



## Mills v. Habluetzel, 456 U.S. 91, 104 n.2 (1982)

In considering appellant mother's claim on behalf of her illegitimate child against appellee father, the Court found that a legislative amendment increasing the limitation period from one to four years did not render the claim moot because when the claim was filed, the child was more than one year old, and when the amendment took effect, the child was more than four years old, and there was little probability that the amendment would be applied retroactively. The Court agreed that the burden on illegitimate children, not shared by legitimate children, was not justified by the state's interest in avoiding the prosecution of stale or fraudulent claims. The Court found a denial of equal protection because legitimate children could seek support until the age of 18 while illegitimate children could only seek support until the age of four, and the limitation was not substantially related to the state's interest in avoiding the litigation of stale or fraudulent claims.

### **To Support Its Assertion, the Court Looked to the AMA's Scientific Advancements**

The State's concern about stale and fraudulent claims is substantially alleviated by recent scientific developments in blood testing dramatically reducing the possibility that a defendant will be falsely accused of being the illegitimate child's father. In *Little v. Streater*, 452 U.S. 1 (1981), this Court discussed a report by the American Bar Association and the American Medical Association indicating that a series of blood tests could provide over a 90% probability of negating a finding of paternity for erroneously accused men. See Miale, Jennings, Rettberg, Sell, & Krause, Joint AMA-ABA Guidelines