May 17, 2006

H 2143. STUDY RULE 60/ERRONEOUS PATERNITY JUDGMENTS. Filed 5/17/06. *TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ADVISABILITY AND DESIRABILITY OF AMENDING RULE 60 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE TO GIVE COURTS GREATER AUTHORITY AND A LONGER PERIOD OF TIME TO SET ASIDE A JUDGMENT THAT ESTABLISHES PATERNITY AND ANY RELATED CHILD SUPPORT ORDERS WHEN A PARTY SUBSEQUENTLY DISCOVERS THAT THE PATERNITY JUDGMENT WAS ERRONEOUS FOR MISTAKE, FRAUD, MISREPRESENTATION OR OTHER MISCONDUCT OF THE ADVERSE PARTY, NEWLY DISCOVERED EVIDENCE, OR ANY REASON FOR WHICH IT IS NOT EQUITABLE THAT THE JUDGMENT SHOULD HAVE PROSPECTIVE APPLICATION*. Authorizes the Legislative Research Commission to study whether Rule 60 of the NC Rules of Civil Procedure should be amended to give courts greater authority and longer period of time to set aside a judgment that establishes paternity and related child support orders when a party discovers that the paternity judgment was erroneous for mistake, fraud, misrepresentation, or other misconduct of the adverse party; newly discovered evidence; or other reason for which it is not equitable that the judgment have prospective application. Appropriates from the General Fund to the General Assembly $30,000 for 2006-07 for costs of conducting the study. Effective July 1, 2006.

Intro. by Moore. STUDY, APPROP