

House Bill 344 (AS PASSED HOUSE AND SENATE)

By: Representatives Dempsey of the 13th, Quick of the 117th, Ballinger of the 23rd, Oliver of the 82nd, Willard of the 51st, 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 a
2 motion to set aside determination of paternity, so as to allow individuals other than movants
3 in a child support case to request a genetic test from the Department of Human Services
4 under certain circumstances; to provide for related matters; to repeal conflicting laws; and
5 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)(1) In any case when the underlying child support order was issued by a court of this
11 state or by the Department of Human Services and is being enforced by the Department
12 of Human Services, a movant an individual who is involved in the Department of Human
13 Services' enforcement of such order and who intends to file a motion as provided for in
14 subsection (a) of this Code section may request a genetic test from the Department of
15 Human Services, contingent upon advance payment of the genetic test fee by such
16 movant. Such request shall be accompanied by a statement setting forth that the
17 requirements to set aside a determination of paternity described in paragraphs (2) through
18 (5) of subsection (b) of this Code section are met. The Department of Human Services
19 may deny such request if:

20 (A) Genetic testing was previously completed;

21 (B) The child was adopted either by the requester or the other individual involved in
22 the enforcement by the Department of Human Services;

23 (C) The child was conceived by means of artificial insemination; or

24 (D) The Department of Human Services has previously offered genetic testing and the
25 requester refused the opportunity for such testing at that time.

26 (2) In any case when the ~~custodian of the child~~ nonrequesting individual does not
27 consent to genetic testing, ~~a movant~~ the requesting individual may petition the court to
28 ask for such testing of the ~~other parent and the child or children~~ appropriate individuals."

29

SECTION 2.

30 All laws and parts of laws in conflict with this Act are repealed.