

I understand why a new law was created which basically states paternity can not be contested after a divorce. I agree with this; however I believe the laws do not go far enough. This is why:

For example:

In this scenario we have two parties say Party A and Party B. Now in the example Party A has knowledge of some circumstance, where Party B has no knowledge. Now it comes time for both parties to go to court here is what the results could be.

Now in going to court each party has two options which are□.

Party A

Option 1: Says nothing at all in regards to the knowledge they have about the circumstance.

Option 2: Discloses information to the court which they have about the circumstance.

Party B

Option 1: Does not contest, in other words does not try to find out information which Party A is privileged to.

Option 2: Does contest and finds out the information which Party A already knows.

So now lets look at each one of these options for each party and what the results could be from their choice.

Party A choose Option 1 and Party B choose Option 1:

Party A will obtain funds from Party B even though Party A knows that Party B is not responsible. Thus Party A gains funds and Party B loses funds. Therefore I would score this scenario as:

Party A = Win

Party B = Lose

Party A choose Option 2 and Party B chooses Option 1:

Party A will not collect funds from Party B. Thus the score would be:

Party A = Lose

Party B = Win

As you could easily see any time Party A choose Option 2 they would lose so they would always want to choose Option 1 and thus keep quiet.

Party A choose Option 1 and Party B choose Option 2:

This can result in two ways depending on the scenario which party A has knowledge about. The two scenarios are Party B is responsible for the scenario or Party B is not responsible.

Lets look at the first one where Party B is responsible.

Party A gets the funds as it should be, not really a lose or win because that is the required outcome.

Party B has to pay the required funds as should be however suffers a huge lose because they questioned the scenario and were wrong. The fact that they questioned it is a huge emotional lose to Party B for the rest of their life.

Party A = tie
Party B = Lose

Now lets look where Party B is Not responsible.

Party A = lose, however not total because now they can go after responsible party and win.

Party B = Win

So to summarize it is very clear that Party A should always choose option one since they can never completely lose. However Party B must take a gamble because there is no clear win for them.

So I ask, since Party A has the knowledge of the scenario does it not make sense that in a court of law they should be Required to disclose any and all information which they may have? It just seems ridiculous to me that Party A is not required to disclose material facts. It would be the same as if the seller of a house is not required to disclose facts about the house which the buyer is purchasing.

This is why it CAN NOT be left up to the presumed father (Party B) to question paternity during a divorce.

This is why SB 05-181 is good in wanting to establish paternity as early as possible but yet bad because it still does not help the man

Author:
Dylan Davis
303.579.2535
Dylan_davis@hotmail.com