

*den is upon the petitioner or complainant to establish by evidence so clear, satisfactory, and convincing as to raise in the mind of a reasonable and unprejudiced person a natural inference that the defendant is the father of the child or children in question. If the mother is married, both she and her husband and the putative father may testify to non-access or any other relevant matter.*

PUTATIVE FATHER SHALL NOT BE COMPELLED TO GIVE EVIDENCE AND THE BURDEN IS UPON THE PETITIONER OR COMPLAINANT TO ESTABLISH, BY THE WEIGHT OF EVIDENCE REQUIRED IN OTHER CIVIL CASES, THAT THE DEFENDANT IS THE FATHER OF THE CHILD OR CHILDREN IN QUESTION. WHEN ANY BILL OR PETITION FILED UNDER THIS SUBTITLE SHALL ALLEGE, OR THE COURT SHALL DETERMINE AFTER THE COMMENCEMENT OF PROCEEDINGS THEREUNDER, THAT THE CHILD'S MOTHER WAS MARRIED AT THE TIME OF THE CHILD'S CONCEPTION; THE PRESUMPTION THAT THE CHILD IS THE LEGITIMATE CHILD OF HER HUSBAND MAY BE REBUTTED BY THE TESTIMONY OF PERSONS OTHER THAN THE MOTHER AND HER HUSBAND THAT, AT THE TIME THE CHILD WAS CONCEIVED, THE MOTHER WAS IN FACT LIVING SEPARATE AND APART FROM HER HUSBAND, AND IT SHALL NOT BE NECESSARY TO ESTABLISH THE NON-ACCESS OF THE HUSBAND. AFTER THE COURT SHALL HAVE DETERMINED THAT THE CHILD'S MOTHER AND HER HUSBAND WERE NOT LIVING TOGETHER AS MAN AND WIFE WHEN THE CHILD WAS CONCEIVED, BOTH THE MOTHER AND HER HUSBAND SHALL BE COMPETENT TO TESTIFY AS TO THE NON-ACCESS OF THE HUSBAND WHEN THE CHILD WAS CONCEIVED OR TO ANY OTHER RELEVANT MATTER.

*(c) If the defendant alleged to be the putative father desires a jury trial, he shall request the same in writing at the time he files a written answer to the bill or petition. If the defendant appears for trial without having filed a written answer, the Court shall advise him of his right to have the issue of paternity tried by a jury, and the defendant shall make his election at that time. If the defendant then elects to waive a jury trial, he shall sign a statement to that effect in such form as the Court prescribes, and the waiver shall be filed with the other papers in the case and duly noted on the docket.*

*(d) If the defendant alleged to be the putative father elects a jury trial, the jury to be used shall be empanelled by the Court from the jurors in attendance upon the law or criminal court in the county or city where the proceedings are pending; or, if there be no jurors in attendance, the Court shall forthwith select twenty (20) good and lawful persons from the names upon the regular jury list of the last jury term of the law or criminal court in said county or city to be summoned to attend as jurors in the case. The summoning of said jurors, the empanelling of a jury of twelve (12) persons from said regular panel or from said list of jurors so summoned, and the trial before said jury, including instructions to the jury, motions for new trial, and judgment N.O.V. and matters which may be considered on appeal, shall proceed as far as practical in accordance with the statutes, rules, and practice pertaining to the selection and empanelling of jurors and trial before juries in other civil cases, except*