SENATE DOCKET, NO. FILED ON: 1/9/2009

**SENATE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Morrissey, Michael (SEN) (BY REQUEST)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the determination of paternity.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Mary Horrigan | 26 Ferndale Rd
Wollaston, MA 02170-1908 |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00970 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to the determination of paternity.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

 SECTION 1.  Chapter 209C of the General Laws is hereby amended by adding the following new section:-

Section 25.  Notwithstanding the provisions of chapter 260 to the contrary, any action to establish paternity commenced prior to January 1, 1970 and determined against the plaintiff for reason of insufficient scientific evidence to prove paternity may be re-filed and any action to establish paternity which accrued prior to January 1, 1990 may be filed at any time during the lifetime of the parties to the action.  This section shall apply regardless of whether such action or claim may have lapsed or otherwise be barred by time under the law of the commonwealth.  In any such action filed, DNA evidence, so-called, shall be admissible against the defendant to aid the court in determination of paternity.  Refusal to submit to DNA testing, so-called, shall establish a presumption of paternity.