

1 HB641
2 139578-1
3 By Representatives Sessions, Ball, Patterson, Barton and Davis
4 RFD: Judiciary
5 First Read: 03-APR-12

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8 SYNOPSIS: This bill would require a court to order
9 genetic testing of an alleged father who requests
10 the testing and presents clear and convincing
11 evidence that the alleged father was in a sexual
12 relationship with the mother at the time of the
13 conception of a child.

14 This bill would also require the alleged
15 father to pay all costs associated with the genetic
16 testing.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Section 26-17-607 of the Code of Alabama
23 1975, to require a court to order genetic testing of an
24 alleged father who requests the testing and presents clear and
25 convincing evidence that the alleged father was in a sexual
26 relationship with the mother at the time of the conception of

1 a child; and to require the alleged father to pay all costs
2 associated with the genetic testing.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 26-17-607 of the Code of Alabama
5 1975, 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.~~

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

20 "(c) Notwithstanding any other provision of law,
21 within two years of the birth of a child, in order to rebut
22 the presumption that a man married to the mother is the father
23 of the child, a court shall order genetic testing to determine
24 the paternity of the child by an alleged father, as defined by
25 Section 26-17-102, who was not married to the mother, upon the
26 petition of the alleged father and upon a finding by the court
27 based on clear and convincing evidence that the alleged father

1 was in a sexual relationship with the mother of the child at
2 or near the time of the conception of the child. The alleged
3 father shall pay all costs associated with the genetic
4 testing. Upon further hearing, the court may thereafter
5 determine the father of the child."

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