

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE DRH30464-LD-162 (04/27)

Short Title: Study Rule 60/Erroneous Paternity Judgments.

(Public)

Sponsors: Representative Moore.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY THE ADVISABILITY AND DESIRABILITY OF AMENDING RULE 60
4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE TO GIVE
5 COURTS GREATER AUTHORITY AND A LONGER PERIOD OF TIME TO
6 SET ASIDE A JUDGMENT THAT ESTABLISHES PATERNITY AND ANY
7 RELATED CHILD SUPPORT ORDERS WHEN A PARTY SUBSEQUENTLY
8 DISCOVERS THAT THE PATERNITY JUDGMENT WAS ERRONEOUS FOR
9 MISTAKE, FRAUD, MISREPRESENTATION OR OTHER MISCONDUCT OF
10 THE ADVERSE PARTY, NEWLY DISCOVERED EVIDENCE, OR ANY
11 REASON FOR WHICH IT IS NOT EQUITABLE THAT THE JUDGMENT
12 SHOULD HAVE PROSPECTIVE APPLICATION.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** The Legislative Research Commission may study the
15 advisability and the desirability of amending Rule 60 of the North Carolina Rules of
16 Civil Procedure to give courts greater authority and a longer period of time to set aside a
17 judgment that establishes paternity and any related child support orders when a party
18 subsequently discovers that the paternity judgment was erroneous for mistake, fraud,
19 misrepresentation or other misconduct of the adverse party, newly discovered evidence,
20 or any reason for which it is not equitable that the judgment should have prospective
21 application.

22 **SECTION 2.** There is appropriated from the General Fund to the General
23 Assembly the sum of thirty thousand dollars (\$30,000) for the 2006-2007 fiscal year for
24 the Legislative Research Commission for the costs of conducting the study authorized in
25 Section 1 of this act.

26 **SECTION 3.** This act becomes effective July 1, 2006.