

ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-5

"District of Columbia Paternity Establishment
Temporary Act of 1991".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-142 on first and second readings, March 5, 1991, and April 9, 1991, respectively. Following the signature of the Mayor on April 26, 1991, this legislation was assigned Act No. 9-20, published in the May 10, 1991, edition of the D.C. Register (Vol. 38 page 2717) and transmitted to Congress on May 3, 1991 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-5, effective June 18, 1991.


JOHN A. WILSON
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

May 3,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,29,30,31

June 3,4,5,6,7,10,11,12,13,14,17

AN ACT

D.C. ACT 9-20

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 1991

To amend, on a temporary basis, title 16 of the District of Columbia Code to establish a procedure for the voluntary acknowledgment of paternity; to abolish prohibition of service of process on Sundays; to permit service of process in a child support case by a combination of first-class and certified mail; and to amend title 13 of the District of Columbia Code to permit execution of a bench warrant and service of process by the Metropolitan Police Department.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Paternity Establishment Temporary Act of 1991".

Sec. 2. Title 16 of the District of Columbia Code is amended as follows:

(a) By amending the table of contents of chapter 9 by adding the phrase "16-909.1. Establishment of paternity by consent of the parties.";

Note, Section
16-901

(b) By amending section 16-901 to read as follows:
"Sec. 16-901. Definitions.

Note, Section
16-901

"For the purposes of this chapter, the term:

"(1) "Court" means the Superior Court of the District of Columbia.

"(2) "IV-D agency" means a District of Columbia agency responsible for the establishment and enforcement of a child support order and the establishment of paternity for both Aid to Families with Dependent Children ("AFDC") and non-AFDC recipients pursuant to Title IV, Part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. 651 et seq.).

"(3) "IV-D case" means a case brought by the IV-D agency for the establishment of paternity or the establishment or enforcement of a child support obligation.";

(c) By amending section 16-909 as follows:

Note, Section
16-909

(1) By amending subparagraph (a)(4) by striking the period and inserting the phrase "including an acknowledgement or agreement pursuant to section 16-909.1(a)(1) or (2)." in its place;

(2) By amending subsection (b) to read as follows:

"(b) If questioned, a presumption created by subsection (a)(1) through (4) of this section may be overcome upon proof by clear and convincing evidence that the presumed father is not the child's father. The Superior Court shall try the question of paternity and shall determine whether the presumed father is or is not the father of the child."; and

(3) By amending subsection (c) by adding the phrase "subsection (b) of this section, " after the phrase "et seq.,";

(d) By adding a new section 16-909.1 to read as follows:

Note, Section
16-909

"Sec. 16-909.1. Establishment of paternity by consent of the parties.

"(a) Paternity may be established by:

"(1) A written statement of the father and mother made under oath that acknowledges paternity; or

"(2) A written agreement between the putative father and mother made under oath that binds the putative father and mother to the results of a genetic test and an affidavit from a laboratory, certified by the American Association of Blood Banks or the American Society of Histocompatibility, that affirms at least a 99% probability that the putative father is the father of the child.

"(b) An acknowledgement in accordance with subsection (a)(1) of this section or an agreement and affidavit that meet the requirements of subsection (a)(2) of this section shall legally establish the parent-child relationship between the father and the child for all rights, privileges, duties, and obligations under the laws of the District of Columbia, unless the Superior Court determines in accordance with section 16-909 or another court of competent jurisdiction determines that the presumed father is not the father of the child.

"(c) A public or private agency or institution that operates in the District of Columbia shall accept as adequate proof of paternity a birth certificate issued by the District of Columbia after the effective date of the District of Columbia Paternity Establishment Temporary Act of 1991 or other evidence that the requirements of subsection (a)(1) or (a)(2) of this section have occurred.

"(d) In the absence of an acknowledgement, or if the probability of paternity shown by a genetic test is less

than 99%, paternity may be established as otherwise provided in this chapter."; and

(e) By amending section 16-2345 by adding the phrase "or when an agreement and affidavit that meet the requirements of section 16-909.1(a)(2) are submitted to the Registrar," after the phrase "is thus determined,".

Note, Section
16-2345

Sec. 3. Title 13 of the District of Columbia Code is amended as follows:

(a) By amending the table of contents of Chapter 3 by adding the phrase "13-302.1 Service by Metropolitan Police Department.";

Note, Section
13-301

(b) By adding a new section 13-302.1 to read as follows:

Note, Section
13-302

"Sec. 13-302.1. Service by Metropolitan Police Department.

"(a) The Metropolitan Police Department shall execute, upon request, a bench warrant in any case in which paternity establishment or child support is at issue.

"(b) The Metropolitan Police Department shall serve civil process in any case in which paternity establishment or child support is at issue and shall serve the process at the request of the IV-D agency in any IV-D case. In a non-IV-D case, a judicial officer may order the Metropolitan Police Department to serve process pursuant to this section or to accompany a private process server upon a finding of danger to the process server or a finding that the respondent is evading service. The affidavit of a private process server shall be considered sufficient evidence for a finding of danger or evasion of service.

"(c) A special unit that consists of at least 4 police officers shall be established for the exclusive purpose of performing the duties enumerated in subsections (a) and (b) of this section.

"(d) The IV-D agency shall provide funds to the Metropolitan Police Department to pay for the full cost, including administrative costs, of providing the services in section 13-302.1(a) and (b) in all IV-D cases."; and

(c) Section 13-303 is repealed.

Note, Section
13-303

Sec. 4. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Code, sec. 30-501 et seq.), is amended as follows:

(a) By amending section 7b (D.C. Code, sec. 30-506(b)) to read as follows:

Note, Section
30-506

"(b) Personal service of the notice may be made in the following manner:

"(1) By delivering a copy of the notice to:

"(A) The responsible relative;

"(B) A person of suitable age and discretion who resides at the alleged responsible relative's dwelling house or usual place of abode;

"(C) A person of suitable age and discretion at the alleged responsible relative's place of employment; or

"(2) By mailing the notice to the alleged responsible relative by certified mail, return receipt requested, and also by separate first-class mail. A certified mail notice of the complaint shall be sufficient, although unclaimed or refused by the respondent, when the first-class mail notice is not returned. Service by certified mail that is unclaimed or refused and first-class mail alone shall not be a sufficient basis to permit the entry of a default order of paternity in a case where the respondent fails to file an answer or otherwise fails to respond appropriately. Delivery may be made by a competent adult with no interest in the proceedings.";

(b) By amending section 9 (D.C. Code, sec. 30-508) by adding a new subsection (c) to read as follows:

Note, Section
13-508

"(c) Notwithstanding sections 10(a) and 11(e)(2) of this act, cases not subject to immediate withholding shall become subject to immediate withholding upon request, regardless of whether there is an arrearage, on the earliest of:

"(1) The date an absent parent requests the withholding;

"(2) The date a custodial parent requests the withholding and the IV-D agency approves the request; or

"(3) Any earlier date the IV-D agency may select."; and

(c) By adding a new section 27a to read as follows:

"Sec. 27a. Funding.

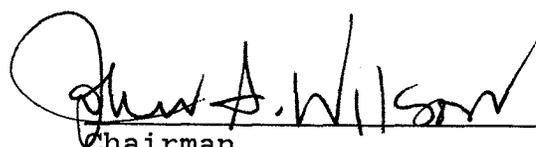
Note, Section
30-301

"Incentive payments received by the District under Title IV-D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. 651 et seq.), based upon the District's IV-D program performance, and payments for fixed percentages of the costs of administering the IV-D program, which are reimbursed by the federal government, shall be appropriated to the IV-D agency for the purpose of funding for the program. This amount shall be in addition to the annual appropriation for the IV-D agency and the IV-D agency shall spend those funds as though appropriated through the annual appropriation for the year in which they are received."

Sec. 5. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as

provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire on the 225th day of its having taken effect or upon the effective date of the District of Columbia Paternity Establishment Act of 1991, whichever occurs first.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: April 26, 1991



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B9-142

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 03-05-91

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: -- RESULT _____ (____ / ____ / ____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					LIGHTFOOT					SMITH, JR.				
BRAZIL					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON									
CROPP					RAY									
JARVIS					ROLARK									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Shylin Jones

Secretary to the Council

April 12, 1991

Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 04-09-91

VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot and Smith

ROLL CALL VOTE: -- RESULT _____ (____ / ____ / ____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					LIGHTFOOT					SMITH, JR.				
BRAZIL					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON									
CROPP					RAY									
JARVIS					ROLARK									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Shylin Jones

Secretary to the Council

April 12, 1991

Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: -- RESULT _____ (____ / ____ / ____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					LIGHTFOOT					SMITH, JR.				
BRAZIL					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON									
CROPP					RAY									
JARVIS					ROLARK									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date