

To Members of the California State Assembly:

I am returning Assembly Bill 2240 without my signature.

This bill would require additional activities for the local child support agencies by making changes to the current paternity establishment process, including a requirement that the summons and complaint be personally served on the alleged father in any action to establish paternity. In addition, the bill would expand the court's ability to set aside default paternity judgments based on genetic testing and upon determination of the best interest of the child.

The intent of AB 2240 is to provide relief to individuals who are victims of paternity fraud. I recognize that paternity fraud is a serious issue and has the potential of damaging an individual's livelihood. However, AB 2240 is flawed in its attempt to address this issue.

Personal service, as required in the bill, would establish a higher standard of service for paternity actions than all other civil actions. This higher standard does not directly address paternity fraud or prevent fraud in the future but instead would adversely impact the establishment of paternities. Thousands of paternity judgments are established timely each year by serving individuals by substitute service or by mail. The bill's requirement of personal delivery service would severely delay this process, but more important, would provide biological fathers the ability to evade service of process, preventing the establishment of paternity in the majority of these cases and allowing the avoidance of parental responsibilities. This would directly impact child support collections and would jeopardize California's ability to meet federally required performance measures putting California at risk of losing up to \$40 million in federal funds.

In addition, AB 2240 has substantial federal compliance problems that would adversely affect California. The bill's requirement of a paternity questionnaire, signed by the mother, would prevent the filing of a paternity action in cases against the father if the mother is deceased or unavailable, or if she simply refuses to cooperate. This would prevent moving ahead on cases even if other evidence establishes paternity. This would also apply to foster care cases where federal law requires the establishment of paternity and child support. AB 2240 would prevent California from proceeding on a large number, if not most, of foster care cases, putting California out of compliance with federal law.

Therefore, I direct the Department of Child Support Services to work with the Legislature and advocates on both sides of this issue to develop recommendations that will address paternity fraud.

Sincerely,

GRAY DAVIS