

SENATE BILL 636

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 24,
Chapter 7; Title 36, Chapter 5 and Title 68,
relative to paternity.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(a)(6), is amended by deleting the subdivision in its entirety and substituting instead the following:

(6)

(A) Except as provided in subdivision (5), prior to entering a support order, the court shall verify paternity by ordering the purported father and child to undergo genetic testing, unless paternity has been verified by a prior genetic test, in which case the parties involved shall provide the court with proof of such a test showing paternity. The genetic testing shall proceed according to § 24-7-112. This subdivision shall apply to all such support orders, despite the state of the relationship between the parties at the time of the child's birth. The department of human services shall be responsible for payment for testing for the purpose of providing evidence of paternity for those persons who are financially unable to pay, in whole or in part. The requirements for financial inability to pay shall be established by the commissioner of human services. The commissioner shall take into consideration the family income, the number of dependents in the family, the probable total cost of testing and the other financial responsibilities of the family.

(B) Notwithstanding any other provision of the law to the contrary, a voluntary acknowledgment of paternity that is completed under the provisions of

§ 68-3-203(g), § 68-3-302, or § 68-3-305(b), or under similar provisions of another state or government, when certified by the state registrar or other governmental or institutional entity maintaining the record of the acknowledgment, shall be a basis for establishing a support order only if the court verified paternity by ordering the purported father and child to undergo genetic testing, unless paternity has been verified by a prior genetic test.

SECTION 2. Tennessee Code Annotated, Section 36-5-405, is amended by adding the following language to the end of subsection (b):

If the respondent is the child's father and a genetic test has never confirmed the child's paternity, the referee shall require that such test occur prior to the scheduled hearing. The test shall proceed according to § 24-7-112.

SECTION 3. Tennessee Code Annotated, Section 24-7-112, is amended by deleting subdivision (a)(1)(A) in its entirety and substituting instead the following:

(a)

(1)

(A) In any contested paternity case, the court shall order the parties and the child to submit to genetic testing to determine the child's parentage;

SECTION 4. Tennessee Code Annotated, Section 24-7-113(a), is amended by deleting the language "paternity which" from the first sentence and substituting instead the language "paternity if paternity was verified by a genetic test which".

SECTION 5. Tennessee Code Annotated, Section 24-7-113(a), is further amended by deleting the language "The acknowledgment" from the second sentence and substituting instead the language "The acknowledgment if verified by a genetic test".

SECTION 6. Tennessee Code Annotated, Section 24-7-113(b), is amended by deleting subdivision (3) in its entirety.

SECTION 7. Tennessee Code Annotated, Section 24-7-113(b)(1), is amended by deleting the language “without requiring any further proceedings to establish paternity.” from the first sentence and substituting instead the language “provided the court verified paternity by ordering the purported father and child to undergo genetic testing.”.

SECTION 8. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 9. This act shall take effect July 1, 2009, the public welfare requiring it.