

Offered: 2/8/89
Referred: Judiciary and Finance

6-0231E

Original sponsors: Uehling, Pearce,
and Sturgulewski

1 IN THE SENATE

BY THE HEALTH, EDUCATION, AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 70 (HESS)

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 mother, the child, and the putative parent to
14 submit to a blood test, tissue-type test, protein comparison, or other
15 scientifically accepted procedure designed to determine the statisti-
16 cal probability that the putative parent is a legal parent of the
17 child in question except that the order may not apply to a person who
18 has been found under applicable federal regulations to have good cause
19 not to cooperate.

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 recover the costs of tests as a cost of the action, except
24 that no costs shall be recovered from a person who is a recipient of
25 aid under AS 47.25.310 - 47.25.420 (Aid to Families with Dependent
26 Children). Costs recovered under this subsection may not conflict
27 with requirements of 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 recover the costs of the tests as a cost of the action,
7 except that no costs shall be recovered from a person who is a recipi-
8 ent of aid under AS 47.25.310 - 47.25.420 (Aid to Families with Depen-
9 dent Children). Cost recoveries authorized under this subsection may
10 not conflict with requirements of 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.