

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 16, § 66F(b), except as the first sentence of that subsection related to waiver of a jury trial.

In subsection (a) of this section, the phrase "by a preponderance of the evidence" is substituted for the former phrase "by the weight of evidence required in other civil cases", for clarity and brevity.

In subsection (c)(1) of this section, the former references to the complaint alleging or the court determining that the mother was married at the time of conception are deleted as unnecessary.

5-1029. BLOOD TESTS.

(A) IN GENERAL.

ON THE MOTION OF A PARTY TO THE PROCEEDING OR ON ITS OWN MOTION, THE COURT SHALL ORDER THE MOTHER, CHILD, AND ALLEGED FATHER TO SUBMIT TO BLOOD TESTS TO DETERMINE WHETHER THE ALLEGED FATHER CAN BE EXCLUDED AS BEING THE FATHER OF THE CHILD.

(B) APPROVED LABORATORY REQUIRED.

THE BLOOD TESTS SHALL BE MADE IN A LABORATORY SELECTED BY THE COURT FROM A LIST OF LABORATORIES PROVIDED BY THE ADMINISTRATION.

(C) FORM OF TEST RESULTS.

THE LABORATORY SHALL REPORT THE RESULTS OF EACH BLOOD TEST IN WRITING AND IN THE FORM THE COURT REQUIRES.

(D) COPIES OF TEST RESULTS.

A COPY OF THE RESULTS OF EACH BLOOD TEST SHALL BE PROVIDED TO THE PARTIES OR THEIR COUNSEL IN THE MANNER THAT THE COURT DIRECTS.

(E) RESULTS OF TEST AS EVIDENCE.

(1) THE RESULTS OF EACH BLOOD TEST MAY BE RECEIVED IN EVIDENCE IF:

(I) DEFINITE EXCLUSION IS ESTABLISHED; OR

(II) THE TESTING IS SUFFICIENTLY EXTENSIVE TO EXCLUDE 97.3% OF ALLEGED FATHERS WHO ARE NOT BIOLOGICAL FATHERS, AND THE STATISTICAL PROBABILITY OF THE ALLEGED FATHER'S PATERNITY IS AT LEAST 97.3%.

(2) A LABORATORY REPORT IS PRIMA FACIE EVIDENCE OF THE RESULTS OF A BLOOD TEST.