

February 25, 2009

H 307. SET ASIDE CHILD SUPP./LIMITED CIRCUMSTANCES. Filed 2/25/09. *ESTABLISHING A PROCESS TO SET ASIDE AN ORDER OF PATERNITY OR AN AFFIDAVIT OF PARENTAGE UNDER LIMITED CIRCUMSTANCES.*

Amends GS 49-14 by adding new subsection (h) and GS 110-132 by adding new subsection (a1) authorizing trial courts to set aside an order of paternity and to set aside affidavits of parentage (after 60 days) if the order or affidavit was entered as the result of fraud, duress, mutual mistake, or excusable neglect, and genetic tests establish that the putative father is not the biological father of the child. Upon proper motion, requires the court to order the child's mother, the child, and the putative father to submit to genetic paternity testing. If the court sets aside the order, future child support obligations of the putative father will be set aside, although all past due child support is still due and owing. Effective October 1, 2009.

Intro. by Glazer, Goodwin.

GS 49, 110

March 12, 2009

H 307. SET ASIDE CHILD SUPP./LIMITED CIRCUMSTANCES. Filed 2/25/2009. House amendment makes the following changes to 1st edition. Makes technical changes only.

March 18, 2009

H 307. SET ASIDE CHILD SUPP./LIMITED CIRCUMSTANCES. Filed 2/25/09. House amendment makes the following changes to 2nd edition. Amends proposed GS 49-14(h) and GS 110-132(a1) by specifying that a court exercising its discretion when hearing a motion to set aside an order of paternity or an affidavit of parentage, respectively, must consider and make findings as to (1) any adverse effects on the welfare of the child whose parentage is at issue if that motion is granted and (2) the degree of injustice to the moving party if the motion is denied.