

HOUSE BILL 25

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 7, Part 1; Title 36 and Title 68, relative to paternity testing for birth certificates.

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

SECTION 1. Tennessee Code Annotated, Section 68-3-301, is amended by adding the following language as new, appropriately designated subsections:

- ( ) Regardless of the relationship between a child's parents, a genetic test shall be administered as provided in § 24-7-112 to confirm the paternity of the child before a father shall be listed on the birth certificate. In order to provide genetic testing for those who are financially unable to pay for such testing in whole or in part, the department of human services shall be responsible for payment for testing for parties financially unable to pay, in whole or in part for the purpose of providing evidence of paternity. The requirements for financial inability to pay shall be established by the commissioner of human services. The commissioner shall take into consideration the family income, the number of dependents in the family, the probable total cost of testing and the other financial responsibilities of the family.
- ( ) If the results of the required paternity test have not been received, or if the results have been received and showed the purported father was not the biological father of the child, no name shall be entered as the father on the birth certificate until such name can be established by genetic test. In such cases, the certificate shall be amended to include the name of the child's father upon receipt of the results of a genetic test establishing paternity.

SECTION 2. Tennessee Code Annotated, Section 68-3-302, is amended by deleting subsections (c), (d), (e), and (f) in their entirety.

SECTION 3. Tennessee Code Annotated, Section 68-3-305(b)(2)(A), is amended by deleting the language "If an original, sworn acknowledgment signed by both the mother and the biological father of a child, on a form provided by the state registrar or the department of human services" in its entirety and substituting instead the following:

If an original, sworn acknowledgment signed by both the mother and the biological father of a child and verified by genetic testing, on a form provided by the state registrar or the department of human services

SECTION 4. Tennessee Code Annotated, Section 68-3-305(b)(2)(B), is amended by deleting the language "The acknowledgment form shall be in the form of an affidavit, shall contain the social security numbers of the mother and father of the child" in its entirety and substituting instead the following:

The acknowledgment form shall be in the form of an affidavit, shall contain the social security numbers of the mother and father of the child, shall be verified by genetic testing,

SECTION 5. Tennessee Code Annotated, Section 68-3-310, is amended by deleting the ";" from the end of subdivision (1) and adding a period and the following language:

Nothing in this part shall prevent a child's adoptive parents from being listed on the child's new birth certificate;

SECTION 6. Tennessee Code Annotated, Section 68-3-203(g), is amended by deleting the language "If a form approved, as provided in § 68-3-305(b), acknowledging the paternity of a child is signed by both parents of the child" in its entirety and substituting instead the following:

If a form approved, as provided in § 68-3-305(b), acknowledging the paternity of a child is signed by both parents of the child and verified by genetic testing as required in that section

SECTION 7. The commissioner of health is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 8. This act shall take effect upon becoming a law for the purposes of promulgating rules and regulations, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2010, the public welfare requiring it.