches the age of
13 majority to determine the existence of a father and child relationship which
14 is not presumed under K.S.A. 2014 Supp. 23-2208, and amendments
15 thereto, *whether or not a presumed father and child relationship exists.*

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

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

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

26 (e) Except as otherwise provided in this subsection, if an
27 acknowledgment of paternity pursuant to K.S.A. 2014 Supp. 23-2204, and
28 amendments thereto, has been completed the man named as the father, the
29 mother or the child may bring an action to revoke the acknowledgment of
30 paternity at any time until one year after the child's date of birth. The legal
31 responsibilities, including any child support obligation, of any signatory
32 arising from the acknowledgment of paternity shall not be suspended
33 during the action, except for good cause shown. If the person bringing the
34 action was a minor at the time the acknowledgment of paternity was
35 completed, the action to revoke the acknowledgment of paternity may be
36 brought at any time until one year after that person attains age 18, unless

1 the court finds that the child is more than one year of age and that
2 revocation of the acknowledgment of paternity is not in the child's best
3 interest.

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

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

15 If an acknowledgment of paternity has been revoked under this
16 subsection, it shall not give rise to a presumption of paternity pursuant to
17 K.S.A. 2014 Supp. 23-2208, and amendments thereto. Nothing in this
18 subsection shall prevent a court from admitting a revoked
19 acknowledgment of paternity into evidence for any other purpose.

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

23 Sec. 2. K.S.A. 2014 Supp. 23-2209 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its
25 publication in the statute book.