



Resolution Endorsing Uniform Parentage Act (2017)

Background

Parentage establishment provides the legal basis for establishing and enforcing child support, and has been an integral part of the Title IV-D child support program since its inception in 1975. The National Conference of Commissioners on Uniform State Laws, now the Uniform Law Commission, approved the original Uniform Parentage Act (UPA) in 1973 to provide states with model parentage establishment legislation that precluded discrimination against children born to unmarried parents.

In 2017, the Uniform Law Commission enacted a new UPA to provide states with uniform model parentage establishment legislation that ensures equal treatment of children born to same-sex parents. The Uniform Parentage Act (2017) requires an intended parent of a child conceived by assisted reproduction and an individual who acknowledges parentage for a child to be legally responsible for that child, regardless of gender or genetic tie. It also avoids the potential constitutional infirmity of gender-specific paternity laws following *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), and *Pavan v. Smith*, 137 S. Ct. 2075 (2017), while meeting state law requirements of Title IV-D of the Social Security Act. Both the American Bar Association and the Eastern Regional Interstate Child Support Association have endorsed UPA (2017).

The National Child Support Enforcement Association (NCSEA) advocates for sound national public policy on the rights of all children to financial support from their parents regardless of gender or family structure. NCSEA believes that UPA (2017) provides states with a comprehensive and constitutional uniform law for parentage establishment that will benefit the children born to or raised in all families.

THEREFORE, NCSEA resolves to urge states to enact UPA (2017) to:

1. Ensure all parents financially support their children;
2. Eliminate constitutional infirmity in paternity laws that predate *Obergefell* and *Pavan*;
3. Protect children from protracted, harmful litigation by eliminating uncertainty in parentage establishment laws; and
4. Reduce the differences in state parentage laws that make it difficult for child support agencies to establish and enforce support obligations for children across state lines.

Adopted by the Board of Directors of NCSEA on the 26th day of April, 2018