Senate Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 78

SENATE BILL 1114

AN ACT

AMENDING SECTION 25-807, ARIZONA REVISED STATUTES; RELATING TO MATERNITY AND PATERNITY PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 25-807, Arizona Revised Statutes, is amended to read:

25-807. Precedence of maternity and paternity proceedings; delay for paternity tests; court order; evidentiary use; alternative tests; out-of-state orders; immunity

A. Proceedings to establish maternity and paternity have precedence over other civil proceedings. The case shall be set for trial within sixty days from the filing of an answer by the respondent.

B. A delay in determining paternity in an action commenced before the birth of the child shall be granted until after the birth of the child for purposes of paternity tests if any party to the proceedings requests.

C. The court, on its own motion or on motion of any party to the proceedings, shall order the mother, her child or children and the alleged father to submit to ~~the drawing of blood samples or the taking of deoxyribonucleic acid probe samples, or both,~~ GENETIC TESTING and shall direct that inherited characteristics TO DETERMINE PARENTAGE, including blood and tissue type, be determined by appropriate testing procedures CONDUCTED BY AN ACCREDITED LABORATORY. IF THE MOTHER IS UNAVAILABLE OR FAILS TO COOPERATE BY REFUSING TO SUBMIT TO GENETIC TESTING, TESTING OF THE ALLEGED FATHER AND CHILD OR CHILDREN MAY BE APPROPRIATE. An expert duly qualified as an examiner of genetic markers shall be agreed on by the parties or appointed by the court to analyze and interpret the results and report to the court.

D. If the results of the ~~blood~~ GENETIC tests indicate that the likelihood of the alleged father's paternity is ninety-five per cent or greater, the alleged father is presumed to be the parent of the child and the party opposing the establishment of the alleged father's paternity shall establish by clear and convincing evidence that the alleged father is not the father of the child.

E. The examiner's report shall be admitted at trial unless a timely written challenge to the examiner's report is filed with the court within ~~twenty-one~~ TWENTY days of the ~~initial trial~~ date THE REPORT WAS FILED WITH THE COURT. If the results of the examiner's report have been challenged and on the reasonable request of a party, the court shall order an additional test to be made by the same laboratory or an independent laboratory at the expense of the party requesting additional testing.

F. If a timely written challenge is not filed pursuant to subsection E, the examiner's report is admissible in evidence without the need for foundation testimony or other proof of authenticity or accuracy.

G. The court, on application of either party, shall determine the proportion and time in which the initial test costs shall be paid.

H. On motion of a party to the proceedings, the court may order that experts perform alternative or additional tests including medical, scientific and genetic tests.

I. EITHER PARTY MAY APPLY FOR SUMMARY JUDGMENT ON THE ISSUE OF PATERNITY.

J. A STATE OR LOCAL AGENCY IN THIS STATE, INCLUDING THE DEPARTMENT OF ECONOMIC SECURITY, THE STATE DEPARTMENT OF CORRECTIONS AND ANY OTHER CORRECTIONAL FACILITY THAT HAS CUSTODY OF A PERSON WHO IS THE SUBJECT OF THE GENETIC TESTING ORDER, SHALL TREAT A GENETIC TESTING ORDER ISSUED IN ANOTHER STATE THAT APPEARS TO BE IN GOOD ORDER AS IF IT WERE ISSUED BY A COURT OF THIS STATE.

K. NOTWITHSTANDING ANY OTHER LAW, AN AGENCY, AGENCY EMPLOYEE OR AGENCY CONTRACTOR THAT ACTS IN GOOD FAITH TO COOPERATE IN OBTAINING GENETIC TESTING SAMPLES UNDER THIS SECTION IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY.

APPROVED BY THE GOVERNOR APRIL 16, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.