

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 2090

Short Title: Default Judgment/Paternity.

(Public)

Sponsors: Representative Braswell.

Referred to: Judiciary II.

June 9, 1994

A BILL TO BE ENTITLED

AN ACT TO COMPLY WITH FEDERAL LAW REGARDING THE ENTRY OF JUDGMENT BY DEFAULT IN PATERNITY CASES WHERE DEFENDANT FAILS TO ANSWER IN ORDER TO AVOID RISK OF LOSING FEDERAL FUNDS TO STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 49-14 reads as rewritten:

"§ 49-14. Civil action to establish paternity.

(a) The paternity of a child born out of wedlock may be established by civil action at any time prior to such child's eighteenth birthday. A certified copy of a certificate of birth of the child shall be attached to the complaint. Such establishment of paternity shall not have the effect of legitimation.

(b) Proof of paternity pursuant to this section shall be by clear, cogent, and convincing evidence.

(c) No such action shall be commenced nor judgment entered after the death of the putative father.

(d) If the action to establish paternity is brought more than three years after birth of a child, paternity shall not be established in a contested case without evidence from a blood or genetic marker test.

(e) Either party to an action to establish paternity may request that the case be tried at the first session of the court after the case is docketed, but the presiding judge, in his discretion, may first try any pending case in which the rights of the parties or the public demand it.

1       (f) In any action brought under this Article to establish paternity, G.S. 1A-1,  
2 Rule 55 is applicable when a defendant fails to respond or otherwise answer, except that  
3 default judgment shall be entered by the judge when an entry of default has been  
4 entered."

5               Sec. 2. This act becomes effective October 1, 1994, and applies to actions  
6 brought on or after that date.