

9:17-51

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 9:17-51

(Paternity cases--
contested)

LAWS OF: 1990

CHAPTER: 51

Bill No: S2168

Sponsor(s): Lipman

Date Introduced: Pre-filed

Committee: Assembly: Health & Human Services; Appropriations

Senate: Institutions, Health & Welfare

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: May 21, 1990

Senate: March 8, 1990

Date of Approval: July 3, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 4-5-90 & 5-17-90

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

KBG/SLJ

[FIRST REPRINT]
SENATE, No. 2168

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator LIPMAN

1 AN ACT concerning blood or genetic testing in paternity cases
2 and amending P.L.1983, c.17.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. Section 14 of P.L.1983, c.17 (C.9:17-51) is amended to read
7 as follows:

8 14. a. The court [may, and upon request of a party] may, and
9 upon request of a party in any contested case brought under
10 P.L.1983, c.17 (C.9:17-38 et seq.)¹ shall, ¹[in any contested case
11 brought under P.L.1983, c.17 (C.9:17-38 et seq.),]¹ require the
12 child, mother, [or] and alleged father to submit to blood tests or
13 genetic tests. The tests shall be performed by a qualified expert
14 appointed by the court.

15 b. The court, upon reasonable request by a party, shall order
16 that independent tests be performed by other qualified experts.

17 c. The court shall determine the number and qualifications of
18 the experts.

19 d. The refusal to submit to blood tests or genetic tests, or
20 both, may be admitted into evidence and shall give rise to the
21 presumption that the results of the tests would have been
22 unfavorable to the interests of the party refusing. Refusal to
23 submit to blood tests or genetic tests, or both, is also subject to
24 the sanctions within the jurisdiction of the court.

25 e. Whenever blood tests or genetic tests are ordered and made,
26 the results thereof shall be filed with the court and shall be
27 receivable in evidence, but only in cases where definite exclusion
28 is indicated, or where a human leucocyte antigen, electrophoresis
29 or isoelectric test is made to also establish the positive
30 probability of parentage. Expert testimony pertaining to these
31 tests may be requested by the parties. The order for such blood
32 tests or genetic tests also may direct that the testimony of such
33 experts and of the persons so to be examined be taken by
34 deposition. The court, upon application and for good cause shown,
35 may limit the admissibility of the blood tests or genetic tests.

36 (cf: P.L.1983, c.17, s.14)

37 2. This act shall take effect immediately.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
Senate SIH committee amendments adopted January 18, 1990.

HEALTH

1

2

3 Requires blood or genetic testing in certain contested paternity

4 cases.

SENATE, No. 2168

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator LIPMAN

1 AN ACT concerning blood or genetic testing in paternity cases
2 and amending P.L.1983, c.17.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. Section 14 of P.L.1983, c.17 (C.9:17-51) is amended to read
7 as follows:

8 14. a. The court [may, and upon request of a party] shall, in
9 any contested case brought under P.L.1983, c.17 (C.9:17-38 et
10 seq.), require the child, mother, [or] and alleged father to submit
11 to blood tests or genetic tests. The tests shall be performed by a
12 qualified expert appointed by the court.

13 b. The court, upon reasonable request by a party, shall order
14 that independent tests be performed by other qualified experts.

15 c. The court shall determine the number and qualifications of
16 the experts.

17 d. The refusal to submit to blood tests or genetic tests, or
18 both, may be admitted into evidence and shall give rise to the
19 presumption that the results of the tests would have been
20 unfavorable to the interests of the party refusing. Refusal to
21 submit to blood tests or genetic tests, or both, is also subject to
22 the sanctions within the jurisdiction of the court.

23 e. Whenever blood tests or genetic tests are ordered and made,
24 the results thereof shall be filed with the court and shall be
25 receivable in evidence, but only in cases where definite exclusion
26 is indicated, or where a human leucocyte antigen, electrophoresis
27 or isoelectric test is made to also establish the positive
28 probability of parentage. Expert testimony pertaining to these
29 tests may be requested by the parties. The order for such blood
30 tests or genetic tests also may direct that the testimony of such
31 experts and of the persons so to be examined be taken by
32 deposition. The court, upon application and for good cause shown,
33 may limit the admissibility of the blood tests or genetic tests.

34 (cf: P.L.1983, c.17, s.14)

35 2. This act shall take effect immediately.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT

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This bill would amend the law concerning blood or genetic testing in paternity cases by requiring judges in all contested cases to order blood or genetic testing of the child, mother and alleged father.

The bill is supported by the Commission on Sex Discrimination in the Statutes and is necessary to conform the statute with federal requirements for Aid to Families with Dependent Children reimbursement.

HEALTH

Requires blood or genetic testing in all contested paternity cases.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2168

STATE OF NEW JERSEY

DATED: APRIL 5, 1990

The Assembly Health and Human Services Committee favorably reports Senate Bill No. 2168 [1R].

This bill amends the law concerning blood or genetic testing in paternity cases by requiring judges, upon request of a party in any contested case brought under P.L.1983, c.17 (C.9:17-38 et seq.), the "New Jersey Parentage Act," to order blood or genetic testing of the child, mother and alleged father.

The bill is necessary to conform P.L.1983, c.17 with federal requirements for receipt of Aid to Families with Dependent Children (AFDC) reimbursement pursuant to the "Family Support Act of 1988," Pub.L.100-485.

Under the "Family Support Act of 1988," each state is required, beginning on October 1, 1991, to meet one of the following three requirements for the establishment of paternity:

(1) establish paternity for 50% of all children born out-of-wedlock who are receiving state child-support services, except those whose mothers are found to have good cause for refusing to cooperate in establishing paternity or collecting support;

(2) equal or exceed the average paternity-establishment percentage for all states; or

(3) have increased its paternity-establishment percentage by at least three percentage points from fiscal year 1988 to 1991 and by that amount in each subsequent year.

Under Pub.L.100-485, states are eligible for 90% federal matching payments for the cost of blood and other laboratory tests to establish paternity, and are permitted to charge fees to individuals involved in a contested paternity case who are not AFDC recipients.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2168

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Assembly Appropriations Committee reports favorably Senate Bill No. 2168 1R.

Senate Bill No. 2168 1R amends the law concerning blood or genetic testing in paternity cases by requiring judges, upon request of a party in any contested case brought under P.L.1983, c.17 (C.9:17-38 et seq.), the "New Jersey Parentage Act," to order blood or genetic testing of the child, mother and alleged father.

The bill is necessary to conform P.L.1983, c.17 with federal requirements for receipt of Aid to Families with Dependent Children (AFDC) reimbursement pursuant to the "Family Support Act of 1988," Pub.L.100-485.

Under the "Family Support Act of 1988," each state is required to meet one of the following three requirements for the establishment of paternity:

(1) establish paternity for 50% of all children born out-of-wedlock who are receiving state child-support services, except those whose mothers are found to have good cause for refusing to cooperate in establishing paternity or collecting support;

(2) equal or exceed the average paternity-establishment percentage for all states; or

(3) have increased its paternity-establishment percentage by at least three percentage points from fiscal year 1988 to 1991 and by that amount in each subsequent year.

FISCAL IMPACT:

States are eligible for 90% federal matching payments for the cost of blood and other laboratory tests to establish paternity, and are permitted to charge fees to individuals involved in a contested paternity case who are not AFDC recipients.

The FY 1991 budget anticipates \$55.9 million in federal funds for the child support program administrative costs. An estimated \$4 million of this federal money would be jeopardized by non-compliance.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 2168

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 18, 1990

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 2168 with committee amendments.

As amended by committee, this bill amends the law concerning blood or genetic testing in paternity cases by requiring judges, upon request of a party in any contested case brought under P.L.1983, c.17 (C.9:17-38 et seq.), the "New Jersey Parentage Act," to order blood or genetic testing of the child, mother and alleged father.

The bill is necessary to conform the State's statute with federal requirements for receipt of Aid to Families with Dependent Children reimbursement, adopted pursuant to the "Family Support Act of 1988," (Pub.L.100-485).

The committee amended the bill at the recommendation of the Commission to Study Sex Discrimination in the Statutes, to conform the language in the bill to that required by the federal government. The amendments specify that the court shall order the testing upon request of a party in any contested case brought under the "New Jersey Parentage Act," rather than in all contested cases, as the bill originally provided.

This bill was prefiled for introduction in the 1990-91 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.