

House Bill 586

By: Representative Burkhalter of the 41<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 5 of Title 5 of the Official Code of Georgia Annotated,  
2 relating to procedures regarding new trials, so as to provide for extraordinary motions for  
3 new trials based on newly discovered evidence regarding paternity of a child; to provide for  
4 relief; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 3 of Chapter 5 of Title 5 of the Official Code of Georgia Annotated, relating to  
8 procedures regarding new trials, is amended by adding after Code Section 5-5-41 a new Code  
9 section to read as follows:

10 "5-5-41.1.

11 (a) An extraordinary motion for a new trial may be made after the expiration of a 30 day  
12 period from the entry of judgment in an action wherein a male is required to pay child  
13 support as a father of any child whom he is obligated to support based upon the ground of  
14 newly available evidence regarding paternity of any such child without a showing of due  
15 diligence as the reason the evidence was not acquired sooner if:

16 (1) Such motion is made within 365 days from the entry of such judgment;

17 (2) The newly discovered evidence has come to movant's knowledge since the entry of  
18 judgment;

19 (3) The motion includes results from scientifically credible parentage-determination  
20 genetic testing, as authorized under Code Section 19-7-46 and administered within 90  
21 days prior to the filing of such motion, that finds that there is 0 percent probability that  
22 the male ordered to pay such child support is the father of the child whose support is so  
23 required; and

24 (4) The child whose support was so required was:

25 (A) Not adopted by the male required to support the child; and

1 (B) Not presumed legitimate under Code Section 19-7-21 as having been conceived  
2 by artificial insemination.

3 (b) In addition to any other relief which the court may grant in a new trial under this Code  
4 section, the court may also grant relief from any child support arrearages owed by a male  
5 for any child who is determined in that trial not to have been the child of such male."

6 **SECTION 2.**

7 This Act shall become effective upon its approval by the Governor or upon its becoming law  
8 without such approval.

9 **SECTION 3.**

10 All laws and parts of laws in conflict with this Act are repealed.