

406.091 Ratification of unchallenged acknowledgment of paternity -- Genetic tests to include tests for inherited characteristics -- Appointment of examiner of genetic markers -- Genetic testing in contested paternity case -- Admissibility of test results -- Additional tests -- Costs.

- (1) An unchallenged acknowledgment of paternity shall be ratified under KRS Chapter 213 without the requirement for judicial or administrative proceedings. If a genetic test is required, the court shall direct that inherited characteristics be determined by appropriate testing procedures, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret results and to report to the court.
- (2) In a contested paternity case, the child and all other parties shall submit to genetic testing upon a request of any such party which shall be supported by a sworn statement of the party, except for good cause.
- (3) Genetic test results are admissible and shall be weighed along with other evidence of the alleged father's paternity.
- (4) Any objection to genetic testing results shall be made in writing to the court within twenty (20) days of receipt of genetic test results. If the results of genetic tests or the expert's analysis of inherited characteristics is disputed, the court, upon reasonable request of a party, shall order that an additional test be made by the same laboratory or independent laboratory at the expense of the party requesting additional testing. If no objection is made, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.
- (5) Verified documentation of the chain of custody in transmitting the blood specimens is competent evidence to establish the chain of custody.
- (6) A verified expert's report shall be admitted at trial unless the expert is called by a party or the court as a witness to testify to his findings.
- (7) Except where the Cabinet for Health and Family Services administratively orders genetic testing, all costs associated with genetic testing shall be paid by the parties in proportions determined by the court.
- (8) When administratively ordered, the cabinet shall pay the cost of genetic testing to establish paternity, subject to recoupment from the alleged father when paternity is established. The cabinet shall obtain additional testing in any case if an original test is contested, upon request and advance payment by the contestant.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 638, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 255, sec. 30, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 330, sec. 18, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 434, sec. 9, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 379, sec. 5, effective July 13, 1984. -- Created 1964 Ky. Acts ch. 37, sec. 9.