

House Bill 344

By: Representatives Dempsey of the 13<sup>th</sup>, Quick of the 117<sup>th</sup>, Ballinger of the 23<sup>rd</sup>, Oliver of the 82<sup>nd</sup>, Willard of the 51<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 19-7-54 of the Official Code of Georgia Annotated, relating to  
2 motion to set aside determination of paternity, so as to allow parties beyond movants in a  
3 case concerning a child support order to request a genetic test from the Department of  
4 Human Services under certain circumstances; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 19-7-54 of the Official Code of Georgia Annotated, relating to motion to set  
9 aside determination of paternity, is amended by revising subsection (d) as follows:

10 "(d) In any case when the underlying child support order was issued by a court of this state  
11 or by the Department of Human Services and is being enforced by the Department of  
12 Human Services, a ~~movant~~ party who is involved in the Department of Human Services'  
13 enforcement of such order and who intends to file a motion as provided for in subsection  
14 (a) of this Code section may request a genetic test from the Department of Human Services,  
15 contingent upon advance payment of the genetic test fee by such movant. The request shall  
16 be accompanied by a statement setting forth that the requirements to set aside a  
17 determination of paternity described in paragraphs (2) through (5) of subsection (b) of this  
18 Code section are met. The Department of Human Services may deny the request if:

- 19 (1) Paternity testing was previously completed;  
20 (2) The child was adopted either by the requester or the other party involved in the  
21 enforcement by the Department of Human Services;  
22 (3) The child was conceived by means of artificial insemination; or  
23 (4) The Department of Human Services has previously offered paternity testing and the  
24 requester refused the opportunity for testing at that time.

25 In any case when the ~~custodian~~ nonrequesting parent of the child does not consent to  
26 testing, a ~~movant~~ the requesting party may petition the court to ask for testing of the other  
27 parent and the child or children."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.