

Offered: 2/15/89
Referred: Finance

6-0231H

Original sponsors: Uehling, Pearce,
and Sturgulewski

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

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CS FOR SENATE BILL NO. 70 (Judiciary)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "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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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:

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(e) On request of a party in a contested paternity action to which the state is a party, the court shall order the mother, the child, and the putative parent 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 except that the order may not apply to a person who has been found under applicable federal regulations to have good cause not to cooperate.

(f) If the child support enforcement agency is a party in a contested paternity action, 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 no costs shall 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). Costs recovered under this subsection may not conflict with requirements of applicable federal regulations.

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

(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 which the state is a party to order certain genetic tests on
14 the request of a party.

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