

710 raised by the presumed [~~father or~~] parent, the birth mother, or a support enforcement agency at
 711 any time prior to filing an action for divorce or in the pleadings at the time of the divorce of the
 712 parents.

713 (a) If the issue is raised prior to the adjudication, genetic testing may be ordered by the
 714 tribunal in accordance with Section 78B-15-608. Failure of the birth mother of the child to
 715 appear for testing may result in an order allowing a motherless calculation of paternity. Failure
 716 of [~~the mother~~] a parent to make the child available may not result in a determination that the
 717 presumed [~~father~~] parent is not [~~the father~~] a parent, but shall allow for appropriate proceedings
 718 to compel the cooperation of the [~~mother~~] noncompliant parent. If the question of [~~paternity~~]
 719 parentage has been raised in the pleadings in a divorce and the tribunal addresses the issue and
 720 enters an order, the parties are estopped from raising the issue again, and the order of the
 721 tribunal may not be challenged on the basis of material mistake of fact.

722 (b) If the presumed [~~father~~] parent seeks to rebut the presumption of [~~paternity~~]
 723 parentage, then denial of a motion seeking an order for genetic testing or a decision to
 724 disregard genetic test results shall be based on a preponderance of the evidence.

725 (c) If the birth mother seeks to rebut the presumption of [~~paternity~~] parentage, the birth
 726 mother has the burden to show by a preponderance of the evidence that it would be in the best
 727 interests of the child to disestablish the parent-child relationship.

728 (d) ~~§→ [If a support enforcement agency seeks to rebut the presumption of parentage, then~~
 729 ~~denial of a motion seeking an order for genetic testing or a decision to disregard genetic test~~
 730 ~~results shall be based on a preponderance of the evidence, taking into account the best interests~~
 731 ~~of the child.] If a support enforcement agency seeks to rebut the presumption of parentage and~~
 731a ~~the presumptive parent opposes the rebuttal, the agency's request shall be denied. Otherwise,~~
 731b ~~the denial of the agency's motion seeking an order for genetic testing or a decision to disregard~~
 731c ~~genetic test results shall be based on a preponderance of the evidence, taking into account the~~
 731d ~~best interests of the child. ←§~~

732 (2) For the presumption outside of marriage described in Subsection 78B-15-204(1)(d),
 733 the presumption may be rebutted at any time if the tribunal determines that the presumed
 734 [~~father~~] parent and the birth mother of the child neither cohabited nor engaged in sexual
 735 intercourse with each other during the probable time of conception.

736 (3) The presumption may be rebutted by:

737 (a) genetic test results that exclude the presumed [~~father~~] parent;

738 (b) genetic test results that rebuttably identify another [~~man~~] person as the [~~father~~]
 739 parent in accordance with Section 78B-15-505;

740 (c) evidence that the presumed [~~father~~] parent and the birth mother of the child neither