

Presented by:

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AGENDA

- 🍷 Colorado Paternity Stats
- 🍷 Mandatory Parties and Notice
- 🍷 Alleged, Presumption of Paternity & Competing Presumptions of Paternity



COLORADO PATERNITY STATS THROUGH APRIL 2015

Paternity Established Percentage (PEP) - 94.5%

Statewide PEP – 94.6%

of kids with paternity established – 100,265

of kids that still need paternity established – 5,735





Court of Appeals No. 12CA1234 -- June 20, 2013

IN RE: the SUPPORT OF E.K., J.K., and P.K., Children, Concerning the People of the State of Colorado, Petitioner–Appellee, P.W.K., Respondent–Appellant.

- Mandatory Parties (all presumed and alleged fathers)
- Give notice to all presumed and alleged natural fathers of the children - Colorado Rules of Civil Procedure 19-4-110
 - Personal Jurisdiction
 - Personal Notice
 - Publication – commission approved single publication



6 of Notice

Husband
and Wife
Divorce
Case

At the hearing

Wife
raises
issue of
Paternity

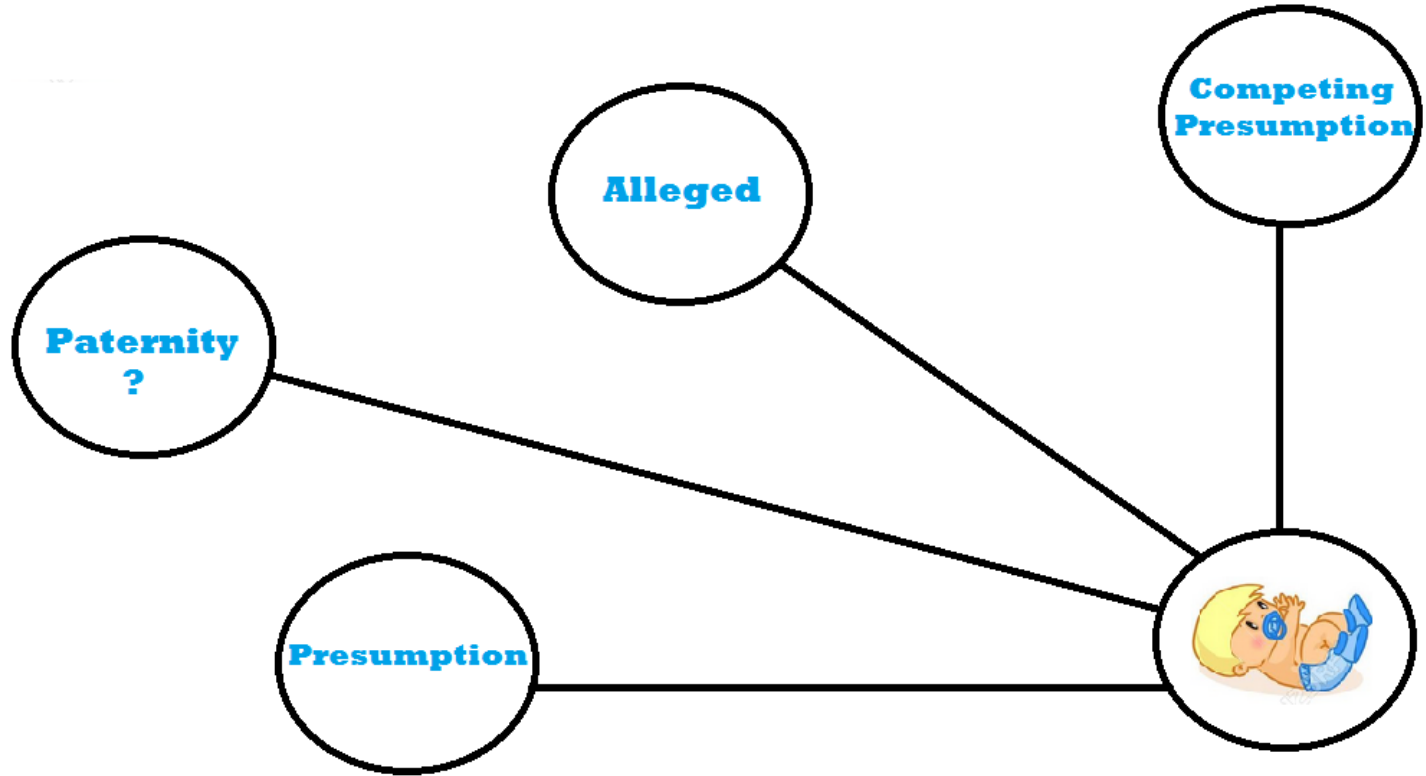
Can Father be
included as a
Party

?

Father
appears by
phone –
consents to
be added as
a party



IDENTIFYING PATERNITY ISSUES



Alleged - Presumption &
Competing Presumption



6^o OF ALLEGED

A person who
has been named
as the father of
a child

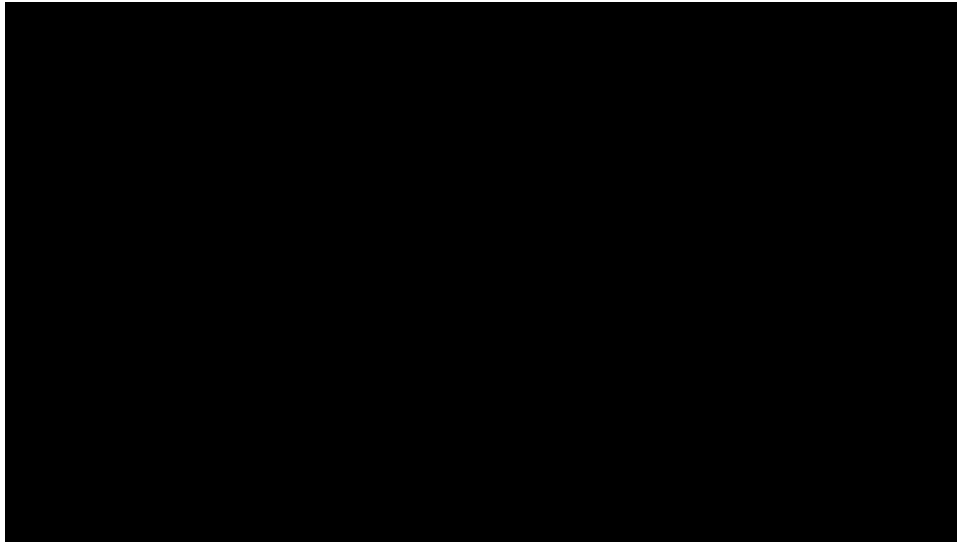
Even a
deceased
alleged father
must be named





6 OF JUSTIN BIEBER

Yeater, 20, who claims she had sex with the 17-year-old popstar backstage at one of his concerts, is seeking \$170,000 from him in child support.



PRESUMPTION



- Marriage / Civil Union / Common Law / Attempted Marriage with-in 300 days of the child's birth
- Holds the child out as their child (psychological parent)
- Signed Acknowledgement of Paternity/Parentage
- Genetic test results



6^o OF KIM KARDASHIAN

What steps need to take place?

Divorce finalized 6/19/13

Baby Kardashian
born 6/15/13

Married Kris
Humphres
8/20/11



Pregnancy
announcement
12/30/12

Humphres is presumed by marriage



Kim starts dating
Kanye West in March 2012



COMPETING PRESUMPTIONS

Two or more presumptions conflict with each other

Statutory factors

- The length of time between the court proceeding and when the presumed father was placed on notice
- The length of time the presumed father has assumed the role of the child's father
- The facts surrounding the presumed father's discovery of his possible non-paternity
- The nature of the father-child relationship
- The age of the child
- The relationship of the child to the presumed fathers
- Whether the passage of time reduces the chances of establishing the paternity of another man who will have an obligation to support the child
- The equities arising from the disruption of the child's relationship with the presumed father or the chance of other harm to the child



6 OF PRESUMPTION (HELD CHILD OUT AS HIS OWN)

How should the
court proceed

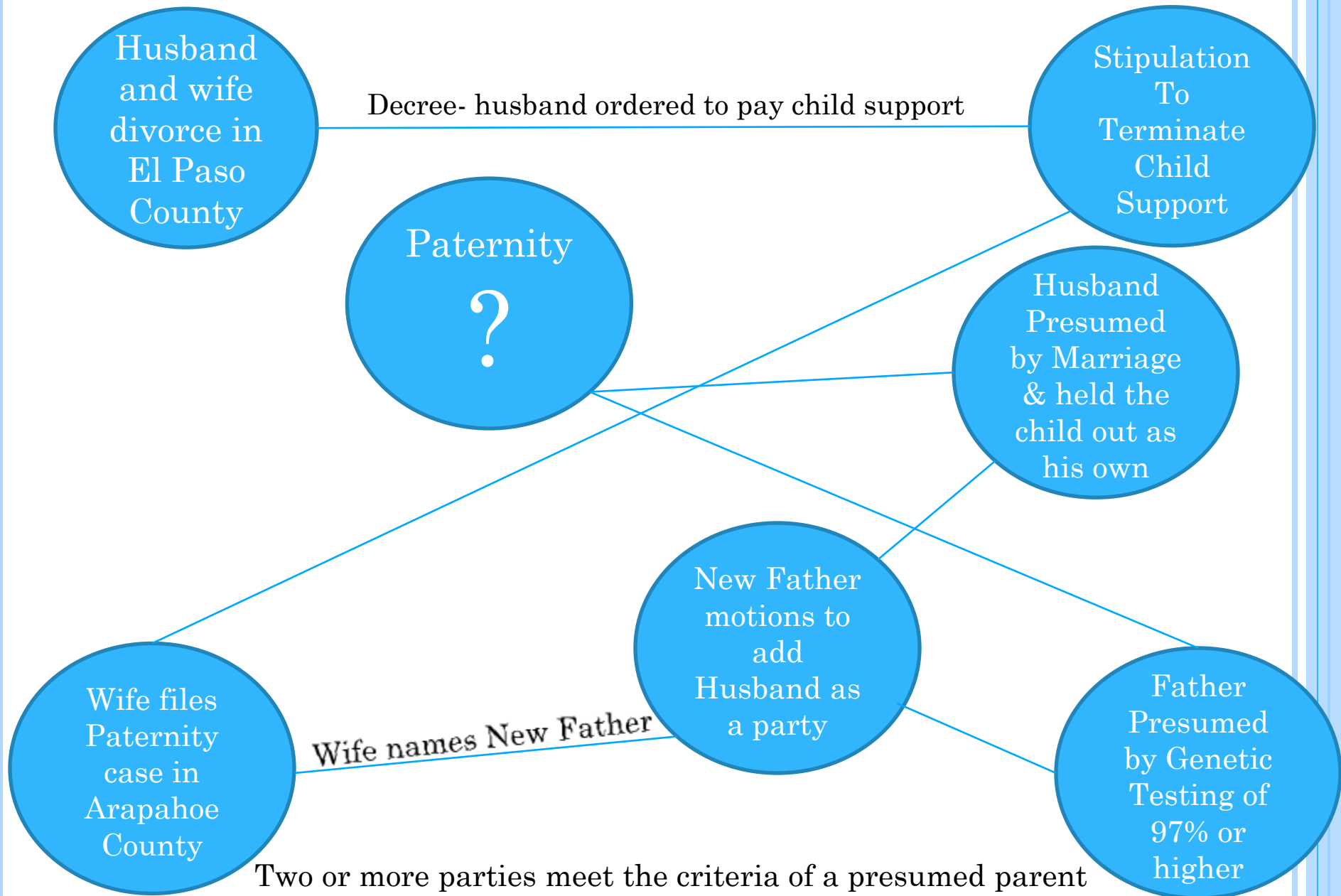


Presumed
Father #1
Married
separated 1
year prior to
conception

Mom testifies in
Court
-Her current
boyfriend is
“really” the
father who the
child knows as
dad

Presumed
Father #2
Genetic Test
results of 97%
or higher

6^o OF COMPETING PRESUMPTION



CHILD BORN OUTSIDE OF COLORADO

Effective August 11, 2011, if paternity is established by or pursuant to the laws of another state, it can't be challenged in Colorado

- Pursuant to section 26-13.5-105, C.R.S., child support enforcement unit *shall not* order genetic testing of a child whose parentage has previously been determined by or pursuant to the law of another state
- A court may stay a support proceeding for such reasonable time as determined by the court to allow the party asserting the defense to pursue the nonparentage claim in the other state



Q

&

A

