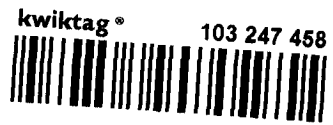# ENROLLMENT(S)

(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-39

"District of Columbia Paternity Establishment
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. 9-2 on first and second readings, June 4, 1991, and July 2, 1991, respectively. Following the signature of the Mayor on July 24, 1991, this legislation was assigned Act No. 9-76, published in the August 9, 1991, edition of the D.C. Register, (Vol. 38 page 4970) and transmitted to Congress on July 25, 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 this legislation became effective on the date that the President of the United States signed P. L. 102-105* on August 17, 1991, and therefore, cites this enactment as D.C. Law 9-39, effective August 17, 1991.

JOHN A. WILSON
Chairman of the Council

* Public Law 102-105 waived the 30-day Congressional Review Period for this Law.

AN ACT

D.C. ACT 9-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 24, 1991

To amend, 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 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.";
(b) By amending section 16-901 to read as follows: Section
"Sec. 16-901. Definitions.   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: Section
(1) By amending subsection (a)(4) by striking the period and   16-909
inserting the phrase "including an acknowledgment 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 section 16-909(a)(1)
through (4) 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 "section 16-909(b)" after the phrase "*et seq.*,";

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

"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 acknowledgment in accordance with section 16-909.1(a)(1) or an agreement and affidavit that meet the requirements of section 16-909.1(a)(2) 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 section 16-909.1(a)(1) or (a)(2) have occurred.

    "(d) In the absence of an acknowledgment , 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,".

    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.";

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

"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

Margin notes:

New Section 16-909.1

Section 16-2345

New Section 13-202.1

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 section 13-302.1(a) and (b).

"(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.

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 §30-501 *et seq.*,), is amended as follows:

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

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 §30-508) by adding a new subsection (c) to read as follows:

Section 30-508

"(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:

New Section 30-526.1
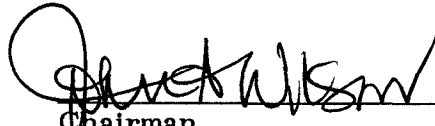
"Sec. 27a. Funding.

"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. 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 §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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: July 24, 1991

4

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: __B9-2__

☒ Item on Consent Calendar

☒ ACTION & DATE: __Adopted First Reading, 6-4-91__

☒ 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					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

CERTIFICATION RECORD

__Phyllis Jones__   __July 11, 1991__
Secretary to the Council   Date

☒ Item on Consent Calendar

☒ ACTION & DATE: __Adopted Final Reading, 7-2-91__

☒ VOICE VOTE: __Approved__

Recorded vote on request

Absent: __Rolark and Lightfoot__

☐ 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					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

CERTIFICATION RECORD

__Phyllis Jones__   __July 11, 1991__
Secretary to the Council   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					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

CERTIFICATION RECORD

_____   _____
Secretary to the Council   Date