

Offered: 5/3/89  
Referred: Rules

6-0231M

Original sponsors: Uehling, Pearce,  
and Sturgulewski

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 70 (Judiciary)  
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 an action in which paternity is  
13 contested and to which the state is a party, the court shall order the  
14 mother, the child, and the putative father to submit to a blood test,  
15 tissue-type test, protein comparison, or other scientifically accepted  
16 procedure designed to determine the statistical probability that the  
17 putative parent is a legal parent of the child in question.

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

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

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

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.