

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 841

1 AN ACT TO AMEND SECTION 93-9-27, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO STATISTICALLY REPORT
3 PUTATIVE PATERNITY TO THE FEDERAL GOVERNMENT UNDER CERTAIN
4 CONDITIONS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 93-9-27, Mississippi Code of 1972, is
7 amended as follows:

8 93-9-27. (1) If the court finds that the conclusions of all
9 the experts, as disclosed by the evidence based upon the tests,
10 are that the alleged father is not the father of the child, the
11 question of paternity shall be resolved accordingly. If an expert
12 concludes that the blood or other tests show the probability of
13 paternity, that evidence shall be admitted.

14 (2) There shall be a rebuttable presumption of paternity,
15 affecting the burden of proof, * * * if the court finds that the
16 probability of paternity, as calculated by the experts qualified
17 as examiners of genetic tests, is ninety-eight percent (98%) or
18 greater. This presumption may only be rebutted by a preponderance
19 of the evidence.

20 (3) Parties to an action to establish paternity shall not be
21 entitled to a jury trial.

22 (4) The Department of Human Services may statistically
23 report as positive, to the Administration for Children and
24 Families within the United States Department of Health and Human
25 Services, any putative paternity if the probability of paternity,
26 as calculated by the experts qualified as examiners of genetic
27 tests, is ninety-nine percent (99%) or greater, subject only to a

28 later determination of nonpaternity ordered by a court under this
29 chapter.

30 **SECTION 2.** This act shall take effect and be in force from
31 and after July 1, 2007.