



**Statement of Libby Snyder, Legislative Counsel at the Uniform Law Commission, to the
House Judiciary Committee in Support of House Bill 2409 – Enacting the Uniform
Parentage Act (2017).**

Public Hearing of February 13, 2023

Chair Patton and Members of the Committee:

Thank you for considering House Bill 2409, enacting the Uniform Parentage Act, promulgated by the Uniform Law Commission (ULC) in 2017. The ULC is a non-profit organization formed in 1892 to draft non-partisan model legislation in the areas of state law for which uniformity among the states is advisable.

The ULC is composed of Commissioners on Uniform State Laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. All commissioners are members of the bar. The governors of the states and other appointing authorities have appointed lawyers in private or public practice, judges, legislators, and law school professors as commissioners.

Each uniform law is the product of a 3-year process that is designed to ensure meticulous consideration of every act. Proposals for uniform acts, received from many sources, are referred to the Committee on Scope and Program. After consideration, the Scope and Program Committee may recommend that a proposal be further explored by a study committee. ULC study committees research the subject matter to determine whether a uniform law on a topic would be beneficial and reports its findings back to the Committee on Scope and Program.

If, after reviewing the findings of the study committee, the ULC decides to move forward with a certain topic, a drafting committee is appointed. Drafting committees work for a minimum of two years and receive extensive committee consideration. All drafting committee meetings are open to the public. Drafting committee chairs or ULC staff will contact organizations and other groups believed to have an interest in a proposed act and ask them to send a representative to participate in meetings of the drafting committee.

A draft act must be discussed and considered section-by-section by the entire ULC at no fewer than two annual meetings before the ULC may decide by a vote of states whether to promulgate the draft. Each state is entitled to one vote. An act is not promulgated unless a majority of the

states represented at an annual meeting (and at least 20 states) have approved the draft. This extensive process ensures that final acts are well-drafted and carefully considered models that will bring clarity and stability to critical areas of the law.

The state of Kansas has a long history of enacting uniform acts, including the Uniform Commercial Code, the Uniform Anatomical Gifts Act, the Uniform Trade Secrets Act, and the Uniform Transfers to Minors Act, as well as others.

The Uniform Parentage Act was first promulgated in 1973, but the ULC's first efforts in this subject matter occurred over 100 years ago with the drafting of the Uniform Illegitimacy Act (1922). The Conference followed that with the Blood Tests to Determine Paternity Act (1952), the Uniform Paternity Act (1960), and certain provisions of the Uniform Probate Code (1969). However, uniform laws in this subject matter area did not see wide enactment in state legislatures until the ULC drafted the Uniform Parentage Act in 1973.

The Uniform Parentage Act was updated in 2002 to add provisions permitting a non-judicial acknowledgment of paternity procedure that is the equivalent of an adjudication of parentage in a court. Kansas did not enact the Uniform Parentage Act of 2002 because the state had already amended its law in 1994 to implement a hospital-based program for voluntary acknowledgment of paternity. The Uniform Parentage Act was updated again in 2017 to account for advancements in technology related to genetic testing and assisted reproduction and constitutional developments regarding marriage. Overall, the Uniform Parentage Act at large has been quite influential – laws in roughly half the states are based on variations of the Uniform Parentage Act.

The UPA (2017) clarifies and codifies different procedures for adjudicating parentage in different situations and for adjudicating competing claims of parentage. The 2017 Act includes provisions on adjudicating parentage in situations where there is an alleged genetic parent, a presumed parent, an acknowledged parent, and an adjudicated parent. The bill also provides clear procedures for adjudicating competing claims of parentage, including factors the court shall consider in determining the best interest of the child. These factors include the age of the child, the length of time during which each individual assumed the role of parent of the child, the nature of the relationship between the child and each individual, the harm to the child if the relationship between the child and the individual is not recognized, the basis for each individual's claim to parentage of the child, and other equitable factors arising from the disruption of the relationship between the child and each individual or the likelihood of other harm to the child. This provision also includes additional factors the court must consider if parentage is challenged based on the results of genetic testing. These clear yet robust provisions streamline the adjudication of parentage in various circumstances which helps save time and judicial resources.

The UPA (2017) also complies with federal laws tied to subsidies and financial incentives for states. A state's receipt of federal subsidies for its child-support enforcement program is contingent on compliance with Title IV-D requirements. The federal Office of Child Support and Enforcement (OCSE) worked with the drafting committee to ensure that the updates in the UPA (2017) comply with all federal requirements. UPA (2017) also adds a new provision that precludes the establishment of a parent-child relationship by the perpetrator of a sexual assault that resulted in the conception of the child. This provision complies with a law that the U.S. Congress adopted in 2015 – the Rape Survivor Child Custody Act. This federal statute provides financial incentives for states enacting provisions such as the one provided for in UPA (2017).

If passed, House Bill 2409 will be an important step in modernizing parentage law in Kansas. I ask for your support to advance this important legislation. Thank you for your time and consideration.

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