

The Senate Committee on Judiciary offered the following substitute to HB 344:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 19-7-54 of the Official Code of Georgia Annotated, relating to a  
2 motion to set aside determination of paternity, so as to allow individuals other than movants  
3 in a child support case to request a genetic test from the Department of Human Services  
4 under certain circumstances; to provide for related matters; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

7  
8 Code Section 19-7-54 of the Official Code of Georgia Annotated, relating to motion to set  
9 aside determination of paternity, is amended by revising subsection (d) as follows:

10 "(d)(1) In any case when the underlying child support order was issued by a court of this  
11 state or by the Department of Human Services and is being enforced by the Department  
12 of Human Services, a movant an individual who is involved in the Department of Human  
13 Services' enforcement of such order and who intends to file a motion as provided for in  
14 subsection (a) of this Code section may request a genetic test from the Department of  
15 Human Services, contingent upon advance payment of the genetic test fee by such  
16 movant. Such request shall be accompanied by a statement setting forth that the  
17 requirements to set aside a determination of paternity described in paragraphs (2) through  
18 (5) of subsection (b) of this Code section are met. The Department of Human Services  
19 may deny such request if:

20 (A) Genetic testing was previously completed;

21 (B) The child was adopted either by the requester or the other individual involved in  
22 the enforcement by the Department of Human Services;

23 (C) The child was conceived by means of artificial insemination; or

24 (D) The Department of Human Services has previously offered genetic testing and the  
25 requester refused the opportunity for such testing at that time.

26       (2) In any case when the ~~custodian of the child~~ nonrequesting individual does not  
27       consent to genetic testing, ~~a movant~~ the requesting individual may petition the court to  
28       ask for such testing of the ~~other parent and the child or children~~ appropriate individuals."

29

**SECTION 2.**

30       All laws and parts of laws in conflict with this Act are repealed.