

FIRST REGULAR SESSION

SENATE BILL NO. 55

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0491S.02I

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to paternity determinations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 210, RSMo, is amended by adding thereto one new
2 section, to be known as section 210.854, to read as follows:

**210.854. 1. In any action where a party is ordered to pay child
2 support, a petition to set aside a previous determination of paternity
3 may be made at any time in the interest of justice and upon the
4 grounds set forth in this section. Any such petition shall be filed in
5 circuit court and shall be served upon the opposing party or other legal
6 guardian or custodian.**

7 **2. The petition shall include:**

8 **(1) An affidavit executed by the petitioner that newly discovered
9 evidence has come to the petitioner's knowledge since entry of
10 judgment; and**

11 **(2) The result of genetic tests administered within ninety days
12 prior to the filing of such petition and performed by an expert as
13 defined in section 210.834 which uses DNA methodology to isolate and
14 identify genetic characteristics to determine the probability of
15 paternity or the probability of exclusion of paternity and which
16 indicate that the party ordered to pay child support cannot be the
17 biological parent of the child for whom support was previously ordered.**

18 **3. The court shall grant relief on a petition filed in accordance
19 with subsection 1 of this section upon a finding by the court that the
20 genetic test required in subdivision (2) of subsection 2 was properly
21 conducted and is accurate.**

22 4. The provisions of this section shall not allow a parent who has
23 formally adopted a child with the knowledge that he or she was not the
24 biological parent of the child and who was subsequently ordered to pay
25 child support to avoid any child support payments.

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