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How to Establish and Disestablish Paternity

By Noah J. Kores

For a child born out of wedlock, paternity can be established by written acknowledgement or by court judgment. The expectant mother, State of Connecticut, or the putitive father has standing to bring such a petition. Once established, it is very difficult to undo and disestablish the finding and corresponding support obligation. The mechanism to disestablish paternity is a motion to open and a party may 1). Challenge valid execution of the acknowledgement or 2). Assert that the acknowledgement or judgment was procured by fraud, duress, or mistake.

For a child born in wedlock, it is presumed that the husband and wife are the parents of the child. It is very difficult for a putitive father to establish paternity over a child born by a woman who was married to another man; and similarly it is difficult for a husband to disestablish paternity for a child born in wedlock. This holds true even where the husband is not the biological father of the child. However, the law provides for both situations to happen but gives great weight to what is in the child's best interests.

Establishing Paternity by Acknowledgement

A father may acknowledge paternity at the hospital or thereafter by signing the standardized Connecticut Department of Public Health's form titled Acknowledgement of Paternity. This form is a two-page document that contains all of the statutorily required advisements about the rights and responsibilities of acknowledging paternity along informing the prospective dad of his right to rescind the acknowledgement within 60 days.[1] Section 46b-172 also requires that the person administering it (such as the nurse) to read it aloud. The acknowledgement becomes irrevocable if a support order is entered prior to the expiration of the 60 days. After either the 60 days pass or a support order is entered, whichever happens sooner, the only basis to vacate an acknowledgement is by petitioning the court and offering evidence of fraud, duress, or material mistake of fact that he is not the father.[2]

An acknowledgment executed by the mother and father and executed in accordance with 46b-172 is binding upon the parents and establishes a duty of support, custody, and visitation with the same effect as a court order. "Section § 46b-172(a) provides that, in lieu of or in conclusion of a paternity proceeding brought pursuant to § 46b-160, a written acknowledgment of paternity executed and sworn to by the putative father shall have the same force and effect as a judgment of the court."[3]

By signing it, a father waives his rights to a trial, genetic testing, and an attorney.[4] The acknowledgement must be accompanied by a written affirmation of paternity signed and sworn to by the mother.[5] The parents must be advised both verbally and in writing of the rights their waiving and their rights and obligations to the child.[6] It must also advise the parties of the 60 day period for rescission of the acknowledgement.[7] When it is validly executed, it may only be rescinded within 60 days or it can only be challenged on the basis of fraud, duress, and material mistake of fact.[8] An acknowledgement under 46b-172 requires both the mother and father to be advised of their respective rights and responsibilities.[9] A support agreement can be retroactive up to three years from the date of filing such an agreement to support, per CGS 46b-172(b)(2), or three years from the date of filing a petition for support under 46b-172(c)(1).

When an acknowledgement is not properly executed, i.e. the father did not have notice of legal consequences of his acknowledgement, he can contest paternity at a later date even after the mother filed an order to show cause for failure to support the child.[10]

Defects in the form of the acknowledgement may be waived by the putitive father if he appears in court on a verified petition for support and he agrees to a support order, even if there was no acknowledgement of paternity executed or filed at the time of the hearing.[11]

Establishing Paternity by Petition

To establish paternity and a corresponding support obligation for a child born out of wedlock or by a man other than the woman's husband, the mother may serve a verified petition on the putitive father according to Conn. Gen. Stat. § 46b-160. The petition needs to be served by the child's 18th birthday and may provide for past support for up to three years prior to the service of the petition.[12]

The state may commence proceedings to establish a support order by verified petition of the Commissioner of Administrative Services and the Commissioner of Social Services of their designees.[13]

Proceedings under § 46b-160 need to be filed in the court for the geographical area in which either the mother or putitive father reside.[14] Cases referencing a right to a jury trial reference the pre-1997 versions of § 46b-160 and § 46b-164. Public Act 97-7 repealed the right to a jury trial in paternity proceedings (e.g. *Hayes v. Smith*, 194 Conn. 52, 53, 480 A.2d 425, 426 (1984)).

Under § 46b-160, a mother can bring a support petition against a putitive father for a child born out of lawful wedlock or a child born within wedlock but begotten by a man other than her husband.[15] The presumption that a child born in wedlock is the husband can be overcome by clear, convincing, and satisfactory evidence.[16]

A petition may be served pursuant to Conn. Gen, Stat. § 52-57 by leaving a copy at his usual place of abode or by leaving a copy with the defendant.[17] A support petition is commenced by service by marshal not less than 21 days before the court date.[18]

Where a father was improperly served but filed an appearance in court before genetic testing was conducted and a paternity judgment was entered, and that father comes back to court years later on a motion to modify his child support payments, the magistrate cannot void the finding of paternity based on lack of personal jurisdiction as the defendant was not served properly.[19] A defendant waives personal jurisdiction when he appears and fails to contest it within 30 days of filing an appearance.[20]

A support obligation shall continue until the child turns 18-years-old.[21] If the child is unmarried and a full-time high school student, however, the support obligation continues until the child completes 12th grade or reaches 19-years-old, whichever occurs first.[22]

At the time that a support obligation is established, it can go back three years from the date of service of the support petition.[23] Under the child support guidelines, the presumed arrearage payment is an additional sum on top of the weekly child support obligation. The goal for the weekly arrearage payment under the guidelines is 10 percent of the weekly support obligation. The guidelines do not limit the amount of the arrearage but the guidelines indicate that the total child support and arrears payment should not exceed 51 percent of an obligor's income.

A putitive father to a child born out of wedlock can claim that he is the father by filing a motion in the probate court under § 46b-172a to establish his parentage. A child born in wedlock is presumed to be of the mother and husband.[24] For a man to establish paternity and request a court to find paternity for him where he is not the mother's husband, the putitive father must offer proof of paternity and the court must determine whether the putitive father's and the child's interests out-

weigh those of the marital unit.[25] In *Weidenbacher v. Duclos,* the court found that a writ of habeas corpus was the proper procedural vehicle to challenge custody of a child.[26] The Supreme Court concluded that the petitioner had standing due to the facts that he conceived the child with the mother, the mother then married another man two weeks before the child's birth, the petition and the child maintained a significant relationship shortly after the child's birth and continuing for several years, including vacations in which the three traveled together, until the mother terminated the petitioner's visitation rights and, finally, the mother dissolved her marriage to her husband.[27]

An action for paternity does not survive death.[28] A paternity acknowledgement or judgment must be obtained during the lifetime of the father and cannot be brought after his death.[29]

Under Con. Gen. Stat. § 46-168, genetic testing can be requested by either party in any proceeding in which paternity is at issue.[30] Genetic testing, meaning DNA, is admissible without foundation or authentication unless a written objection is made 20 days prior to the trial on the matter.[31] A DNA test indicating that the defendant is likely the father by 99.99 percent probability creates a rebuttable presumption of paternity so long as there is also testimony from the mother that she had sexual intercourse with the father during the period of conception.[32]

In a paternity action for a recipient involving public assistance, the attorney general is an essential party that has standing to appeal a judgment even if it was not served with the petition and did not participate at trial.[33] An indigent defendant in a paternity action has a Constitutional right to court appointed counsel.[34]

A party cannot move to strike an acknowledgement of paternity because it is not part of the complaint and did not propose to set forth the entire cause of action.[35]

Challenging Paternity

To challenge a prior paternity determination, a party may file a motion to open to: (1) challenge the acknowledgement due to (a) invalid execution or (b) allege it resulted from fraud, duress, or material mistake, or (2) challenge a judgment of a court based on fraud, duress, or mistake.

In matters before the family support magistrate, the rules in the practice book for Procedure in Family Support Magistrate Matters, rule 25a-17 outlines the procedure for filing a motion to open an acknowledgment of paternity pursuant to § 46b-172(a)(2). It requires a motion to open be filed along with an order to show cause. Then burden shifts to the non-movant to offer evidence or information as to why the motion should not be granted.

A minor child has standing to challenge an acknowledgement of paternity to establish fraud, such as where the child believes the acknowledged father was not the father but signed an acknowledgement to circumvent adoption procedures.[36] "There is nothing in the acknowledgement statute that requires an acknowledged putative father to be positive that he is the biological father, or that invalidates the acknowledgement if he is not."[37]

A child has a fundamental due process interest in the accuracy of any paternity proceedings, which is a separate interest from that of the state or of the mother, and therefore a child has standing to file a motion to open.[38] A minor child has standing to move to open paternity judgment.[39] A minor also has standing to appeal an order vacating a paternity judgment.[40]

A magistrate lacks authority to order genetic testing nearly five years after judgment of paternity had been entered, and where a motion to open had not been granted.[41]

Where a putitive father was not informed of the consequences of signing and acknowledgement, he may not be barred by the rescission period of 60 days (formerly three years per Conn. Gen. Stat. § 46b-172(a)).[42]

The statute of limitations of § 46b-172 does not run against a person who has not validly waived his rights and where the requirements of § 46b-172(a)(1) are not followed, a father may properly open the acknowledgement and set aside.[43]

Where there is new genetic evidence excluding the father as a parent, a mother may move to reopen an acknowledgement and disestablish paternity, but it may be denied if it is not in the child's best interests; the 60 day rescission period has passed; and there is no evidence of fraud, duress, or mistake of fact.[44]

The granting of a motion to open judgment or for a new trial are not ordinarily appealable. In *State v. Carter*, the defendant filed a motion to open an acknowledgment of paternity based upon a written statement, and it was granted.[45] The state appealed and it was found that the appellate court had no jurisdiction because the granting of a motion to open was not a final decision and it only meant that the parties would retry the issues in "order to obtain a final adjudication of those rights."[46] A judgment rendered upon a new trial filed pursuant to § 52-270 is, however, appealable.[47]

In determining whether to disestablish paternity, a court will consider several factors, including: "(1) the genetic information available; (2) the past relationship of the involuntarily adjudicated father and child; (3) the child's future interests in knowing her parental biology; (4) the child's ability to receive emotional and financial support from her biological father; and (5) any potential harm that the child may be caused to suffer by disturbing the paternity judgment, including loss of parental relationship, and loss of financial support."[48] If paternity is successfully disestablished, all monies paid to the state for the benefit of the child must be refunded to the father.[49]

Grounds for Invalidating Acknowledgement or Court Finding

After the 60-day period for rescission of the acknowledgement passes, or if a court enters judgment and finds paternity, a putitive father may only attempt to invalidate the finding of paternity if he can reopen the judgment.

A child born during lawful wedlock is presumed to be the husband's child.[50] The presumption can be overcome by clear, convincing, and satisfactory proof that the child is illegitimate.[51] The moving party bears the burden of proof.[52] A mo-

tion to open "is not to be granted readily, nor without strong reasons, it may and ought to be when there appears cause for which the court, acting reasonably would feel...bound in duty to do so."[53]

Fraud

In *Freda v. Freda*, in the Judicial District of Harford-New Britain, the parties were married and had two children born during their marriage.[54] The father filed for divorce.[55] After hearing the uncontested action, it was found that the children were the issue of the marriage.[56] Paternity was later disputed as to only one child.[57] Custody of the child in question was granted to the mother.[58] The child later lived with the father at which time the support order terminated.[59] The child then went back to live with the mother who sought custody to be officially ordered to her and that the father pay support.[60] The father filed a motion to open judgment and claimed that he only recently learned that the child was not his.[61] He requested a blood grouping test and an order that he not be obligated to pay support.[62] He alleged that the mother "wrongfully, fraudulently, and with intent to deceive, ke[pt] the true parentage of the child a secret from him."[63] The issue before the court was whether the father was barred from contesting paternity based on the stipulation between the parties where he did not contest his paternity.[64] The father claimed that the mother had conceived the child with a third party and that the mother had recently revealed this information to the third party (biological father).[65] In *Freda*, the court concluded that a hearing was necessary to sufficiently consider the merits of whether fraud was committed in obtaining the father's assent to paternity.[66]

In *Johnston v. Domina*, the court granted the defendant father's motion to open.[67] The original judgment was a default granted on June 13, 1988 and the state of Tennessee secured payment for their public assistance in 1994 after the plaintiff and children relocated there.[68] The plaintiff claimed that the children were the issue of the marriage and it was never contested until the motion to open was filed.[69] The motion to open was made in late 1997, which was nine years after the default judgment was entered.[70] The parties had two children who were the issue of the marriage and their legitimacy was never contested until 1997.[71] The defendant alleged that the paternity was based on fraud and perjury.[72] The defendant claimed that over the years the mother had told him he was not the child's father.[73] The court found that the interest of remedying an admitted misrepresentation to the court outweighed the interest in preserving family integrity.[74] Further, the court found that the child's right to knowing and establishing paternity superseded the interest the court had in preserving a judgment entered by default as there was clear and convincing evidence of fraud.[75] Accordingly, the court opened the judgment and granted the motion for genetic tests.[76]

Duress

Where a mother tried to open an acknowledgement and sought genetic testing based on duress and she offered insufficient evidence of duress, the motions were denied.[77] In *Baldwin v. Wolfe,* the mother claimed that she only signed the acknowledgement for fear that the father would leave her if she revealed the truth that the child's true father was another man.[78] Accordingly, the court denied her motion.[79]

There is no duress where a party, aware of his rights to genetic testing, does not want to sign an acknowledgement of paternity prior to seeing the results of the DNA, but signs it anyway because the mother expressed her desire for the child to have a name and be acknowledged prior to leaving the hospital.[80] "To show duress, one must prove [1] a wrongful act or threat [2] that left the victim no reasonable alternative, and [3] to which the victim in fact acceded, and that [4] the resulting transaction was unfair to the victim. 2 D. Dobbs, Law of Remedies (2d Ed.1993) c. 10, § 10.2(1), p. 635."[81]

Mistake

Where a person is legally adjudicated to be the father of the child and learns many years later, through genetic testing, that he is not the father, the court

will do a "best interests" analysis in deciding whether to open the judgment.[82] In *Weaver v. Solone*, the father was adjudicated in 1997 to be the father of the child, Essence, and did not learn he was not the father until genetic testing was done when another child of the defendant was going through a terrible illness (inherited from the defendant) and it was learned that the defendant was not the biological father.[83] During the course of the child's life, the mother received assistance from the state and the defendant paid child support.[84] Upon learning he was not the father, the defendant filed a motion to open judgment and disestablish paternity.[85] The court considered the equities of the situation, including that the child's parentage was mistaken, the mother had not been honest about having an exclusive sexual relationship with the defendant, the state would have to refund money to the defendant if a judgment were opened, the father failed to participate in genetic testing when the support obligation was established, the father had a stable relationship with the child and so did the step-father (who was the biological father).[86] In light of the unfairness of forcing the father to continue to pay child support and the profound impact of opening the judgment, the court did not open the judgment but terminated defendant's future support obligation and ordered him to pay his arrearage to the state.[87]

Where a default judgment is entered against the father and he fails to object or file any motions for 14 years despite the fact that the mother repeatedly told him that he was not the father, he may be able to open the judgment.[88] In *Parker v. Dansby*, the default was entered in 1990.[89] In 2004, DCF brought a neglect petition against the father and mother and genetic testing was done in juvenile court.[90] The father never held himself out as the father of the child and contact with the children was limited.[91] The test confirmed that he was not the father.[92] In 2005, Magistrate Wihbey granted the motion to open the judgment of paternity.[93] The state appealed asserting that the defendant was guilty of laches, the magistrate abused her discretion, and the attorney for the minor child argued it was not in the child's best interest.[94] The magistrate had found that a material mistake of fact had occurred based on the DNA test results.[95] The appellate court found no error.[96]

Defenses to a Motion to Open a Paternity Judgment

There are three common defenses to a motion to open a paternity acknowledgment, including laches, equitable estoppel, and the best interests of the child. Laches consists of inexcusable delay which prejudices the opposing parties.[97]

A father may be estopped from denying paternity when he has held himself out to be the child's father and fails to exercise due diligence upon learning that he is not the biological father.[98]

Where a mother tries to open an acknowledgement or judgment of paternity and "oust" a father from the child's life, the courts may apply the doctrine of equitable estoppel.[99] In *Worthy v. Wyatt*, the child was almost 7-years-old and the father had been known to the child as her father.[100] The mother filed a motion for genetic testing on the grounds that she was under duress at the time that she acknowledged paternity, but she offered no evidence of duress.[101] The court cited *Cardona v. Negron*, 53 Conn. App. 152 (1999) for the proposition that the courts favor finality in a child's parentage and once parties sign an acknowledgement and time for rescission had passed, it is axiomatic that genetic testing cannot be ordered absent proof of fraud, duress, or mutual mistake.[102] Furthermore, the court discussed the reasoning in a Rhode Island case of *Pettinato v. Pettinato,* 582 A.2d. 909 R.I., (1990) where that court found that a mother who participated in Rhode Island's statutory acknowledgement process before the parties were married, then as part of the dissolution action.[103] She attempted to dispute paternity and requested a genetic test.[104] The Rhode Island court found that the mother was barred by equitable estoppel because the blood tests were irrelevant where paternity had been sufficiently established.[105] The court in *Wyatt* agreed with *Pettinato* and denied the mother's motion.[106]

The best interest of the child is the common thread that is weaved through most of the cases on this subject. If the court finds that opening a paternity judgment is not in the child's best interests, then it may not grant a motion to open even if the genetic testing indicates that the father is not the biological father.[107]

If the Motion to Open Is Granted

In the event that a motion to open is granted, a party may move for genetic testing. "Thus where a paternity judgment exists, including one established pursuant to the acknowledgment statute, the court lacks the authority to order genetic tests unless the judgment is first opened."[108] Once the genetic test results match or exclude the putitive father, the court may either enter a judgment of paternity along with a corresponding child support obligation, or may enter a judgment of non paternity.

As a practice pointer, a party seeking to reopen a judgment based on non-paternity, should also initiate a termination of parental rights proceeding in the probate court pursuant to Conn. Gen. Stat. § 45a-715. Thus, even if the party does not prevail on opening the judgment, he/she may prevail on terminating the parental rights and the corresponding support obligation.

Conclusion

The establishment and disestablishment of paternity is governed primarily by statute. Establishing paternity may be done by acknowledgement or court order. However, the disestablishment of paternity is a much more difficult task and a court will weigh many factors including but not limited to the results of genetic testing, the relationship between the father and child, and the best interests of the child. **CL**

Notes

1. CGS 46b-172.
2. CGS 46b-172.
3. *Donoghue v. McCormick*, FA980410533, 2000 WL 1918029 (Conn. Super. Ct. Dec. 15, 2000).
4. CGS 46b-172.
5. CGS 46b-172.
6. CGS 46b-172.
7. CGS 46b-172.
8. CGS 46b-172.
9. CGS 46b-172.
10. *Delgado v. Martinez*, 25 Conn. App. 155 (1991) (superseded on other grounds)

contrary to State v. Wolfe, 156 Conn. 199, 239 A.2d 509 (1968) (finding a paternity acknowledgement on the prescribed form may be valid if it is signed, even if it is not sworn to); see also Fischer v. Goldstein,14 Conn. App. 487, 490, 542 A.2d 731 (1988) (finding there is no requirement that an acknowledgement meet the statutory requirements of 46b-172 in order to serve as a basis for a paternity determination. ("There are three exceptions to this rule: (1) paternity proceedings brought by the mother, pursuant to General Statutes § 46b-160; (2) proceedings by a putative father, pursuant to General Statutes § 46b-172a; and (3) voluntary acknowledgement of paternity, pursuant to General Statutes § 46b-172. No authority can be found to support the respondent's contention that paternity can only be established through proceedings pursuant to General Statutes §§ 46b-172, 46b-172a and 46b-173").

11. *Donoghue v. McCormick*, FA980410533, 2000 WL 1918029 (Conn. Super. Ct. Dec. 15, 2000).
12. CGS 46b-160.
13. CGS 17b-745(a)(7)(A).
14. CGS 46b-160.
15. *Freda v. Freda*, 39 Conn. Supp. 230 (1984).
16. *Id* at 234.
17. CGS 52-57
18. CGS 46b-172(c)(3).
19. *Foster v. Smith*, 91 Conn. App. 528 (2005).
20. *Id.*
21. CGS 46b-171.
22. CGS 46b-171.
23. CGS 46b-160.
24. *Weidenbacher v. Duclos*, 234 Conn. 51 (1995).
25. *Id.* at 76-77.
26. *Id*. at 60.
27. *Id.* at 76-77.
28. *Hayes v. Smith*, 194 Conn. 51 (1984).
29. *Id.*
30. CGS 46-168
31. CGS 46-168
32. CGS 46b-168.
33. *Durso v. Misiorek*, 200 Conn. 656 (1986).
34. *Ragin v. Lee*, 78 Conn. App. 848 (Conn. App. Ct. 2003).
35. *State v. Bashura*, 37 Conn. Supp. 745 (1981).
36. *Ramos v. Cox*, 2002 WL 31894798 (2002).
37. *Id.*
38. *Ragin v. Lee,* 78 Conn. App. 848 (2003).
39. *Ragin v. Lee,* 78 Conn. App. 848 (2003).
40. *Foster v. Smith*, 91 Conn. App. 528 (2005).
41. *Cardona v. Negron*, 53 Conn. App. 152, 157 (1999).
42. *Delgado v. Martinez*, 25 Conn. App. 155 (1991); *Sullivan v. State*, 38 Conn. Supp. 534 (1982); both cases cited *Stone v. Maher*, 527 F. Supp. 10 (D. Conn. 1980) (finding unconstitutional the provisions of 46b-172 that prevent a putative father from litigating that issue in a judicial proceeding for the purpose of determining his support obligations).
43. *Campbell v. Barrow*, 2004 WL 3130590 (Conn. Sup. Ct. J.D. of Hartford, Dec. 28, 2004).
44. *Colonghi v. Arcarese*, 2014 WL 341888 (Conn. Sup. Ct., J.D. of Middlesex, Jan. 10, 2014).
45. *State v. Carter*, 3 Conn. App. 235 (1985).
46. *Id.*
47. *Id.*
48. *Weaver v. Solone*, FA980160460, 2006 WL 2730425 (Conn. Super. Ct. Sept. 8, 2006).
49. CGS 46b-172; *Weaver v. Solone*, FA980160460, 2006 WL 2730425 (Conn. Super. Ct. Sept. 8, 2006).
50. *Grant v. Stimpson,* 79 Conn. 617, 623 (1907).
51. *Schaffer v. Schaffer*, 187 Conn. 224, 226 (1982).
52. *Connell v. Colwell,* 214 Conn. 242, 571 A.2d 116 (1990); *Alaimo v. Royer,* 188 Conn. 36, 39, 448 A.2d 207 (1982); *Lopinto v. Haines,* 185 Conn. 527, 534, 441 A.2d 151 (1981); *DeLuca v. C.W. Blakeslee & Sons, Inc.,* 174 Conn. 535, 546, 391 A.2d 170 (1978); *T.O. Richardson Co. v. Brockbank,* Superior Court, judicial district of Hartford/New Britain at Hartford, doc. no. 703826 (Sheldon, J., March 23, 1995); *Gatling v. Gatling,* Superior Court, judicial district of Waterbury, doc. no. 52272, 1990 Ct.Sup. 801 (Harrigan, J ., Aug. 9, 1990); *Pullen v. Cox,* 9 S.M.D. 134, 138 (1995).
53. *McCulloch v. Pittsburgh Plate Glass Co.,* 107 Conn. 164, 167, 140 A. 114 (1927); *Wildman v. Wildman,* 72 Conn. 262, 270, 44 A. 224 (1899). "The acknowledgment statute would be rendered meaningless if despite full knowledge of the possibility of genetic tests and a contested trial a respondent could [easily challenge paternity]." *Joseph v. Lilburn,* 14 S.M.D. (2000).
54. 39 Conn. Supp. 230, 231, 476 A.2d 153, 154 (Super. Ct., J.D. of Hartford-New Britain, 1984).
55. *Id*.
56. *Id.*
57. *Id.*
58. *Id.*
59. *Id.*
60. *Id.*
61. *Id.*
62. *Id.*
63. *Id.* at 231.
64. *Id.*
65. *Id.*
66. *Id.* at 233-234.
67. *Johnston v. Domina*, No. FA 880340848, 1998 WL 729185, at *1 (Conn. Super. Ct. Sept. 24, 1998).
68. *Id.*
69. *Id.*
70. *Id.*
71. *Id.*
72. *Id.*
73. *Id.* at 2-3.
74. *Id*. at 3.
75. *Id.*
76. *Id.*
77. *Baldwin v. Wolfe,* No. FA104011811S, 2010 WL 3447814 (Conn. Super. Ct. Aug. 3, 2010).
78. *Id.* at *2.
79. *Id.*
80. *Morales v. Rios*, No. FA000631089, 2001 WL 128908, at *3 (Conn. Super. Ct. Jan. 23, 2001).
81. *Id.*
82. *Weaver v. Solone*, 2006 WL 2730425 (Conn. Sup. Ct., J.D. of Waterbury, Sept. 8, 2006).
83. *Id.*
84. *Id*. at **1-**2.
85. *Id.* at *1.
86. *Id*. at *1.
87. *Id*. at *****6.
88. *Parker v. Dansby*, 2006 WL 1230060, *1 (Conn. Sup. Ct., April 18, 2006).
89. *Id.*
90. *Id.*
91. *Id.* at *4.
92. *Id.* at *1.
93. *Id.*
94. *Id.*
95. *Id.* at *5.
96. *Id*. at *5.
97. *Papcun v. Papcun*, 181 Conn. 618 (1980); Eubanks v. Moss, No. FBTFA880246900, 2010 WL 2196559 (Conn. Super. Ct. Mar. 5, 2010) (finding defendant was bared by laches and other basis for denying his motion to open); *Wright v. Holland*, 21 SMD (2007) (finding defendant was barred by laches).
98. *W. v. W,* 248 Conn. 487 (1999); *Sablosky v. Sablosky*, 72 Conn. App. 408 (2002); *Riscica v. Riscica*, 101 Conn. App. 199 (2007).
99. *Worthy v. Wyatt*, No. KNOFA040129531S, 2005 WL 3594471 (Conn. Super. Ct., J.D. of New London, Dec. 6, 2005).
100. *Id.*
101. *Id.*
102. *Id.*
103. *Id.*
104. *Id.*
105. *Id.*
106. *Id.*
107. *Weaver v. Solone*, 2006 WL 2730425 (Conn. Sup. Ct., J.D. of Waterbury, Sept. 8, 2006). "A plethora of Connecticut case law has developed recognizing a child's property rights and other specific interests in a paternity proceeding. In the often-cited case of *Lillibridge v. Lillibridge,* 1998 Ct.Sup. 13460 (Dranginis, J.) (October 29, 1998), Judge Dranginis opened a ten-year-old judgment of dissolution reasoning that "the right of a child to a conclusive determination of paternity supersedes the need for finality of judgments, and the ease with which a confirming test of paternity can now be determined, requires a conclusive finding of paternity ... The child has a right to know for sure whether or not the defendant is her father. Her property rights are at interest here ..." *Id. See also Johnston v. Domina,* 1998 Ct.Sup.

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14. Economic and Other Benefits Associated with the Provision of Civil Legal Aid by Laura K. Abel & Susan Vignola. Volume 9 Issue 1 (p. 144) http://www.law.seattleu.edu/Documents/sjsj/2010fall/Abel.pdf
15. Report of the Task Force to Study Implementing a Civil Right to Counsel in Maryland by Robert R. Neall, Chair (p. 9) http://www.mdcourts.gov/mdatjc/taskforcecivilcounsel/pdfs/finalreport201410.pdf
16. The Economic Impact to the State of North Carolina of Civil Legal Services in 2012 https://www.legalaidnc.org/public/learn/News/docs/the-economic-impact-to-the-state-of-north-carolina-of-civil-legal-services-in-2012-executive-summary.pdf
17. Legal Aid in Illinois. May 2012. Jonah Kushner (p. 2) http://www.nlada.org/DMS/Documents/1342799561.74/legal_aid_impact_study_final_5-16-20121.pdf

Paternity
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1105, 23 Conn. L. Rptr. 102 (Dranginis, J., September 24, 1998)." *Rivera v. Santana*, FA970624311, 2002 WL 31894848 (Conn. Super. Ct. Dec. 3, 2002).
For a lengthy discussion of grounds to open a paternity judgment, see Ramos v. Cox 2002 Conn. Super. LEXIS 3987 (Conn. Sup. Ct. Hartford 2002).
"The importance of the principle of finality of judgment is amplified when the parties had full opportunity originally to contest the issues. *Meinket v. Levinson,* 193 Conn. 110, 114 (1984); *Monroe v. Monroe,* 177 Conn. 173, 178, 413 A.2d 819, appeal dismissed, 444 U.S. 801, 100 S.Ct. 20, 62 L.Ed.2d 14 (1979); *Mauriello v. Mauriello,* 1992 Ct.Sup. 4774, Superior Court, judicial district of Waterbury, doc. no. 84337 (Harrigan, J., May 29, 1992). The principle of finality of judgment must be balanced against other interests, such as assuring that no party will be deprived of constitutional rights, or achieving a factually accurate as well as a fair result. *Asherman v. State,* 202 Conn. 429, 521 A.2d 578 (1987)." *Rosado v. Caceres*, FA960621680, 2003 WL 21101268 (Conn. Super. Ct. Apr. 17, 2003).

108. *Rosado v. Caceres*, FA960621680, 2003 WL 21101268 (Conn. Super. Ct. Apr. 17, 2003) (internal cite omitted).

Highlights
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ing termination except for cause may be terminated for a criminal conviction based on *off-duty conduct* (especially public employees in positions of public trust), but only if there is a nexus between the charged conduct and the employee's job duties. The opinion upholds an arbitration finding that it was not a violation of an employee collective bargaining agreement for a fire department chief to terminate a firefighter based on a conviction for falsely reporting the theft of personal property from the firefighter's home and improperly obtaining compensation for the loss from a property insurer. The opinion reasons that the fact that a firefighter at times must enter private commercial and residential property without the consent or presence of a property owner creates a nexus to the officer's conviction for larceny.

Compliance with the requirement that a civil action under the Connecticut Fair Employment Practices Act "be *brought* within two years of the date of filing of the complaint with the commission," Conn. Gen. Stat. § 46a-102, is determined by service of a complaint on the defendant and not by the filing of the complaint with the court. *Davis v. Smith*, 59 CLR 145 (Peck, A. Susan, J.). The opinion holds that a complaint served two weeks before the two-year period expired is timely even though the complaint was not physically returned to court until two days after the period had expired. **CL**