

Introduced: 1/9/89
Referred: Health, Education and
Social Services and Finance

6-0231A

1 IN THE SENATE

BY UEHLING, PEARCE
AND STURGULEWSKI

2

SENATE BILL NO. 70

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to certain testing in contested
7 paternity actions; amending Rule 35, Alaska Rules of
8 Civil Procedure; and providing for an effective
9 date."

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

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

12 (e) On request of a party in a contested paternity action, the
13 court shall order the child and all other parties to submit to a blood
14 test, tissue-type test, protein comparison, or other scientifically
15 accepted procedure designed to determine the statistical probability
16 that the putative parent is a legal parent of the child in question
17 except that the order may not apply to a person who has been found
18 under applicable federal regulations to have good cause not to cooper-
19 ate.

20 (f) If the child support enforcement agency is a party in a
21 contested paternity action, the agency shall request the court to
22 order the tests and procedures described in (e) of this section. The
23 agency may impose a fee on a person for that person's tests and proce-
24 dures if the person is not a recipient of aid under AS 47.25.310 -
25 47.25.420 (Aid to Families with Dependent Children). The fee au-
26 thorized by this subsection may not conflict with requirements of
27 applicable federal regulations.

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

29 (a) The agency shall appear on behalf of minor children or their

1 mother or legal custodian or the state and initiate efforts to have
2 the paternity of children born out of wedlock determined by the court
3 on voluntary application by the mother or other legal custodian. When
4 the agency is a party in a contested paternity action, it shall re-
5 quest and pay for tests and procedures under AS 25.20.050(f). The
6 agency may impose a fee on a person for that person's tests and proce-
7 dures if the individual is not a recipient of aid under AS 47.25.310 -
8 47.25.420 (Aid to Families with Dependent Children). The fee au-
9 thorized by this subsection may not conflict with requirements of
10 applicable federal regulations.

11 * Sec. 3. AS 25.20.050(e), enacted by sec. 1 of this Act, has the
12 effect of amending Civil Rule 35 by requiring a court in a contested pater-
13 nity action to order certain genetic tests on the request of a party.

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