

**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:

Mary Horrigan

DISTRICT/ADDRESS:

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

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### 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:*

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

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