

**407.5316 Special rules of evidence and procedure.**

- (1) The physical presence of the petitioner in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.
- (2) A verified petition, affidavit, or document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.
- (3) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.
- (4) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten (10) days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.
- (5) Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.
- (6) In a proceeding under KRS 407.5101 to 407.5902, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.
- (7) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.
- (8) A privilege against disclosure of communications between spouses does not apply in a proceeding under KRS 407.5101 to 407.5902.
- (9) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under KRS 407.5101 to 407.5902.

**Effective:** March 23, 1998

**History:** Contingent effective date repealed 1998 Ky. Acts ch. 101, sec. 20, effective March 23, 1998. -- Created 1996 Ky. Acts ch. 365, sec. 40, effective upon contingency.