

UNIFORM PARENTAGE ACT (UPA)

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The National Conference of Commissioners on Uniform State Laws (NCCUSL) has written many uniform laws in the hope that States will adopt them. A common example is the Uniform Commercial Code (UCC). In 1973 NCCUSL released its first version of the Uniform Parentage Act, which was adopted by about half the States. Since that time several revolutions in genetic testing have taken place as well as social changes. The use of HLA changed genetic evidence from exculpatory evidence only to inculpatory evidence and then to presumptions, both rebuttable and conclusive. Genetic testing has moved from HLA, to various DNA methodologies. One aim of the new UPA was to modernize the use of genetic evidence in civil paternity actions (where the burden of proof is generally a “simple preponderance of the evidence”), not to set standards for the genetic testing industry. Thus the UPA does not address testing methodologies, but provides guidance on what is minimally acceptable for courtroom use, including the establishment of a national presumption level. Many comments were made in the past year to the UPA committee concerning the presumption levels, a great number of which were based on erroneous information about the goal of the act and the legal process. The audience is invited to review the drafts of the act, which can be found at www.nccusl.org. The speaker will discuss the rational and legal concerns for the different sections as they pertain to genetic testing.