

SUPREME COURT OF APPEALS OF WEST VIRGINIA

G.M. v. R.G.

211 W. Va. 528 (2002) · Decided June 7, 2002

SUMMARY

The Supreme Court of Appeals of West Virginia held that a putative father seeking to challenge a prior paternity determination based on alleged fraud was entitled to develop evidence concerning that fraud. The circuit court erred by treating the prior paternity adjudication as unreviewable and refusing to hold a hearing. The case was reversed and remanded for development of the evidence and reconsideration of paternity under the applicable clear-and-convincing-evidence standard.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
JURISDICTION	West Virginia
DECIDED	June 7, 2002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	R.G. appealed the Circuit Court of Lewis County's denial of relief from a prior paternity determination and child-support order, including the court's refusal to hold a hearing on his allegation that the paternity acknowledgment had been induced by fraud.
STANDARD OF REVIEW	The circuit court's final order and ultimate disposition are reviewed for abuse of discretion; findings of fact are reviewed under the clearly erroneous standard; and conclusions of law are reviewed de novo.
PRECEDENTIAL VALUE	published and precedential
PARTIES	R.G. v. G.M., West Virginia Department of Health and Human Resources, Bureau for Child Support Enforcement

TOPICS

- paternity
- child support
- family law procedure
- appellate procedure
- evidence

PRACTICE AREAS

- family law
- paternity
- child support
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether the circuit court erred by refusing to hold a hearing on R.G.'s allegation that his acknowledgment of paternity was induced by fraud.
2. Whether a prior paternity acknowledgment and resulting paternity determination may be challenged after the statutory rescission period when fraud is alleged and supported by potentially conclusive contrary biological evidence.
3. Whether the circuit court properly increased child support without first addressing the asserted fraud-based challenge to paternity.

HOLDINGS

1. When a party alleges that a prior acknowledgment of paternity was induced by fraud, the court may not conclusively rely on the prior adjudication and preclude the party from presenting evidence on that central issue without providing a meaningful hearing.
2. A prior final paternity determination may be reconsidered after the statutory rescission period if the alleged fraud is proved by clear and convincing evidence and the court applies the governing paternity-law preferences, presumptions, and equitable principles.

KEY QUOTATIONS

“It is axiomatic that due process of law requires that a party to a legal proceeding must be given an opportunity to be heard, and this Court has held that the right to be heard contemplates a meaningful hearing.” (211 W. Va. at 531)

“In the present ease, this Court believes that by refusing to allow the appellant to develop evidence on the fraud which he has alleged, the circuit court has, in effect, precluded the appellant from litigating an issue central to his case.” (211 W. Va. at 531)

“The Court, therefore, believes that the judgment of the Circuit Court of Lewis County should be reversed, and this ease should be remanded for development of the evidence on the question of whether the appellant’s initial acknowledgment of the paternity of C.D.G. was induced by the fraudulent conduct of C.D.G.’s mother.” (211 W. Va. at 531-532)

FACTUAL BACKGROUND

R.G. was listed as the father of C.D.G. and was ordered to pay child support after he did not contest paternity in a 1997 proceeding. In 2000, after a blood test conclusively excluded him as C.D.G.'s biological father, he alleged that C.D.G.'s mother and her family had misled him into believing he was the father. The circuit court refused to address the fraud allegation and approved an increased support obligation without holding an evidentiary hearing.

PROCEDURAL HISTORY

R.G. was ordered to pay child support for C.D.G. after he was adjudicated the child's father. After later obtaining conclusive blood-test evidence that he was not the biological father, he asserted that the child's mother had fraudulently induced his acknowledgment of paternity. A family law master recommended increasing his support

obligation, and the circuit court denied his petition for review without holding a hearing on the fraud allegation. The Supreme Court of Appeals reversed and remanded for development of the evidence.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Circuit Court of Lewis County must develop the evidence on whether R.G.'s acknowledgment of C.D.G.'s paternity was induced by fraudulent conduct. If clear and convincing evidence of fraud is presented, the court must reconsider paternity under the principles stated in *State ex rel. West Virginia Department of Health and Human Resources, Child Support Enforcement Division v. Michael George K.*

CASES CITED

- *Burgess v. Porterfield*, 196 W. Va. 178, 469 S.E.2d 114 (1996)
- *State ex rel. West Virginia Department of Health and Human Resources on Behalf of Laura F.M. v. Cline*, 197 W. Va. 79, 475 S.E.2d 79 (1996)
- *State ex rel. West Virginia Department of Health and Human Resources, Child Support Enforcement Division v. Michael George K.*, 207 W. Va. 290, 531 S.E.2d 669 (2000)
- *Clay v. City of Huntington*, 184 W. Va. 708, 403 S.E.2d 725 (1991)
- *Jordan v. Roberts*, 161 W. Va. 750, 246 S.E.2d 259 (1978)