

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 836
House Committee Substitute Favorable 6/22/95

Short Title: Civil Action/Paternity.

(Public)

Sponsors:

Referred to:

April 25, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE PARENTAL SUPPORT OF CHILDREN BY AMENDING
3 THE LAW PERTAINING TO CIVIL ACTIONS TO ESTABLISH PATERNITY.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 49-14(c) reads as rewritten:

6 "(c) No such action shall be commenced nor judgment entered after the death of the
7 putative ~~father~~-father, unless the action is commenced either:

8 (1) Prior to the death of the putative father;

9 (2) Within one year after the date of death of the putative father, if a
10 proceeding for administration of the estate of the putative father has not
11 been commenced within one year of his death; or

12 (3) Within the period specified in G.S. 28A-19-3(a) for presentation of
13 claims against an estate, if a proceeding for administration of the estate
14 of the putative father has been commenced within one year of his death.

15 Any judgment under this subsection establishing a decedent to be the father of a child
16 shall be entered nunc pro tunc to the day preceding the date of death of the father."

17 Sec. 2. G.S. 49-14(d) reads as rewritten:

1 "(d) If the action to establish paternity is brought more than three years after birth
2 of a ~~child,~~ child or is brought after the death of the putative father, paternity shall not be
3 established in a contested case without evidence from a blood or genetic marker test."

4 Sec. 3. This act becomes effective October 1, 1995, and applies to actions
5 commenced on or after that date, but before October 1, 1998, without regard to the date
6 of death of the putative father. This act expires on October 1, 1998.