S T A T E O F N E W Y O R K

1798

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. DINOWITZ -- Multi-Sponsored by -- M. of A. HOOPER -- read once and referred to the Committee on Judiciary

AN ACT to amend the estates, powers and trusts law, in relation to an order for the purposes of conducting paternity testing on a deceased person

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Clause (D) of subparagraph 2 of paragraph (a) of section 4-1.2 of the estates, powers and trusts law, as added by chapter 434 of the laws of 1987, is amended to read as follows:

(D) a [blood] genetic marker test [had been] administered to the father DURING HIS LIFETIME OR POSTHUMOUSLY, which together with other evidence establishes paternity by clear and convincing evidence. POSTHUMOUS TESTING TO DETERMINE PATERNITY SHALL BE PERMITTED WHERE THE PARTY SEEKING SUCH TESTING BEARS THE EXPENSE, UNLESS OTHERWISE PROVIDED BY THE COURT WHERE (I) PATERNITY IS ESTABLISHED; OR (II) SUCH COSTS ARE SOUGHT BY A GUARDIAN-AD-LITEM, A COMMITTEE, A CONSERVATOR, OR A GUARDIAN APPOINTED PURSUANT TO THE PROVISIONS OF ARTICLE EIGHTY-ONE OF THE MENTAL HYGIENE LAW.

S 2. This act shall take effect immediately and shall apply to estates of decedents dying on or after such date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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