

SENATE BILL 1948

By Harper

AN ACT to amend Tennessee Code Annotated, Title 24,
Chapter 7, relative to paternity.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 24-7-113(e)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

The challenger must institute the proceeding upon notice to all necessary parties including the appropriate signatories to the acknowledgement and the Title IV-D agency within five (5) years of the execution of the acknowledgement or within three (3) years of discovering evidence of fraud, duress or material mistake of fact. Further, a challenge may be instituted after an action is initiated in any tribunal to establish and prior to the establishment of a legal right or obligation with regard to said child. Upon the filing of a challenge to the acknowledgement, the challenger shall be entitled to paternity tests. All costs relative to the tests under this section shall be paid, initially, by the challenger or, in a Title IV-D case by the Title IV-D agency, with the final allocation of costs awaiting the outcome of the proceedings at which time the court shall determine the proper allocation of costs. Such action shall be not barred by the limitations above where fraud in the procurement of the acknowledgement by the mother of the child is alleged. Prior to granting any requested relief, the court shall consider the best interests of the child, and the effect, if any, on the state or any Title IV-D agency. Nothing herein shall preclude the challenger from presenting any other form of evidence as a substitute for the parentage tests if it is not possible to conduct such tests.

SECTION 2. Tennessee Code Annotated, Section 24-7-113(e)(3), is amended by deleting the second sentence of the subdivision and by substituting instead:

If the acknowledged father is found to be excluded by the tests, the court may, based on the best interests of the child and considering the effect on the state or any Title IV-D agency, dismiss an action seeking support, terminate a prospective obligation of support, terminate parenting time, and disestablish parentage, as appropriate.

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it.