

1 HB126  
2 188917-1  
3 By Representative Rich  
4 RFD: Judiciary  
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, a man is presumed to be  
9 the father of a child if he and the mother of the  
10 child are married to each other and the child is  
11 born during the marriage. If the presumed father  
12 persists in his status as the legal father of a  
13 child, neither the mother or any other individual  
14 may maintain an action to disprove paternity.

15 This bill would enable a man who is not the  
16 presumed father of a child but who believes himself  
17 to be that child's biological father to petition  
18 the court for blood testing to challenge the  
19 presumption of paternity.

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21 A BILL  
22 TO BE ENTITLED  
23 AN ACT

24  
25 Relating to the presumption of paternity; to amend  
26 Section 26-17-607, Code of Alabama 1975, to enable a man who  
27 is not the presumed father of a child but who believes himself

1 to be that child's biological father to petition the court for  
2 blood testing to make an establishment of paternity.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 26-17-607, Code of Alabama 1975,  
5 is amended to read as follows:

6 "§26-17-607.

7 "(a) Except as otherwise provided in subsection (b),  
8 a presumed father may bring an action to disprove paternity at  
9 any time. ~~If the presumed father persists in his status as the~~  
10 ~~legal father of a child, neither the mother nor any other~~  
11 ~~individual may maintain an action to disprove paternity. If a~~  
12 ~~man who is not the presumed father of a child believes himself~~  
13 ~~to be that child's biological father and disputes the presumed~~  
14 ~~father's paternity of that child, the court, upon motion to~~  
15 ~~the court by that man, may order genetic blood testing of that~~  
16 ~~man, the child, and the presumed father in order to make an~~  
17 ~~establishment of paternity.~~

18 "(b) A presumption of paternity under this section  
19 may be rebutted in an appropriate action only by clear and  
20 convincing evidence. ~~In the event two or more conflicting~~  
21 ~~presumptions arise, that which is founded upon the weightier~~  
22 ~~considerations of public policy and logic, as evidenced by the~~  
23 ~~facts, shall control.~~ The presumption of paternity is rebutted  
24 by a court decree establishing paternity of the child by  
25 another man."

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.