

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)

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

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

4 25-807. Precedence of maternity and paternity proceedings;
5 delay for paternity tests; court order; evidentiary
6 use; alternative tests; out-of-state orders; immunity

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

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

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

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

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

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

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

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

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

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

9 K. NOTWITHSTANDING ANY OTHER LAW, AN AGENCY, AGENCY EMPLOYEE OR AGENCY
10 CONTRACTOR THAT ACTS IN GOOD FAITH TO COOPERATE IN OBTAINING GENETIC TESTING
11 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.

Passed the House April 8, 20 10,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 22, 20 10,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12th day of April, 20 10,

at 1:25 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 16th day of

April, 20 10,

at 4:38 o'clock P. M.

[Signature]
Governor of Arizona

S.B. 1114

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19th day of April, 20 10,

at 11:40 o'clock a M.

[Signature]
Secretary of State