

406.111 Effect of test results -- Rebuttable presumption.

If the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the tests, are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If the court finds that the statistical probability of paternity equals or exceeds ninety-nine percent (99%), as calculated by the experts qualified as examiners of genetic markers, and that the paternity index, as calculated by the experts qualified as examiners of genetic markers, is one hundred (100) to one (1) or greater, there is a rebuttable presumption, affecting the burden of proof, of paternity. This presumption shall only be rebutted by a preponderance of the evidence. If the presumption is not rebutted, the court may enter a summary judgment of paternity, pursuant to Rule 56 of the Rules of Civil Procedure.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 434, sec. 10, effective July 14, 1992. --Created 1964 Ky. Acts ch. 37, sec. 11.