

February 25, 2009

H 295. RELIEF FROM INCORRECT PATERNITY DETERMINATION. Filed 2/25/09. *TO ALLOW RELIEF FROM A CHILD SUPPORT ORDER WHEN THE OBLIGOR IS NOT THE CHILD'S FATHER.*

Amends Article 1 of GS Chapter 50 by adding new GS 50-13.13. which provides that the father of a child who is required to pay child support may file a motion seeking relief from the child support order if the person believes that he is not the child's father and he has either not acknowledged paternity of the child or has acknowledged paternity without knowing that he is not the biological father. The act authorizes the court to order the putative father, the child's mother, and the child to submit to genetic paternity testing if the court believes there is good cause to believe that the putative father is not the biological father. If the genetic test establishes that the person is not the child's biological father and (1) he has not acknowledged paternity of the child, or he has acknowledged paternity without knowing that he is not the biological father; (2) he has not adopted the child, has not legitimated the child, or has not become the child's legal father; and (3) he did not act to prevent the child's biological father from asserting his parental rights, then the court may terminate the putative father's child support obligation. Any unpaid support due and owing before the date the order is entered remains due and owing. Effective January 1, 2010, and applies to motions for relief filed on or after that date.

Intro. by Cleveland, Moore.

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