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California Governor Davis Preserves and Protects Paternity Fraud

By Glenn Sacks and Dianna Thompson

California Governor Gray Davis had the chance to free thousands of falsely condemned men last week. He chose federal funds instead.

Davis vetoed the California Paternity Justice Act (AB 2240), which would have helped thousands of California men who were wrongly assigned paternity in default judgments, and who have been compelled by the state to pay years of child support for children whom DNA tests have shown are not theirs. In Los Angeles County in 2000, for example, 79 percent of paternity judgments were decreed by default. Most of these men had no idea they were "fathers" until their wages were garnished.

Technical instructor Bert Riddick of Carson is one of the men AB 2240 would have helped. Ten years ago, Riddick was erroneously named by an ex-girlfriend as the father of her child. By the time Riddick realized what had occurred, the statute of limitations for challenging paternity had passed. Riddick, his wife and their three children have fallen from the middle class to homelessness because he is forced to pay \$1,400 a month in child support and arrearages. Like many paternity fraud victims, Riddick has never even met the child he is supporting.

Similarly, Darin Reeves of Rancho Santa Margarita has paid over \$50,000 in child support and welfare reimbursements to support a child he did not father. In June 2000, California's 4th District Court of Appeals ruled that Reeves, who has a child of his own to support, would have to continue paying. Since 1995, Reeves has spent \$11,000 in legal fees fighting the erroneous paternity finding.

Davis could have freed thousands of these innocent men and their families by signing AB 2240. The bill would have helped men assigned paternity in default judgments by extending to three years from the date of discovery the period during which such judgments may be challenged through DNA testing. The bill would have allowed courts to vacate default paternity judgments which are shown to be erroneous, thus relieving falsely identified fathers of further child support.

Instead of justice, Davis chose money.

Under federal guidelines, states must identify the fathers of children whose mothers are receiving benefits or risk losing federal incentive money. In addition, states receive federal funding on child-support orders. Because federal rules do not require DNA testing to prove paternity, states have no incentive to demand accuracy in establishing paternity.

In explaining his veto, Davis said that if AB 2240 became law the state might not meet federal requirements on collecting child-support payments, putting California at risk of losing \$40 million in federal funds.

Opponents of the bill included NOW, the National Center for Youth Law and the San Diego-based Children's Advocacy Institute. An institute official praised the veto, saying "we're glad that the governor put children first."

These critics overlook the fact that when a father is forced to pay support for a child who is not his, his own biological children suffer greatly. If Davis had signed AB 2240, children of falsely identified fathers would not have been deprived of support. Mothers in these cases would do what they should have done all along: disclose the true identity of their children's fathers so the state can then approach them to establish paternity and pay child support.

Riddick was devastated by Davis' veto.

"Davis and his supporters say they did this for the children. Let him come to my house and explain to my children why this is good for them.

"The system lies to children about their own parentage and Gov. Davis thinks that's

OK. The system defrauds thousands of innocent men and wounds their families and Gov. Davis thinks that's OK. The system puts money ahead of truth and justice and Davis thinks that's OK. What kind of message is this sending to our children?"

This column appeared in similar form in the *Orange County Register* (10/3/02).

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