

REFERENCE TITLE: paternity; birth certificates; support; duties

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HB 2327

Introduced by  
Representative Mason

AN ACT

AMENDING SECTIONS 25-816 AND 36-334, ARIZONA REVISED STATUTES; RELATING TO  
PATERNITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-816, Arizona Revised Statutes, is amended to  
3 read:

4 25-816. Title IV-D child support; paternity establishment;  
5 genetic testing

6 A. On receipt of A BIRTH CERTIFICATE COMPLETED PURSUANT TO SECTION  
7 36-334 OR a sworn statement by the mother or the alleged father alleging  
8 paternity and setting forth the facts establishing a reasonable possibility  
9 of the requisite sexual contact between the parties, the department of  
10 economic security or its agent may order the mother, her child or children  
11 and the alleged father to submit to the drawing of blood or tissue samples  
12 for genetic testing of a type generally acknowledged as reliable by  
13 accreditation bodies. If the mother cannot be located the department or its  
14 agent may order the caretaker of the child or children to present the child  
15 or children for genetic testing. The order shall be served by first class  
16 mail or delivered at least ten business days before the genetic testing. The  
17 department or its agent shall pay the costs of the test subject to repayment  
18 from the mother or the alleged father if paternity is established. An order  
19 of genetic testing issued by the department or its agent has the same force  
20 and effect as a superior court order.

21 B. If the results of the genetic testing indicate that the likelihood  
22 of the alleged father's paternity is ninety-five per cent or greater, the  
23 alleged father is presumed to be the parent of the child and the party  
24 opposing the establishment of the alleged father's paternity shall establish  
25 by clear and convincing evidence that he is not the father of the child.

26 C. A person who is tested pursuant to this section may contest the  
27 test results in writing to the department or its agent within thirty days  
28 after the department or its agent mails the results to that person. If the  
29 original test results are contested in a timely manner, on request and  
30 advance payment by the requesting party, the department or its agent shall  
31 order a second genetic test pursuant to subsection A OF THIS SECTION.

32 Sec. 2. Section 36-334, Arizona Revised Statutes, is amended to read:  
33 36-334. Determining maternity and paternity for birth  
34 certificates

35 A. A person completing a birth certificate shall state the name of the  
36 woman who gave birth to the child on the birth certificate as the child's  
37 mother unless otherwise provided by law or court order. IF A CHILD IS BORN  
38 OUT OF WEDLOCK, THE WOMAN WHO GAVE BIRTH TO THE CHILD MUST STATE THE NAME OF  
39 THE MAN SHE REASONABLY BELIEVES IS THE CHILD'S FATHER AND THE PERSON  
40 COMPLETING THE BIRTH CERTIFICATE SHALL STATE THAT NAME ON THE BIRTH  
41 CERTIFICATE. THE PERSON COMPLETING A BIRTH CERTIFICATE SHALL INFORM THE  
42 MOTHER THAT HER REFUSAL TO NAME THE CHILD'S FATHER WILL PREVENT HER FROM  
43 RECEIVING TITLE IV-D SUPPORT ASSISTANCE FROM THIS STATE. THERE IS A  
44 REBUTTABLE PRESUMPTION THAT THE MAN NAMED AS THE FATHER PURSUANT TO THIS  
45 SUBSECTION IS THE CHILD'S FATHER.

1 ~~B. The state registrar shall not refuse to register a birth~~  
2 ~~certificate because the birth certificate does not include the name of the~~  
3 ~~father.~~

4 B. IF A CHILD IS BORN OUT OF WEDLOCK AND THERE HAS NOT BEEN A  
5 VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY PURSUANT TO SECTION 25-812, THE STATE  
6 SHALL CONTACT THE PUTATIVE FATHER INDICATED ON THE BIRTH CERTIFICATE PURSUANT  
7 TO SUBSECTION A OF THIS SECTION AND INFORM HIM OF HIS RIGHT TO FILE A  
8 PETITION IN THE SUPERIOR COURT IN THE COUNTY OF THE CHILD'S BIRTH TO REBUT  
9 THE PRESUMPTION OF PATERNITY WITHIN SIXTY DAYS. IF THAT PERSON DOES NOT FILE  
10 A PETITION WITHIN THAT TIME, HE IS RESPONSIBLE FOR THE SUPPORT OF THE CHILD  
11 PURSUANT TO SECTION 25-501. IF THE FATHER IS UNDER TWENTY-ONE YEARS OF AGE,  
12 THE FATHER'S PARENTS, GRANDPARENTS OR LEGAL GUARDIAN IS ALSO RESPONSIBLE FOR  
13 THE SUPPORT OF THE CHILD.

14 C. ~~If a father's name is stated on a birth certificate,~~ The father's  
15 name shall be stated on a birth certificate as follows:

16 1. Except as provided in section 25-814, if the mother is married at  
17 the time of birth or was married at any time in the ten months before the  
18 birth, the name of the mother's husband.

19 2. If a mother and father who are not married to each other at the  
20 time of birth and were not married to each other in the ten months before the  
21 birth voluntarily acknowledge paternity pursuant to section 25-812, the name  
22 of the father acknowledging paternity.

23 3. If the state registrar receives an administrative order or a court  
24 order establishing paternity, the father's name in the order.

25 4. IF THE CHILD WAS BORN OUT OF WEDLOCK, AND THERE HAS NOT BEEN A  
26 VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY PURSUANT TO SECTION 25-812, THE NAME  
27 OF THE FATHER AS INDICATED BY THE CHILD'S MOTHER.

28 D. If the acknowledgement of paternity is rescinded pursuant to  
29 section 25-812, the state registrar shall remove the father's name from the  
30 registered birth certificate.