

**406.021 Determination of paternity -- Liability of noncustodial parent.**

- (1) Paternity may be determined upon the complaint of the mother, putative father, child, person, or agency substantially contributing to the support of the child. The action shall be brought by the county attorney or by the Cabinet for Health and Family Services or its designee upon the request of complainant authorized by this section.
- (2) Paternity may be determined by the District Court when the mother and father of the child, either:
  - (a) Submit affidavits in which the mother states the name and Social Security number of the child's father and the father admits paternity of the child; or
  - (b) Give testimony before the District Court in which the mother states the name and Social Security number of the child's father and the father admits paternity of the child.
- (3) If paternity has been determined or has been acknowledged according to the laws of this state, the liabilities of the noncustodial parent may be enforced in the same or other proceedings by the mother, child, person, or agency substantially contributing to the cost of pregnancy, confinement, education, necessary support, or funeral expenses. Bills for testing, pregnancy, and childbirth without requiring third party foundation testimony shall be regarded as prima facie evidence of the amount incurred. An action to enforce the liabilities of the noncustodial parent shall be brought by the county attorney upon the request of such complainant authorized by this section. An action to enforce the liabilities of the cost of pregnancy, birthing costs, child support, and medical support shall be brought by the county attorney or by the Cabinet for Health and Family Services or its designee.
- (4) Voluntary acknowledgment of paternity pursuant to KRS 213.046 shall create a rebuttable presumption of paternity.
- (5) Upon a showing of service of process on the defendant and if the defendant has made no pleading to the court or has not moved to enter evidence pursuant to KRS 406.091, the court shall order paternity to be established by default.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 636, effective June 20, 2005; and ch. 149, sec. 2, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 255, sec. 26, effective July 15, 1998; and ch. 426, sec. 587, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 330, sec. 17, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 272, sec. 1, effective July 13, 1990. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 410, effective January 2, 1978. -- Amended 1972 Ky. Acts ch. 159, sec. 2. -- Amended 1968 Ky. Acts ch. 200, sec. 11. -- Created 1964 Ky. Acts ch. 37, sec. 2.

**Legislative Research Commission Note** (6/20/2005). This section was amended by 2005 Ky. Acts chs. 99 and 149, which do not appear to be in conflict and have been codified together.