



Pickett v. Brown, 462 U.S. 1, 17 (1983)

A mother brought an action on behalf of an illegitimate child to obtain support and maintenance from the father. The father filed a motion to dismiss, arguing that the action was barred by the two-year limitations period set forth in § 36-224(2). The mother challenged the constitutionality of the limitations period. The juvenile court held that the limitations period violated the Equal Protection Clause of the Fourteenth Amendment. The state supreme court reversed that decision. On appeal, the Supreme Court held that: 1) the statute's two-year limitations period on actions brought on behalf of illegitimate children restricted the rights of those children to paternal support in a way in which the identical right of legitimate children was not restricted and thus treated them less favorably; and 2) the difference accorded legitimate and illegitimate children under Tennessee law could not be justified by the state's interest in preventing litigation of stale or fraudulent claims, especially in view of the statutory exception for actions brought on behalf of children who were receiving public assistance. Thus, the Court held that § 36-224(2) denied illegitimate children equal protection.

The Court Considered AMA-ABA Guidelines in Informing Their Decision

it is noteworthy that blood tests currently can achieve a "mean probability of exclusion [of] at least . . . 90 percent . . ." Miale, Jennings, Rettberg, Sell, & Krause, Joint AMA-ABA Guidelines.