



# LAWS OF ALASKA

1989

**Source**

HCS CSSB 70 (Jud)

**Chapter No.**

69

**AN ACT**

Relating to certain testing in contested paternity actions; amending Rule 35, Alaska Rules of Civil Procedure; and providing for an effective date.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1, LINE 11

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 30, 1989  
Actual Effective Date: November 1, 1989

AN ACT

Relating to certain testing in contested paternity actions; amending Rule 35, Alaska Rules of Civil Procedure; and providing for an effective date.

\* Section 1. AS 25.20.050 is amended by adding new subsections to read:

(e) On request of a party in an action in which paternity is contested and to which the state is a party, the court shall order the mother, the child, and the putative father to submit to a blood test, tissue-type test, protein comparison, or other scientifically accepted procedure designed to determine the statistical probability that the putative parent is a legal parent of the child in question.

(f) If the child support enforcement agency is a party in an action in which paternity is contested, the agency shall request the court to order the tests and procedures described in (e) of this section. The agency may recover the costs of tests as a cost of the action, except that costs may not be recovered from a person who is a recipient of aid under AS 47.25.310 - 47.25.420 (Aid to Families with Dependent Children).

\* Sec. 2. AS 47.23.040(a) is amended to read:

(a) The agency shall appear on behalf of minor children or their mother or legal custodian or the state and initiate efforts to have the paternity of children born out of wedlock determined by the court. When the agency is a party in an action in which paternity is

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1       contested, it shall request and pay for tests and procedures under  
2       AS 25.20.050(f). The agency may recover the costs of the tests as a  
3       cost of the action, except that costs may not be recovered from a  
4       person who is a recipient of aid under AS 47.25.310 - 47.25.420 (Aid  
5       to Families with Dependent Children) [ON VOLUNTARY APPLICATION BY THE  
6       MOTHER OR OTHER LEGAL CUSTODIAN].

7       \* Sec. 3. AS 25.20.050(e), enacted by sec. 1 of this Act, has the  
8 effect of amending Civil Rule 35 by requiring a court in an action in which  
9 paternity is contested and to which the state is a party to order certain  
10 genetic tests on the request of a party.

11       \* Sec. 4. This Act takes effect November 1, 1989.