

137-055-3100

Order Establishing Paternity for Failure to Comply with an Order for Parentage Testing

(1) In an action to establish paternity initiated pursuant to ORS 25.511, the administrator may serve simultaneously the Notice and Finding of Financial Responsibility, a proposed Order Establishing Paternity, and an administrative order for genetic tests.

(2) An administrative order for genetic tests may require either the mother of the child in question or a person who is a possible father of the child to file a denial of paternity in order to receive a genetic test, or it may require testing regardless of whether a party denies paternity and requests testing.

(3) The administrator may enter an order establishing paternity when:

(a) All parties have been served with a Notice and Finding of Financial Responsibility, a proposed Order Establishing Paternity, and an order requiring genetic tests;

(b) The mother of the subject child has named the male party as a possible father; and

(c) The male party denied paternity and subsequently failed to appear for genetic testing.

(4) An order establishing paternity based on a failure to submit to genetic tests may be entered:

(a) Whether or not a responsive answer has been filed; and

(b) Whether or not corroboration exists to support a declaration of a party naming a male party as a father or possible father of the child in question, provided that the male party has either:

(A) Been named in a declaration by the mother as a possible father of the child; or

(B) Has named himself in a declaration as the father of the child.

(5) The provisions of this rule apply to the additional genetic tests described in OAR 137-055-3020(11) to (14), when the party requesting the tests fails to comply with an order for additional genetic testing.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.550, 109.070 & 109.252

Effective Date: February 5, 2020