

**78B-15-608 Authority to deny motion for genetic testing or disregard test results.**

- (1) In a proceeding to adjudicate the parentage of a child having a presumed father or to challenge the paternity of a child having a declarant father, the tribunal may deny a motion seeking an order for genetic testing of the mother, the child, and the presumed or declarant father, or if testing has been completed, the tribunal may disregard genetic test results that exclude the presumed or declarant father if the tribunal determines that:
  - (a) the conduct of the mother or the presumed or declarant father estops that party from denying parentage; and
  - (b) it would be inequitable to disrupt the father-child relationship between the child and the presumed or declarant father.
- (2) In determining whether to deny a motion seeking an order for genetic testing or to disregard genetic test results under this section, the tribunal shall consider the best interest of the child, including the following factors:
  - (a) the length of time between the proceeding to adjudicate parentage and the time that the presumed or declarant father was placed on notice that he might not be the genetic father;
  - (b) the length of time during which the presumed or declarant father has assumed the role of father of the child;
  - (c) the facts surrounding the presumed or declarant father's discovery of his possible nonpaternity;
  - (d) the nature of the relationship between the child and the presumed or declarant father;
  - (e) the age of the child;
  - (f) the harm that may result to the child if presumed or declared paternity is successfully disestablished;
  - (g) the nature of the relationship between the child and any alleged father;
  - (h) the extent to which the passage of time reduces the chances of establishing the paternity of another man and a child-support obligation in favor of the child; and
  - (i) other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed or declarant father or the chance of other harm to the child.
- (3) If the tribunal denies a motion seeking an order for genetic testing or disregards genetic test results that exclude the presumed or declarant father, it shall issue an order adjudicating the presumed or declarant father to be the father of the child.

Renumbered and Amended by Chapter 3, 2008 General Session