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Senate of Pennsylvania

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## MEMO

**Date:** February 9, 2011  
**To:** All Senators  
**From:** Senator John N. Wozniak *Wozniak*  
**Subject:** Co-sponsorship "Paternity Tests"

In the near future, I plan to re-introduce legislation that will amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for determination of paternity.

Under current law, which is grounded in English common law, the court assumes the husband is the legal father of any child born by his wife during their marriage. A judge has the authority to deny a paternity request based on this assumption. This "presumption of paternity" is designed to preserve the marriage and ensure the financial and emotional needs of the child. I believe every child should be properly taken care of. However, it is the responsibility of the biological father.

I believe this law to be unfair and I want to amend it to allow for paternity testing when requested. It is unfair that a man, when afforded the chance to prove he is not the biological father, is forced to pay child support for a child that is not his. In addition, the biological father has no legal right to his child. He cannot petition the courts for a DNA test.

This bill was reintroduced last session as SB 230. Senators Fontana, Kitchen, Alloway, and Folmer were previous co-sponsors of this bill.

If you would like to co-sponsor this bill, please contact Josh Myers of my staff at 787-5400 or by email to [jmyers@pasenate.com](mailto:jmyers@pasenate.com). Thank you for your consideration.