

CHAPTER M

CHILD SUPPORT

Establishing Paternity

1. Conclusive Paternity Presumption. [§M.0.0.2]
 - **FC §7540:** Child of W cohabiting w/ H who isn't impotent or sterile is conclusively presumed to be child of marriage, except as provided in **FC §7541**. [§M.0.0.2.5]
 - **FC §7541:** H, "presumed father," or child's guardian may rebut **FC §7540** presumption w/ blood-test results. Notice of motion for tests must be filed w/in 2 yrs of child's birth. [§M.0.0.2.10]
 - **MICHAEL H.:** USSCT upholds conclusive presumption as applied against minor child and biodad. [§M.0.0.10]
 - Cases denying app of conclusive paternity presumption. [§M.0.0.10.5]
 - **ALICIA R.** (aff'd T/Ct): No reason to apply presumption where "marriage" not lgl, no parent-child relationship to be furthered, and biodad would support child. (Blood tests more than 2 yrs after birth eliminated mother's H as dad.). [§M.0.0.11]
 - **ETHAN S.:** Due to equitable estoppel, CA-1 refuses to apply conclusive paternity presumption in favor of man married to child's M at time of child's conception and birth. [§M.0.0.11.1]
 - **COMINO:** Conclusive paternity presumption inapplicable against man who may not be biologically related but was only F child had known. **FC §7004** doesn't require bio link. [§M.0.0.11.3]
2. Presumed-Father Status: Uniform Parentage Actions to Establish Parent-Child Relationships. **KAREN C.:** Presumed-father statutes apply equally to presumed mothers. [§M.0.0.12.1]
 - **ZACHARIA D.:** CASCT requires nonpresumed but biodad to assert paternity and actively seek paternity rights. [§M.0.0.12.1.2]
 - Actions by biodads to establish relationships w/ kids who have presumed fathers. [§M.0.0.12.1.4]
 - **DAWN D.:** Biodad has no constitutionally protected due-process right to establish parental relationship w/ child born to former lover during her marriage to another man. [§M.0.0.12.1.5]
 - **FUSS:** Mom's marriage to another man doesn't bar alleged natural F's paternity suit filed before marriage and child's birth. [§M.0.0.12.2]
 - **ALEXANDER M.:** Biodad of child who has presumed F is entitled to hg to assert **KELSEY S.** status in adoption proceedings. [§M.0.0.12.4]