

SENATE No. 1759

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the determination of paternity..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 209C of the General Laws is hereby amended by adding the
2 following new section:-

3 Section 25. Notwithstanding the provisions of chapter 260 to the contrary, any action to
4 establish paternity commenced prior to January 1, 1970 and determined against the plaintiff for
5 reason of insufficient scientific evidence to prove paternity may be re-filed and any action to
6 establish paternity which accrued prior to January 1, 1990 may be filed at any time during the
7 lifetime of the parties to the action. This section shall apply regardless of whether such action or
8 claim may have lapsed or otherwise be barred by time under the law of the commonwealth. In
9 any such action filed, DNA evidence, so-called, shall be admissible against the defendant to aid
10 the court in determination of paternity. Refusal to submit to DNA testing, so-called, shall
11 establish a presumption of paternity.