

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 511

Short Title: Paternity/Burden of Proof.

(Public)

Sponsors: Representatives Flaherty; and Gardner.

Referred to: Judiciary III.

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE BURDEN OF PROOF STANDARD IN CIVIL
3 PATERNITY ACTIONS.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 49-14. Civil action to establish paternity.**

7 (a) The paternity of a child born out of wedlock may be established by civil
8 action at any time prior to such child's eighteenth birthday. A certified copy of a
9 certificate of birth of the child shall be attached to the complaint. Such establishment of
10 paternity shall not have the effect of legitimation.

11 (b) Proof of paternity pursuant to this section shall be ~~beyond a reasonable doubt.~~
12 by clear, cogent, and convincing evidence.

13 (c) No such action shall be commenced nor judgment entered after the death of
14 the putative father.

15 (d) If the action to establish paternity is brought more than three years after birth
16 of a child, paternity shall not be established in a contested case without evidence from a
17 blood grouping test, or evidence that the putative father has declined an opportunity for
18 such testing."

19 Sec. 2. This act becomes effective July 1, 1991.