

# **The Determination of Paternity in Oregon**

## **I. Introduction**

Children born out of wedlock need support from both their father and their mother. Generally, the initial burden of child support rests upon the mother. A father may or may not take responsibility for his child. If a father chooses not to acknowledge paternity, the mother, and in some cases the state, must initiate a filiation proceeding to compel the father to pay child support.

It is the belief of the Civil Justice Foundation that many putative fathers have a relationship with the unmarried mother during her pregnancy and at the time of birth. This creates an emotional bond with the child and instills in the father a sense of responsibility. Therefore, the ideal time to establish the paternity of the child is during this time frame.

In order to study how to better facilitate the determination of paternity at an earlier stage in the child's life, the Civil Justice Foundation requested and received a grant from the American Institute for Full Employment for the research and writing of this report.

The research shows that a state has a significant interest in ensuring that genuine claims for child support are satisfied, in reducing the number of individuals forced to enter welfare rolls, and in establishing a father-child relationship. When states enact paternity statutes, the statutes must bear an evident and substantial relation to these interests.<sup>1</sup>

Two model acts have been influential in shaping this nation's paternity law: the Uniform Act on Paternity of 1960 and the Uniform Parentage Act of 1973. While only sixteen states have officially adopted the Uniform Parentage Act and only six states have officially adopted the Uniform Act on Paternity, the majority of states have looked to these models acts when enacting their own paternity statutes.

This past summer, the National Conference of Commissioners on Uniform State Laws approved and recommended for enactment the Uniform Parentage Act of 2000. The Commissioners recommended that the Uniform Parentage Act of 2000 repeal any past model act concerning paternity or parentage. In making these new recommendations, the Commissioners made many procedural modifications to not only the filiation proceeding itself, but also to the process of genetic testing.

Prior to reviewing these new recommendations, this report will review how Oregon currently determines the paternity of a putative father. Following this, a comparative analysis will be made of the paternity statutes in other states. Next, an analysis will be made as to how the

Uniform Parentage Act of 2000 proposes to change or supplement these current paternity laws. Finally, some recommendations will be made as to how Oregon may implement these recommendations, as well as some of our own.

## II. Summary of Oregon Law Relating to Paternity

In Oregon, when a woman becomes pregnant, the man, with whom she has engaged in sexual intercourse at the approximate time of conception, has an obligation to recognize that he may be the father.<sup>2</sup> A presumption of paternity occurs if the child is born in wedlock, and paternity may be established if the parents marry after the birth of the child.<sup>3</sup> Also, while the woman is pregnant, a putative father has two options: 1. He can acknowledge paternity and assume his rights as the father, or 2. He can deny paternity of the expected child. If the alleged father denies paternity, the mother may seek relief.<sup>4</sup>

The father can acknowledge paternity by signing a contract with the mother. Admission of paternity is sufficient consideration for the contract.<sup>5</sup> The father can also acknowledge paternity by filling out a "Voluntary Acknowledgement of Paternity" form that is issued by a health care facility. A health care facility is responsible for providing this form and filing it with the state when the facility believes that the mother is unmarried. This form must be signed by both parents and witnessed by a third party. Within one year, any party to the acknowledgment or the state, if assistance is being provided to the child, may request that the court order a genetic test. If the test excludes the male party, the court will issue a non-paternity order.<sup>6</sup>

If the father denies paternity, the mother of the child, the Division of Child Support of the Department of Justice, any state agency providing support because of the birth or impending birth, or the District Attorney (upon request) may initiate a filiation proceeding against the alleged father by filing a duly verified petition.<sup>7</sup>

During a private hearing, the court first determines the issues of paternity. If the father admits to paternity, the admission is reduced to writing. If paternity is denied, corroborating evidence and testimony of the parent is required. If the court finds by the preponderance of the evidence that the putative father is the actual father, the court may then proceed to determine relief. The court may approve settlement agreements, order an investigation or production of evidence, and/or order the father to pay certain expenses.<sup>8</sup> This can be done even if the putative father fails to submit a plea or appear at trial.<sup>9</sup>

If the court cannot find good cause to allow relief to the mother, the court (upon its own initiative or by recommendation) shall order the mother, child, and alleged father to submit to a blood test. If any person refuses to such a test, the court may resolve the question of paternity against such person or enforce its order.<sup>10</sup>

A rebuttable presumption of paternity is created if one or more blood tests result in a cumulative paternity index of 99 or greater. If the experts disagree in their conclusions, the evidence of the blood tests, together with testimony of the mother, is a sufficient basis upon which to presume paternity for establishing temporary support. Upon the motion of the mother, the court shall

enter a temporary order requiring the alleged father to provide support pending the determination of parentage.<sup>11</sup>

If more than one year has passed after the entry of an order to establish paternity, and if no genetic parentage test has been computed, the mother may apply to the court to have the issue of paternity opened. The court shall order the mother, child, and alleged father to take parentage tests. If the alleged father refuses to comply, the issues of paternity shall be resolved against him. Any temporary support paid will be forfeited.<sup>12</sup>

### III. Paternity Proceedings: State Comparisons

#### A. Bringing an action

In order to bring a paternity action against a putative father, most states require that the mother file a petition or a complaint with the appropriate administrative or judicial authority. Some states also provide that any interested party may file an action against a putative father. Generally speaking, the states provide that a governmental agency, such as a Department of Social Services or a District Attorney, may file an action against the putative father only if the mother and/or the child receive support assistance from the state.

The research shows that two states differ from the main approach. In Connecticut, if the mother neglects to file a petition, any state or town agency interested in the support of the child may institute proceedings.<sup>13</sup> In North Carolina, the Department of Social Services can bring an action if it appears as if the child will need support.<sup>14</sup>

#### B. Arrest Warrants

Two states allow the court to issue an arrest warrant for the putative father. Idaho will issue an arrest warrant if it appears as if the putative father will not appear or cannot be served.<sup>15</sup> In Oklahoma, an arrest warrant is issued by simply filing a complaint with the court.<sup>16</sup>

#### C. Minor parents

A majority of states do not treat minor parents and adult parents differently when determining paternity. In fact, Virginia law specifically states that putative fathers who are 14-18 years old are to be treated as adults.<sup>17</sup> However, in Kansas, if the putative father is a minor, notice is served upon his parents/guardians, and then the court will appoint an attorney to represent him.<sup>18</sup> California will not establish paternity until 60 days after the putative father reaches the age of 18.<sup>19</sup>

Florida takes a proactive approach and requires any mother under the age of 16 to identify the father and if requested, to take a blood test.<sup>20</sup> If the father is 21 years or older, the mother is obligated to cooperate in his prosecution.<sup>21</sup>

D. Healthcare and other facilities assisting in acknowledging father

Like Oregon, six other states require the healthcare facility where the baby is born to furnish voluntary acknowledgement of paternity forms.<sup>22</sup> All of these statutes emphasize that a particular state agency is responsible for providing the forms to the healthcare facilities and for training the healthcare providers in recognizing potential children being born out of wedlock.<sup>23</sup>

These statutes also emphasize that the healthcare facilities must fully explain the form to the parents before allowing the parents to complete the form.<sup>24</sup> North Dakota specifically states that due process requirements must be met before having the parents sign the form.<sup>25</sup> All six states require the form to be completed while under oath and witnessed by one or two healthcare providers.<sup>26</sup> Generally, the completion of the form is to be done prior to discharge.<sup>27</sup>

California authorizes these forms to be placed in childcare centers, schools, prisons, pediatric doctors' offices, and OB/GYN offices.<sup>28</sup> Employees at these facilities are encouraged by the state to help parents complete a form when they know that a child will be or has been born out of wedlock.<sup>29</sup>

E. Pretrial hearings and recommendations

Many states have what they call pretrial hearings, consent conferences, pretrial inquiries, or informal hearings.<sup>30</sup> Generally, a pretrial hearing is brought as soon as possible after the filing of an action.<sup>31</sup> During the hearing, the court may compel any party to testify under oath or to produce evidence.<sup>32</sup> If a party refuses to testify for fear of self-incrimination, the court may offer immunity.<sup>33</sup> At the conclusion of the hearing, the judge may make the recommendation that the putative father acknowledge paternity.<sup>34</sup> If the putative father refuses, the judge may order a paternity test (if one was not done before).<sup>35</sup> Upon receiving the results of the paternity test, the judge may make a final recommendation.<sup>36</sup> If the final recommendation is refused by any party, the case then proceeds to trial.<sup>37</sup>

In Maryland, before or after a complaint is filed, the state's attorney may hold a pretrial inquiry.<sup>38</sup> The state attorney may summon any party other than the putative father to appear.<sup>39</sup> The state attorney may request the summoned party to submit to a blood test.<sup>40</sup> Refusal to submit to a blood test allows the state attorney to get an order from a judge.<sup>41</sup> Notice of the pretrial inquiry is given to the father and he may appear, testify, and provide evidence.<sup>42</sup> However, he must sign a waiver that permits his testimony to be used against him in a paternity proceeding.<sup>43</sup>

F. Compelling disclosure

In Connecticut, if the mother has a child out of wedlock, and she fails to disclose who the father is, and the child receives state aid, the mother is summoned to appear before a judge.<sup>44</sup> The judge may compel the mother to disclose the father's name and to institute an action to establish paternity.<sup>45</sup> Failure to appear before the judge is contempt, which carries a \$200 fine or 1 year in jail.<sup>46</sup>

### G. Ordering paternity tests

Generally, after a filiation proceeding begins, the court may on its own motion, or shall upon the motion of any interested party, order a paternity test. To prevent frivolous paternity claims, the court will either require the interested party to file an affidavit or make a sworn statement in court as to why the putative father should be required to submit to a paternity test. False statements are generally punishable by contempt.

In Michigan, before trial even begins, the court shall order all parties to submit to a blood test.<sup>47</sup> After the putative father has been served the complaint, and if the putative father fails to acknowledge paternity in a responsive pleading, the family agency may file and serve all parties a notice requiring a paternity test. Failure to appear for the paternity test results in a court order.<sup>48</sup>

In Georgia, if an action is commenced and a paternity test order is issued prior to birth, the court shall order the testing to be done as soon as possible after the birth of the child.<sup>49</sup> This order is enforceable by contempt.<sup>50</sup>

Louisiana allows the District Attorney, when assisting Social Services, to file a motion and a sworn affidavit with the court to get an ex-parte paternity test order.<sup>51</sup> This can be done without filing any other legal proceeding.<sup>52</sup> Refusal to submit to the paternity test results in a judgment against the refusing party.<sup>53</sup>

In Mississippi, the Department of Human Services may issue an administrative order to have a paternity test done.<sup>54</sup> Refusal to submit to the test creates a rebuttable presumption of paternity.<sup>55</sup>

Finally, in West Virginia, prior to the commencement of an action, a party may request that the child support division order a paternity test.<sup>56</sup> If the division does not order a test, a court may on its own initiative order one done.<sup>57</sup> The alleged father must be given 10 days notice.<sup>58</sup>

### H. Expedited Process

The research shows that two states provide for an expedited filiation proceeding.

Louisiana allows Social Services to bring an action on its own behalf if the mother is receiving state aid.<sup>59</sup> Establishment of paternity must proceed within a statutory timeline (75% in 6 months; 90% in 12 months).<sup>60</sup> The court will appoint a hearings officer who will make recommendations to the court, administer oaths, compel attendance of witnesses, issue subpoenas, order blood tests, and propose a judgment.<sup>61</sup> The putative father may file an exception to the hearing officer's order to submit to a blood test, which may be taken up on appeal with de novo review.<sup>62</sup>

In North Carolina, a local child support office may, without a court order, subpoena the alleged father to appear for a paternity test.<sup>63</sup> Refusal to comply may be treated as contempt.<sup>64</sup> Subpoenas can be contested, by requesting a hearing, within 15 days of receipt.<sup>65</sup> A hearing is

then held and a determination is made within 30 days of the request.<sup>66</sup> The trial court may determine that the putative father has to comply with the subpoena.<sup>67</sup>

#### IV. Uniform Parentage Act of 2000

The National Conference of Commissioners on Uniform State Laws has made many proposals to improve the determination of paternity of a child. Some of these new additions to the Uniform Parentage Act are original, while other proposed changes simply incorporate what the states have already done.

The new Act emphasizes the voluntary acknowledgment of paternity. However, the Commissioners' recommendations for voluntary acknowledgement still fall short of what Oregon and many other states are doing. Nowhere in the new Act do the Commissioners propose that healthcare organizations use the acknowledgement forms in a proactive manner. The Act simply proposes that an agency maintaining birth records provide these forms.<sup>68</sup> This leaves the states some room to experiment on their own.

The new Act also proposes modifications to the filiation proceeding. The Uniform Parentage Act of 1973, as well as the previously discussed state statutes, allowed for pre-trial proceeding and recommendations. The new Act does away with any pre-trial procedures and proposes that the filiation proceeding begin as the rules of civil procedure dictate.<sup>69</sup> The new Act does propose that while a filiation proceeding may not conclude until after the birth of the child, prior to the birth, the court can serve the putative father, begin and conclude discovery, and collect specimens for genetic testing.<sup>70</sup>

The major recommendations of the new Act pertain to genetic testing. The new recommendations no longer allow the court, on its own initiative, to order genetic tests. Instead, the court shall only order tests upon receiving a request supported by a sworn affidavit. Furthermore, the Act states that support-enforcement agencies can order genetic testing only when there is no presumed, acknowledged, or adjudicated father.<sup>71</sup> However, it does not specify that the agency must be supporting the mother or child prior to ordering a genetic test.

In line with provisions already existing in the many states, the new Act enforces an order for genetic testing through contempt proceedings or by issuing a temporary order of support. Like before, continued refusal to submit to a genetic test allows the court to adjudicate contrary to that individual's position. However, if the mother is the one refusing to submit to a genetic test, the court may still order the child and the putative father to test.<sup>72</sup>

The new requirements for genetic testing have been updated to allow for advancements in medical science. Unlike the previous acts and the many state acts, the new Act specifies that blood, buccal cells, bone, hair, or other body tissue or fluid may be used as specimens for genetic testing.<sup>73</sup> When these specimens are not available from the putative father, the Act proposes that the court order specimens to be taken from the parents, siblings, other children and their mothers, and any relatives of the putative father.<sup>74</sup>

The new Act also proposes some safeguards when performing genetic tests. First, a laboratory accredited by the federal Secretary of Health and Human Services must conduct the tests.<sup>75</sup> Next, in order to preserve a reliable chain of custody so that genetic testing can be admissible without testimony, the following information must be documented: the names and photographs of the individuals giving the specimens, the dates the specimens were taken, and the names of the individuals who collected and tested the specimens.<sup>76</sup>

If genetic testing neither excludes or identifies a putative father, the court is not allowed to dismiss the proceeding. Instead, the court must weigh the results of the genetic test with other evidence.<sup>77</sup>

Most of these recommendations seem to incorporate many of the major changes the various states have made throughout the years on the past model acts. Apart from a few exceptions, these recommendations do not provide many innovative approaches to a filiation proceeding. Instead, they appear to only generalize what the states have done since 1973, which allows for future state experimentation.

## V. Recommendations

It is recommended that the majority of Oregon's statutory provisions regarding filiation proceedings and genetic testing for paternity remain intact. Unless otherwise stated in the following proposals, it is suggested that many of the procedural aspects previously discussed will be integrated with the new recommendations.

It is imperative that the state become involved early in the process of determining the paternity of a newly born child. This is especially the case when the putative father is present at the birth of the child and aids the mother in the birthing process. Under these circumstances, the putative father is most likely to acknowledge paternity and assume responsibility for future support of the child.

The state should not intervene when the mother desires to be independent from both the putative father and the state, and when the putative father refuses to acknowledge the paternity of the child. In these situations, a form should be available for the mother, and the putative father if he is present, to acknowledge the mother's independence from the state and the putative father. If the putative father is not present and the mother completes such a form, the putative father will not lose any potential parental rights, including the ability to initiate a filiation proceeding. However, if both the putative father and the mother complete such a form, and then either or both of them later seek to initiate a filiation proceeding, the form may be introduced as evidence. Also, if a mother completes this form and then later seeks governmental assistance, it is proposed that the DCS or the supporting state agency be allowed to bring a filiation proceeding against the mother and the putative father.

Currently, in order to establish paternity, certain presumptions may be made. A conclusive presumption is made if the child is born to a mother who is cohabiting with her fertile husband, and a rebuttable presumption is made if the child is born in wedlock and there is no official decree of separation.<sup>78</sup> It is prima facie evidence of paternity if a child is born while the mother is cohabiting with the father, or if the father held the mother out as if she was his wife.<sup>79</sup> No changes should be made to these statutes.

However, Oregon provides no presumptions if the child is born out of wedlock, if the parents never marry, and if none of the above criteria is satisfied. In these cases, paternity is generally determined either through a filiation proceeding or by acknowledging paternity. As previously discussed, some measures are taken to proactively encourage the acknowledgment of paternity or initiate a filiation proceeding if the mother is receiving government assistance. However, much more can be done to help the mother receive child support from the father. Therefore, the following recommendations are made.

The healthcare facility where the child is born should be the main facilitator in determining the paternity of the child. Currently, if a child is born or is expected to be born in a healthcare facility, as defined in ORS 442.015, and the healthcare facility has reason to believe that the mother is unmarried, the healthcare facility is authorized to only provide a voluntary acknowledgment of paternity form and witness the completion of the form.<sup>80</sup> The parents are not obligated to fill out this form, nor are any steps authorized statutorily to encourage the healthcare facility to take further steps to identify the paternity of the child.

To determine paternity, it is necessary to first determine the marital status of the mother. It is proposed that when the healthcare facility instructs the mother and the putative father concerning the completion of the birth certificate, the hospital should also inquire as to the marital status of the mother. If it is determined that the mother is unmarried, the healthcare facility should then encourage the mother, and the putative father if he is present, to complete an acknowledgment form. In doing so, the healthcare provider should inform the parents of the consequences of not filling out the acknowledgement form.

The healthcare facility shall also inform and encourage the mother that if she does not name the father on the birth certificate, the information should be entered in the “Medical and Confidential” section of the birth certificate.<sup>81</sup> A procedure should be put in place that notifies possible state support agencies and the Division of Child Support (DCS) of the Department of Justice of a possible putative father. To encourage healthcare facilities to comply with these regulations, it is suggested that they be compensated by the DCS or a support agency for any reasonable costs incurred in facilitating the determination of paternity.

It is proposed that the healthcare facility be further authorized to request a putative father, who is present at the facility, to submit to a buccal cell swab test, or furnish any other kind of specimen as suggested by the new Uniform Parentage Act, so as to provide a specimen for genetic testing to be performed at a later time.

If the putative father is present at the healthcare facility and he acknowledges paternity and/or submits to a swab test, the acknowledgement form will still be submitted to the State Registrar of

the Center for Health Statistics and the swab test or other specimen will then be sent to an accredited laboratory for evidence in a possible future filiation proceeding. The DCS will also be informed as to all transactions.

If the putative father is not present at the healthcare facility and the mother refuses to acknowledge whom the father is, the mother's and the child's name shall be noted and information will be sent to the DCS and their affiliated support agencies. If the putative father is present at the healthcare facility and he refuses to fill out an acknowledgment form or submit to a swab test (or furnish a specimen), the healthcare facility shall note the putative father's name and any pertinent information, and then transmit the information to the DCS. The DCS shall then be authorized to promptly contact the putative father to request an acknowledgment of paternity and/or a specimen for genetic testing.

Refusal of the putative father to acknowledge paternity or to provide a specimen will allow the DCS to get a court order to compel the father to submit to a paternity test. This will be an ex-parte action. To obtain an order, the DCS will be required to provide a sworn affidavit stating their reasoning for requesting the order. After obtaining a court order, the DCS may compel the father to submit to a genetic test. Refusal to submit to a test will result in contempt and the court may then issue a temporary court order for support of the child. Continued refusal to comply with a court order will result in an adjudication of paternity against the putative father. If the court adjudicates against the putative father, the court may then award the DCS with attorney fees and costs.

If the DCS is unable to contact the putative father within a reasonable time after the birth, the DCS should begin a filiation proceeding.

If the putative father agrees to acknowledge paternity or to provide a specimen, the DCS may then bring a filiation proceeding against the putative father to review the evidence and determine child support.

Currently, if a mother is receiving aid from a state agency to assist with a birth or an impending birth, the agency may initiate a filiation proceeding.<sup>82</sup> It is further proposed that when a mother refuses to disclose the father of her child, but then seeks and/or receives governmental assistance (such as unemployment benefits, welfare, Oregon Health Plan, etc.) the DCS or the state agency providing the support will then be authorized to initiate a filiation proceeding to determine the paternity of the child.

## VI. Conclusion

The current paternity laws in Oregon do not need massive reform. However, the Civil Justice Foundation believes that more can be done to help unmarried mothers and their children. Unmarried mothers shoulder too much of the burden when it comes to supporting their children. Fathers need to support their children early in life to ease the financial and emotional strains of the unmarried mother, and more importantly, to establish a bond with their child.

The determination of paternity is of the utmost importance in resolving child support issues and in creating a father-child relationship. Taking proactive steps during and after the pregnancy of the mother helps assist her and her child in immeasurable ways. Additionally, by encouraging the state and healthcare facilities to become involved early on in the child's life, many state child support agencies will be relieved of some of their financial responsibilities.

These recommendations serve as a foundation to establish a new statutory scheme in determining paternity and child support in Oregon. In doing so, Oregon can be a role model to the nation, while at the same time providing the much needed assistance to unmarried mothers.

For the Civil Justice Foundation:  
KEVIN L. MANNIX, P.C.  
December 26, 2000

By: Kevin L. Mannix  
Attorney-at-Law

Assisted By: Chris A. Bishop  
Law Clerk

---

<sup>1</sup> *Pickett v. Brown*, 462 US 1, 8, 10-15, 103 SCt 2199, 2205-207 (1983).

<sup>2</sup> ORS 109.092.

<sup>3</sup> ORS 109.070.

<sup>4</sup> ORS 109.092.

<sup>5</sup> ORS 109.230.

<sup>6</sup> ORS 432.285.

<sup>7</sup> ORS 109.125.

<sup>8</sup> ORS 109.155.

<sup>9</sup> ORS 109.145.

<sup>10</sup> ORS 109.252.

<sup>11</sup> ORS 109.258, 109.259.

<sup>12</sup> ORS 416.443.

<sup>13</sup> Conn. Gen. Stat. § 46b-162 (1999).

<sup>14</sup> N.C. Gen. Stat. § 49-5 (1999).

<sup>15</sup> Idaho Code § 7-1112 (1998).

<sup>16</sup> Okla. Stat. tit. 10 § 75 (1999).

<sup>17</sup> Va. Code Ann. § 20-49.6 (1999).

<sup>18</sup> *Id.*

<sup>19</sup> Cal. Fam. Code § 7577 (1999).

<sup>20</sup> Fla. Stat. § 742.107 (1999).

<sup>21</sup> *Id.*

<sup>22</sup> Cal. Fam. Code § 7571 (1999); Ga. Code Ann. § 19-7-27 (1998); Kan. Stat. Ann. § 38-1137 (1999); N.D. Cent. Code § 14-19-12 (1999); S.C. Code Ann. § 44-7-77 (1999); Va. Code Ann. § 20-49.9 (1999).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> N.D. Cent. Code § 14-19-12 (1999).

<sup>26</sup> *Id.*

---

<sup>27</sup> *Id.*  
<sup>28</sup> Cal. Fam. Code § 7571 (1999).  
<sup>29</sup> *Id.*  
<sup>30</sup> Colo. Rev. Stat. § 19-4-111, 19-4-114 (2000); Del. Code tit. 13 § 809 (2000); Md. Dom. Code Ann. § 5-1016, 5-1020, 5-1021, 5-1024 (1999); Mo. Rev. Stat. § 210.832, 210.838 (1998); Mont. Code Ann. § 40-6-111, 40-6-114 (1999); Nev. Rev. Stat. § 126.61 (1998); N.M. Stat. Ann. § 40-11-10, 40-11-11 (1999); N.D. Cent. Code § 14-17-12 (1999); Tex. Dom. Code Ann. § 160.105 (2000); Wyo. Stat. Ann. § 14-2-108, 14-2-111 (1999).  
<sup>31</sup> *Id.*  
<sup>32</sup> *Id.*  
<sup>33</sup> *Id.*  
<sup>34</sup> *Id.*  
<sup>35</sup> *Id.*  
<sup>36</sup> *Id.*  
<sup>37</sup> *Id.*  
<sup>38</sup> Md. Dom. Code Ann. § 5-1016, 5-1020, 5-1021, 5-1024 (1999).  
<sup>39</sup> *Id.*  
<sup>40</sup> *Id.*  
<sup>41</sup> *Id.*  
<sup>42</sup> *Id.*  
<sup>43</sup> *Id.*  
<sup>44</sup> Conn. Gen. Stat. § 46b-16 (1999).  
<sup>45</sup> *Id.*  
<sup>46</sup> *Id.*  
<sup>47</sup> Mich. Comp. Laws § 722.716 (1999).  
<sup>48</sup> Mich. Comp. Laws § 722.712 (1999).  
<sup>49</sup> Ga. Code Ann. § 19-7-43 (1998).  
<sup>50</sup> *Id.*  
<sup>51</sup> La. Stat. Ann § 9:396 (2000).  
<sup>52</sup> *Id.*  
<sup>53</sup> *Id.*  
<sup>54</sup> Miss. Code Ann. § 93-9-21 (1999).  
<sup>55</sup> *Id.*  
<sup>56</sup> W. Va. Code § 48A-6-3 (1999).  
<sup>57</sup> *Id.*  
<sup>58</sup> *Id.*  
<sup>59</sup> La. Stat. Ann § 46:236.5 (2000).  
<sup>60</sup> *Id.*  
<sup>61</sup> *Id.*  
<sup>62</sup> *Id.*  
<sup>63</sup> N.C. Gen. Stat. § 110-132.2 (1999).  
<sup>64</sup> *Id.*  
<sup>65</sup> *Id.*  
<sup>66</sup> *Id.*  
<sup>67</sup> *Id.*  
<sup>68</sup> Uniform Parentage Act §§ 301-314 (2000).  
<sup>69</sup> *Id.* at § 601.  
<sup>70</sup> *Id.* at § 611.  
<sup>71</sup> *Id.* at § 602.  
<sup>72</sup> *Id.* at § 624.  
<sup>73</sup> *Id.* at § 503.  
<sup>74</sup> *Id.* at § 508.  
<sup>75</sup> *Id.* at § 503.  
<sup>76</sup> *Id.* at § 504.  
<sup>77</sup> *Id.* at § 631.  
<sup>78</sup> ORS 109.070.

---

<sup>79</sup> ORS 163.565.  
<sup>80</sup> *See* ORS 432.285.  
<sup>81</sup> *See* ORS 432.206.  
<sup>82</sup> ORS 109.125.