

DISTRICT OF COLUMBIA COURT OF APPEALS

M.M. v. T-M.M.; In re N.M.; M.M., Appellant

995 A.2d 164 (D.C. 2010) · No. Nos. 08-FM-1542, 08-FM-1543 · Decided March 31, 2010

SUMMARY

The District of Columbia Court of Appeals affirmed the denial of M.M.'s Superior Court Domestic Relations Rule 60(b) motion seeking relief from a paternity and child-support order. Although DNA testing later established that M.M. was not the child's biological father, the court held that he had voluntarily acknowledged paternity and waited twelve years to seek relief, making the motion untimely and inequitable. The court concluded that M.M. remained responsible for the child's support.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Pryor, Senior Judge; Schwelb, Senior Judge; King, Senior Judge
JURISDICTION	District of Columbia
DECIDED	March 31, 2010
DOCKET	Nos. 08-FM-1542, 08-FM-1543
DISPOSITION	affirmed
PROCEDURAL POSTURE	M.M. appealed the denial of his Superior Court Domestic Relations Rule 60(b) motion seeking relief from an order establishing paternity and imposing permanent child-support obligations after DNA testing showed he was not the biological father.
STANDARD OF REVIEW	The denial of a Rule 60(b) motion is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published
PARTIES	M.M. v. D.J., District of Columbia

TOPICS

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying as untimely M.M.'s Rule 60(b)(5) and (6) motion to vacate a paternity and child-support order more than twelve years after the paternity judgment.
2. Whether the equities, including M.M.'s voluntary acknowledgment of paternity and the mother's death during the delay, justified maintaining his legal-father and child-support obligations despite DNA evidence excluding biological paternity.

HOLDINGS

1. A Rule 60(b) motion challenging a paternity and child-support judgment must be filed within a reasonable time, and a twelve-year delay was unreasonable under the circumstances presented.
2. A person who voluntarily acknowledges paternity assumes the status of legal father under District of Columbia law and may remain responsible for child support despite later genetic testing showing that he is not the biological father, when equitable relief is denied because of an unreasonable delay.

KEY QUOTATIONS

"The motion was denied as untimely where it was filed more than twelve years after the paternity judgment was entered even though M.M. had reason to believe he may not be the child's father but nonetheless voluntarily acknowledged paternity." (995 A.2d at 165)

"On these facts, we cannot say the trial court abused its discretion when it found that he remained responsible for N.M.'s support in spite of the recent genetic testing that excluded him as her biological father." (995 A.2d at 167)

FACTUAL BACKGROUND

M.M. acknowledged paternity of N.M. in 1993 despite knowing that two other men might be the biological father, and he consented to a child-support order. He did not seek review or paternity testing at that time, although he had some relationship with N.M. and remained legally responsible for support. More than twelve years later, after N.M.'s mother had died and after support-enforcement and neglect proceedings, DNA testing established that M.M. was not the biological father.

PROCEDURAL HISTORY

In 1993, M.M. voluntarily acknowledged paternity and consented to a child-support order. After DNA testing in 2005 excluded him as the biological father, he moved to vacate the paternity and support orders under Rule 60(b)(5) and (6). A magistrate judge denied relief as untimely and barred by laches; an associate judge affirmed on November 6, 2008. The District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- *Clemencia v. Mitchell*, 956 A.2d 76, 79 (D.C. 2008)

- Puckrein v. Jenkins, 884 A.2d 46, 57-58 (D.C. 2005)
- W.F. v. K.J., 128 Daily Wash. L. Rptr. 1045, 1081, 1093 (May 11, 16, 17, 2000)
- Walter v. Gunter, 367 Md. 386, 788 A.2d 609 (2002)

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