CLASP

CENTER FOR LAW AND SOCIAL POLICY

MEMORANDUM

TO: People Interested in Paternity Disestablishment

FROM: Paula Roberts

DATE: June 17, 2004

RE: Paternity Disestablishment Case Update

Last year, CLASP published a series of articles on paternity disestablishment called, *Truth and Consequences, Parts I, II and III*. The original series can be found at www.clasp.org/Pubs/Pubs_ChildSupport in the 2003 subsection. It can also be found in the Spring 2003 issue of *Family Law Quarterly*. These articles were supplemented in February 2004 by a case update memo. Since that time, there have been additional cases, and we have learned of a few cases we missed in the original series. This memo updates the original series and replaces the February update with a description of reported cases through April 2004. The cases are listed in chronological order by year, and then alphabetically by state.

Disestablishment and Non-Marital Children

F.B. v. A.L.G., 821 A. 2d 1157 (N. J. 2003). In early 1990, FB and ALG began dating. Six months later she gave birth to a full-term child. In 1994, the mother applied for public assistance and was required to establish paternity and pursue support. She identified ALG as the father and a legal action was commenced. He waived his right to genetic testing and voluntarily acknowledged paternity. A court order of paternity and support was then entered. In 1996, a second child was born. ALG acknowledged paternity and was listed as the father on the birth certificate. He had a close relationship with both children. In 1998, the relationship ended and ALG moved to vacate the paternity judgment finding him to be the father of the oldest child. He sought genetic testing. The trial court found after eight years of acting as the child's father, ALG was estopped from disestablishing paternity. The Appellate Division reversed.

The New Jersey Supreme Court reinstated the trial court's decision. Noting that ALG had waived his right to genetic testing in the original action and had asserted that he was the child's biological father, the Supreme Court found that he could not disavow that position when the only thing that had changed was his relationship with the child's

mother. The Court also noted that the state's public policy strongly favored the finality of judgments.

Department of Human Services v. Chisum, 85 P. 3d 860 (Ok. App. 2004). On the day the child was born, Chisum executed a voluntary acknowledgment of paternity. Seven months later, he agreed to the entry of an administrative child support order which recited that he had acknowledged paternity. This order was then entered in the district court. Several months later, he began to suspect that he was not the child's biological father and had private DNA tests done. The tests showed he was not the biological father and he then moved to vacate the child support order and the paternity acknowledgment. The trial court ordered genetic tests, which again showed Chisum was not the biological father. It then granted his motion, finding that the acknowledgment was based on a material mistake of fact.

DHS appealed, arguing that 1) principles of *res judicata* precluded the challenge; 2) the state paternity statute in effect when Chisum signed the acknowledgment did not allow a challenge after 60 days, and that period had expired before the motion was filed; 3) even if the amended statute (giving the parties two years to challenge on the basis of fraud, duress, or material mistake of fact) applied, there was no "material mistake of fact" since Chisum had not availed himself of paternity tests; and 4) the best interest of the child should have been considered.

The appellate court disagreed. It held that the amended statute became effective three days after Chisum signed the acknowledgment and gave him the right to challenge his paternity during the two-year period. The statute overrode *res judicata.* The court also said that Chisum could raise the "mistake of fact issue" as he was under no legal obligation to seek genetic tests before signing. Finally, citing *Barber v. Barber, 77 P.3d 576 (Okla. 2003)*, the court said it was not able to apply equitable principles (including the "best interests" standard) in paternity cases involving a man who is not the biological father.

Disestablishment and Marital Children

2003

In re marriage of Pedregon, 107 Cal. App. 4th 1284 (Cal. App. 2003). The wife had a child before marriage, and both she and husband acknowledged that the husband was not the boy's biological father. Nonetheless, the husband treated the child as if he were his father. The couple then had a son who was the husband's biological child. The couple separated and a support order for both sons was entered. A year later, the husband filed a motion to be relieved of his support obligation to the first son because he was not the biological father of that child The IV-D agency argued that he was the child's father by estoppel. The trial court disagreed and the IV-D agency appealed.

The Court of Appeals reversed. It cited the California Supreme Court's decision in *Re Nicholas H.,* 28 Cal. 4th 56 (2003) for the proposition that just because a man

admits he is not the biological father does not wipe out the presumption of paternity. Here, the man's conduct and the fact that it had occurred over a number of years prevented him from denying his paternity.

Baker v. Baker, 582 S.E.2d 102 (Ga. 2003). A child was born during the marriage but both the husband and the wife knew that the child was not his biological child. The biological father (Staples) was in prison. It was undisputed that the husband provided financial and emotional support to the mother during the pregnancy, was listed (with the mother's consent) as the father on the child's birth certificate, and always supported the child financially and emotionally even after the couple separated. The husband filed for divorce and sought custody of the child. The wife answered that he was not the child's biological father and thus was not eligible to seek custody. The biological father intervened in the suit, seeking to establish his paternity. The trial court ordered DNA testing, which proved that husband was not the biological father of the child. Since Georgia law allows the rebuttal of the paternity of a marital child by "clear and convincing evidence" the trial court found the husband was not the biological father, granted a divorce, and refused to grant the ex-husband custody.

The Georgia Supreme Court reversed and remanded, holding that before disestablishing paternity, the court must conduct an analysis of the "best interests of the child." The Court noted that while Georgia law allows disestablishment by clear and convincing evidence, it is not contradictory to first require a "best interests analysis" before such evidence is presented. The Court also noted that the Georgia statute allows fathers to rebut paternity with DNA evidence, but only under certain specific circumstances. However, mothers are free to disestablish without such constraints. The Court urged the legislature to examine this issue.

Three judges dissented. They felt that Georgia law clearly allowed a challenge without looking to the child's best interests, and the Court was bound to apply the law.

Barber v. Barber, 77 P.3d 576 (Okla. 2003). A son was born during the marriage. The husband knew it might not be his biological child, but his name was placed on the son's birth certificate and he helped raise the child until the parties divorced nineteen months later. At that point, the mother contested the husband's paternity. The husband did not wish to have his paternity disestablished and invoked equitable principles and "the best interest of the child." The trial court and the appellate division agreed with him. In addition, the court upheld an order of visitation for both the husband and his parents.

The Oklahoma Supreme Court reversed. It held that the principle of equitable estoppel is not applicable to prevent a timely challenge to the marital presumption of paternity. The Court noted: "The common law does not make provision for paternity suits, and we decline to call upon an equitable tenet of the common law to carve an exception to the legislature's clear [statutory] intent in this regard." Since the mother had two years under Oklahoma statutes to challenge the presumption, her challenge was timely and paternity could be negated.

The Court also noted that even if it had applied the doctrine of equitable or promissory estoppel, the husband would not have won since he had ended the marriage, making it impossible for the mother to fulfill her "promise" to raise the child with him. The Court also noted that DNA tests clearly established that he was not the biological father.

2004

In re Jesusa V., 85 P.3d 2 (Cal. 2004). A husband and wife had been married for 18 years and had five children. They separated and the wife began living with Heriberto C. with whom she had a daughter. Heriberto held the child out as his, but made no effort to formally establish his paternity. The wife and baby daughter returned to the husband almost every weekend to visit the older children and the husband also held the new child out as his own. Heriberto was abusive. At one point he beat and raped the mother, who was then hospitalized. The county then brought a dependency action on behalf of the two-year-old child. In response, the husband filed for a declaration that he was the child's presumed father. Nine days later Heriberto also filed a request to be named as the child's presumed father. After some delay, a hearing was held but Heriberto was not present because, by then, he had been convicted of the rape and was in state prison. He was, however, represented by counsel and submitted briefs on the legal issues.

The juvenile court declared the husband to be the presumed father. On appeal, Heriberto challenged this ruling and also challenged the court's making the adjudication in his absence. A deeply divided California Supreme Court agreed with the juvenile court. Four of the justices, relying in part on *In re Nicholas H*, 28 Cal. 4th 56 (Cal. 2002), extended that holding to find that biological paternity by a competing presumed father does not necessarily defeat a non-biological father's presumption of paternity. Rather, in cases where there are two competing presumptions of paternity (here the marital presumption and the presumption based on the biological father's holding the child out as his own), the courts are required to weigh the competing presumptions and follow the one based on the weightier policy and logic. It was not an abuse of discretion for the lower court to find that policy and logic favored the husband since this was consistent with the wife's wishes—that he provide the child with a stable home and embed the child in the household of her five half-siblings.

The three dissenters were concerned about the broader implications of the decision for incarcerated fathers. However, the majority noted that its decision was confined to that "small subset of biological fathers who have neither married the mother of their child nor otherwise taken any steps to formalize their legal relationship with the child prior to the child's formation of a presumptive parent-child relationship with a competing man who is interested in asserting his legal rights as a father."

Stubbs v. Calendra, 841 A. 2d 361 (Md. Ct. Spec App. 2004*)*. A child was conceived and born during the Calendra's marriage. The marriage is ongoing and the child has lived with the Calendras and their two other children all of her life. Two years after her birth, a former neighbor sued Mrs. Calendra to establish his paternity and claim visitation rights.

Mr. Calendra intervened in the suit in opposition to the motion to establish paternity. A hearing master applied the "best interests of the child" standard and declined to order genetic testing. The court agreed and denied the neighbor's motion to establish paternity, finding that he had not overcome the marital presumption that Mr. Calendra was the child's father.

On appeal, the court had to consider whether the paternity statute and the state Supreme Court's ruling in *Langston v. Riffe, 754 A.2d 389 (2000)* required the ordering of genetic tests without regard to the best interests of the child. After reviewing federal and state law, the court concluded that the paternity statutes applied only to non-marital children. The paternity of marital children was to be determined under the state's Estates and Trusts Article. As interpreted by the state Supreme Court in *Turner v. Whisted, 607 A.2d 935 (1992),* that statute required a "best interests of the child "hearing before genetic testing is ordered. Thus, it was not error for the court below to have held such a hearing. Moreover, the appellate court determined that the lower court had not abused its discretion in determining that it was not in the child's best interest to have the testing done. The decision contains a lengthy discourse on the psychological evidence presented and discusses why it would be harmful to the child to disrupt her existing family relationships.

Randy AJ v. Norma IJ, 677 NW 2d 630 (Wis. 2004). A daughter was born during the marriage of a Wisconsin couple. The husband's name was placed on the child's birth certificate, and he has supported her for her entire life. Unbeknownst to him, his wife was having an affair in Illinois at the time the child was conceived. When the child was about 15 months old, the wife was convicted of embezzlement and sentenced to jail. At that point she told the husband that he might not be the child's biological father. Shortly thereafter, her boyfriend filed a paternity action in Illinois. This action was later dismissed for lack of jurisdiction. The husband then filed for divorce seeking sole legal custody of the child. A temporary custody hearing was held. The boyfriend was notified of the hearing but did not appear. The court awarded temporary sole custody to the husband. The wife then counterclaimed alleging he was not the child's father (and therefore not entitled to custody), and the boyfriend intervened in the divorce action asserting his parental rights. For reasons that are not clear, the husband did allow genetic testing and it showed a high probability that the boyfriend was the biological father.

The trial court found that the wife was equitably estopped from asserting her husband's non-paternity. The boyfriend was not equitably estopped, but he had failed to overcome the marital presumption of paternity. The court held that it was in the child's best interest to have the husband adjudicate to be her father and did so. On appeal, the court upheld the decision but used the equitable parent doctrine to do so, 655 NW 2d 195 (Wis. App. 2002).

The Wisconsin Supreme Court affirmed the ruling but disagreed with the appellate court's reasoning. It held that the equitable parent doctrine should not be used in Wisconsin. Instead, equitable estoppel principles should be used. In this case, applying

those principles prohibits both the wife and her boyfriend from challenging the husband's paternity. The husband's paternity was affirmed.

The boyfriend had also raised a constitutional claim to establish his paternity. The court held that biology was not sufficient to raise the issue to a constitutional level. There has to be a relationship between the child and the alleged father before constitutional dimensions come into play. Here, the boyfriend had allowed the husband to put his name on the birth certificate and let the husband fully support the child. The boyfriend made no effort to assert paternity until the child was 15 months old, and he had failed to appear at the temporary custody hearing where the issue could have been resolved much earlier. In addition, even after the genetic tests were conducted, he made no attempt to support the child. Thus, his conduct did not create a relationship worthy of constitutional protection. The court declined to take a "purely biological approach to parenthood."

Constitutionality of Disestablishment Statutes

Van Dusen v. Van Dusen, 784 N.E. 2d 750 (Ohio App. 2003). A daughter was born in 1985, four months after her parents married. In 1995, the parents divorced. The divorce decree named the girl as a child of the marriage and provided for her support. Subsequently, the father had genetic tests performed and they indicated that he was not her biological father. He then sued under Ohio's disestablishment statute (Ohio R.C. 3119.95) for a declaration that he was not her parent. The trial court found the statute to be unconstitutional and declined to issue a disestablishment order.

The Court of Appeals for the 10th Appellate District agreed. The court found that while the legislature could change the law prospectively, the separation of powers doctrine prevented it from overturning existing legal judgments. The divorce decree is *res judicata* on the issue of the girl's paternity. Since it is an existing judgment, it can only be attacked through Rule 60(b) and the case law surrounding that rule. The legislature cannot overturn the judgment. The Court went on to note "Such a disregard for the traditional powers of the other branches of government is especially egregious in the context of parenting and parentage matters. The legislature has, in effect, ordered the courts to enter new judgments taking away the only father a child has ever known if a DNA test indicates that the father and child are not genetically linked. Such a legislative mandate overlooks how complex the parent-child relationship is."

Poskarbiewicz v. Poskarbiewicz, 787 N.E. 2d 688 (Ohio App. 2003). A daughter was born to a married couple who divorced in 1978. The father unsuccessfully challenged the daughter's paternity and he was ordered to pay support. In 1994, he again challenged her paternity but the court held that the divorce decree was *res judicata*. In 2000, armed with genetic tests showing he was not the girl's biological father, he tried again under Rule 60 (b)(4). The trial court granted relief, but the appeals court sent the case back for further consideration under Ohio's new paternity disestablishment statute (specifically Ohio R.C. 3119.961 and 3119.962). On remand, the trial court disestablished paternity, eliminated child support arrears, and ordered the return of an IRS tax intercept.

The Court of Appeals reversed, finding Ohio R.C. 3119.961, 3119.962 and 3119.967 to be unconstitutional and in direct violation of the separation of powers doctrine. In its view, the statute permits a party to by-pass Rule 60(b) and the long established policy of *res judicata* and the legislature cannot do this. The court also notes that disestablishment is not always in the best interests of the child and that courts—not legislatures—are best suited to make the best interests determination.

Fiscal Consequences of Disestablishment

Magwood v. Tate, 835 So. 2d 1241 (Fla. App. 2003). A couple lived together for several years and during that time three children were born, including a son. Tate was listed as the boy's father on the birth certificate. The couple separated and the mother began receiving public assistance. As a condition of receipt of assistance, the mother established the children's paternity. Unbeknownst to Tate, White was found to be the father of the son, and White was ordered to pay child support. Tate continued to treat the boy as his child. The boy was killed and Tate was listed as his father on the death certificate. A wrongful death suit was brought. As a result, the boy's estate contained a substantial sum, 15 percent of which was to go to his father. However, DNA tests showed that Tate was not the biological father and the state refused to pay him the money. The birth and death certificates were then amended to list White as the boy's father.

Tate then sued under an unjust enrichment theory. A jury awarded him $130,000. However, the appellate court reversed the judgment. The court reasoned that the estate stands in the shoes of the boy. Thus, the suit is really an action to recover child support paid in the mistaken belief that a duty of support was owed. Such a suit cannot be brought because the child has no obligation to repay support erroneously provided. The court noted that it was "…not the fault of the child that he was born into a family where his paternity was so uncertain." The child had done nothing wrong and could not have been sued, hence neither can his estate.

Gallo v. Gallo, 861 So.2d 168 (La. 2003). A married couple had three children. When they divorced, Mr. Gallo obtained custody of all three. Several years later, the mother took custody of the youngest and obtained a consent judgment for support. Several months later, Mr. Gallo filed a petition to disavow paternity. Shortly thereafter, he, the mother, and a Mr. Nelson entered into a three-way Paternity Acknowledgment and Disavowal under which Gallo was acknowledged not to be the child's father and Nelson's paternity was established. The court then entered an order finding Gallo not to be the father and relieving him of his support obligation. The judgment was not appealed. Gallo then filed a rule to show cause why the mother should not be required to reimburse him for the $22,125 in support he had paid, as well as other costs. The trial court denied the motion, but the court of appeals reversed.

The Louisiana Supreme Court reversed. It noted that, under Louisiana law, a suit for disavowal of paternity must be filed within one year after the husband learned or should have learned of the birth of the child, and this had not been done. Therefore

paternity could not be disavowed even by a three-way affidavit. The Court then noted that there is another Louisiana statute which allows paternity to be raised in the context of a child support proceeding. This statute allows the paternity issue to be raised if the mother has deceived the husband, so long as not more than 10 years have passed since the child's birth. The record is devoid of any evidence of deception and more than 10 years has passed, so that statute does not apply here. In addition, that statute specifically says that disestablishment does not affect the validity of prior support orders. Nor can the court find any other legal basis on which Gallo has a claim for reimbursement of that which has already been paid. Child support payments, although paid to the mother, were for the benefit of the child. Gallo benefited from his relationship with the child in many ways and she should not have to reimburse him.

Bouchard v. Frost, 840 A.2d 109 (Maine 2004). A child was born to an unmarried mother in 1989. The mother began receiving public assistance and named Bouchard as the father. The IV-D agency brought Bouchard in for an interview and he acknowledged paternity. He did not request genetic tests although the form he signed told him of this right. Based on the acknowledgment, a support order was entered. He did not appeal the order and paid $22,695 over the next 11 years. In 2001, he filed a complaint to determine parental rights and responsibilities. Genetic tests were conducted and they showed he was not the biological father. The district court rescinded the paternity acknowledgment, declared him not to be the father, and held he was not liable for future support. This part of the order was not challenged. The district court also held that Bouchard was estopped from denying paternity during the period the acknowledgment was in effect. Bouchard appealed.

The Supreme Court of Maine held that Bouchard could not recover what he had paid from the state because of sovereign immunity. It also found that he could not recover against the mother under the doctrine of restitution. Child support law is statutory in nature and nothing in the statute authorizes a court to award restitution to a man who, without objection, pays child support for a child who later is determined not to be his. Moreover, such an award would effectively be a retroactive modification prohibited by federal and state law. Finally, the order—although voidable prospectively—was not void, and therefore rights that accrued under it were properly enforced. In dicta, the court also notes that the purpose of child support is to provide for a child's welfare. It would manifestly undermine the purpose of this statute to order a mother receiving public assistance to repay child support.

In the matter of Haller, 839 A. 2d 18 (N.H. 2003). An unmarried mother alleged that her child was fathered by Haller and he signed an affidavit of paternity. The mother applied for public assistance and the state IV-D agency obtained a court order of paternity and support, which Haller paid. The court also ordered visitation, but the mother failed to comply. Haller then filed for contempt and mother countered with a request for paternity testing. The testing was ordered and proved Haller was not the biological father. The court then issued an order finding him not to be the father relieving him of his financial obligations toward the child. Haller then filed a motion requesting a refund of the $750 he had paid to the state. The court denied his motion and Haller appealed.

The Supreme Court affirmed the denial. It found that paternity was voluntarily and legally established by Haller through his acknowledgment. Paternity having been established, a support order was properly entered. The support obligation remained in effect until judicially modified. Until then, Haller owed the support and the state was not unjustly enriched when it received the payments. The court noted that Haller's recourse was an action against the biological father and possibly an action against the mother for misrepresentation.

Related Cases

In Re Adoption of SAJ, 838 A. 2d 616 (Pa. 2003). A non-marital child was born in 1989. At the time of conception, the mother was involved with two (and possibly three) men. After the birth, SS sought partial custody. As a result, he obtained a visitation agreement which he honored for about one year. The mother then sought child support, and in that proceeding SS denied paternity in a notarized statement. Visitation was then terminated and the mother withdrew her support action. SS never sought genetic tests and let the paternity denial case languish. The court informed him the suit would be dismissed, and he did nothing. Thereafter, the child lived with her mother and the mother's new husband for 11 years. They provided her the only support and family she ever knew. The husband filed to adopt the child and notice was given to the other potential biological father, who agreed to the adoption. The adoption was granted and SS then moved to set it aside, arguing that he was the child's biological father and that the adoption was void because he had not been given notice of the proceeding. The trial court granted his motion, but the Superior Court reversed.

The Pennsylvania Supreme Court affirmed the Superior Court's decision. It held that SS was *judicially estopped* from asserting his parentage. He had asserted fatherhood in one proceeding (visitation and adoption) and denied it in another (child support). Thus, he took two factually opposite positions in litigation. He benefited by his assertion of non-paternity in the support proceeding, thereby avoiding his responsibility to support the child. He cannot now come back and assert his paternity in a third proceeding; to allow him to do so would offend justice and the dignity of the court.

The Court also found that SS was *equitably estopped* from now asserting his paternity. By his conduct, he left the mother and her husband entirely responsible for the child for over 11 years. He cannot now undo the situation he created by his words and by his failure to act. While it is true that the mother did not notify him of this proceeding, she acted under the reasonable belief that his assertion of non-paternity, coupled with his failure to be involved in the child's life in any way, was a renunciation of his paternity. Thus, she does not have "unclean hands" so that equitable remedies do not apply.

Damage Actions

Brooks v. Brooks, No. 4-059/03-1217 (Iowa App. Feb. 11, 2004). A married couple had three children. One was born three years before the marriage and a set of twins were born

eight years after the marriage. The husband signed an affidavit of paternity of the older child, and there was a subsequent paternity proceeding as well. The couple divorced in 2001. At that time, the wife had genetic testing done of all the children. The test results showed that another man was the biological father of all three children. She did not tell the husband the results. He later learned of the tests and filed a petition for paternity disestablishment (as allowed by Iowa law). He also filed suit against the wife and her lover for fraud and intentional infliction of emotional distress. The district court granted a motion for summary judgment, finding that it was contrary to public policy to allow tort claims that threaten an existing parent-child relationship.

The Iowa Court of Appeals affirmed the decision. Citing the rationale of *Day v. Heller,* 653 NW 2d 475 (Neb. 2002), the court concluded that Iowa law does not recognize tort actions by husbands against wives for intentional infliction of emotional distress or fraud based on misrepresentation of paternity. The court went on to say that whether such torts should be recognized is up to the state's Supreme Court or the legislature.

Recent Case Law on Paternity Disestablishment Issues for Marital Children

State	Major Cases
Alabama	Jenkins ex rel J.B. v. M.A.B., 723 So. 2d 649 (1998) Conway v. Dept. of Human Resources, 720So. 2d 889 (1998)
Alaska	T.P.D. v. A.C.D., 981 P.2d 116 (1999) B.E.B v. R.L.B., 979 P.2d 514 (1999) Rubright v. Arnold, 973 P.2d 580 (1999) Dixon v. Pouncy, 979 P.2d 520 (1999)
Arizona	Worcester v. Reidy, 960 P.2d 624 (1998)
Arkansas	Office of Child Support Enforcement v. Williams, 995 S.W.2d 338 (1999) Graves v. Stevison, 98 S.W. 3d 848, (Ark. App. 2003)
California	Dawn D. Superior Court of Riverside County, 952 P.2d 1139 (1998) Brian C. v. Ginger K., 92 Cal. Rptr. 2d 294 (Cal. App. 2000) In re Marriage of Pedregon, 107 Cal. App. 4th 1284 (Cal. App. 2003) In re Jesusa V., 85 P.3d 2 (Cal. 2004)
Colorado	C.R.S. v T.A.M., 892 P.2d 246 (1995) N.A.H. v. S.L.S., 9 P.3d 354 (2000)
Connecticut	Serrano v. Serrano, 566 A.2d 413 (Conn. Super. 2000) W. v. W., 779 A.2d 716 (2001)
Florida	Anderson v. Anderson, 845 So. 2d 870 (2003)
Georgia	Baker v. Baker, 582 S.E. 2d 102 (2003)
Hawaii	Doe v. Doe, 52 P. 3d 255 (2002)
Illinois	In re Parentage of Griesmeyer, 707 N.E.2d 72 (Ill. App. 1998)
Indiana	Cochran v. Cochran, 717 N.E.2d 892 (Ind. App. 1999) Driskill v. Driskill, 739 N.E. 2d 161 (Ind. App. 2000)
Iowa	Treimer v. Lett, 587 N.W.2d 622 (1999) Callendar v. Skiles, 623 N.W.2d 852 (2001)
Kansas	Ferguson v. Winston, 996 P.2d 841 (Kan. App. 2000) In re Marriage of Phillips, 58 P. 3d 680 (2002)
Kentucky	Moore v. Cabinet for Human Resources, 954 S.W.2d 317 (1997)
Louisiana	State v. Walker, 700 So.2d 496 (1997) T.D. v. M.M.M., 730 So. 2d 873 (1999) Leger v. Leger, 829 So. 2d 1101 (La. App. 2002) Gallo v. Gallo, 861 S. 2d 168 (2003)
Maine	Stitham v. Henderson, 768 A. 2d 598 (Me. 2000)
Maryland	Stubbs v. Calendra, 841 A. 2d 361 (Md. App. 2004)
Massachusetts	C.C. v. A.B. 550 N.E.2d 365 (Mass. 1990)
Minnesota	G.A.W. v. D.M.W., 596 N.W.2d 284 (Minn. App. 1999) Witso v. Overby, 627 N.W.2d 63 (2001)
Mississippi	R.E. v. C.E.W., 752 So.2d 1019 (1999) W.H.W. v. J.J., 735 So.2d 990 (1999)
Missouri	Div. of Child Support Enforcement v. T.J., 981 S.W.2d 149 (1998)

State	Major Cases
	W.B. v. M.G.R., 955 S.W.2d 935 (1997)
Nebraska	Day v. Heller, 639 N.W.2d 158 (Neb. App. 2002)
Nevada	Love v. Love, 959 P.2d 523 (1998)
New Mexico	Tedford v. Gregory, 959 P.2d 540 (N.M. App. 1998)
Ohio	Donnelly v. Kashnier, 2003 W.L. 294413 (Ohio App. Feb. 12, 2003) Van Dusen v. Van Dusen, 784 N.E. 2d 750 (Ohio App. 2003) Poskarbiewicz v. Poskarbiewicz, 787 N.E. 2d 688 (Ohio App. 2003)
Oklahoma	Miller v. Miller, 956 P.2d 887 (1998) Cornelius v. Cornelius, 15 P.3d 528 (Okla. App. 2000) Barber v. Barber, 77 P. 3d 576 (2003)
Oregon	In re Marriage of Moore, 328 Ore. 513 (1999) In the Matter of Sleeper, 929 P.2d 1028, (Ore Ct. App. 1996) aff'd on other grounds 982 P.2d 1126 (Ore.1999)
Pennsylvania	Freedman v. McCandless, 654 A.2d 529(1995) Brinkley v. King, 701 A.2d 176 (Pa. Super. 1997) Strauser v. Starr, 726 A.2d 1052 (1998) Fish v. Behrs, 741 A.2d 721 (1999) Sekol v. Delsantro, 763 A.2d 405 (Pa. Super. 2000) Weidman v. Weidman, 808 A.2d 576 (Pa. Super. 2002) JC formerly known as JA v. JS, 826 A. 2d 1 (Pa. Super. 2003)
Rhode Island	Pacquette v. Trottier, 723 A.2d 794 (R.I. 1998)
South Carolina	Douglass v. Boyce., 542 S.E.2d 715 (2001)
South Dakota	Culhane v. Michels, 615 N.W.2d 580 (2000) Dept. of Social Services ex.rel. Wright v. Byer, -NW2d- (March 31, 2004)
Texas	In re J.W.T., 872 N.W.2d 189 (1994)
Vermont	Godin v. Godin, 725 A.2d 904 (1998) Jones v. Murphy, 772 A.2d 502 (2001)
West Virginia	William L. v. Cindy E.L., 495 S.E.2d 836 (1997)
Wisconsin	Randy A.J. v Norma I.J., 677 NW 2d 630 (2004)
Wyoming	R.W.R. v E.K.B. and J.D.B., 35 P.2d 1224 (2001)

Recent Case Law on Paternity Disestablishment for Non-Marital Children

State	***Major Cases***
Alaska	Ferguson v. Dept. of Revenue, 977 P.2d 95 (1999) State Dept. of Revenue, CSED v. Button, P.2d (2000)
Arizona	Stephenson v. Nastro, 967 P.2d 616 (1998)
Arkansas	Littles v. Fleming, 970 S.W.2d 259 (1998)
California	In re Nicholas H., 46 P.3d 932 (2002)
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