

Parentage Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Christine F. Watkins
Senate Sponsor:

LONG TITLE

General Description:

This bill amends statutes relating to parentage.

Highlighted Provisions:

This bill:

- modifies the liability for past support to one year when a parentage action is brought;
- limits the time period for which a parentage action can be brought for a child;
- clarifies the bringing of a parentage claim in a divorce action; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

81-5-105, as enacted by Laws of Utah 2025, Chapter 426

81-5-607, as renumbered and amended by Laws of Utah 2025, Chapter 426

REPEALS AND REENACTS:

81-5-606, as renumbered and amended by Laws of Utah 2025, Chapter 426

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **81-5-105** is amended to read:

81-5-105 . General requirements for parentage action or settlement -- Filing parentage with the Office of Vital Records and Statistics.

(1) A court shall, without adjudicating parentage, dismiss a petition that is filed under this chapter by an unmarried biological father if the unmarried biological father is not entitled to consent to the adoption of the child as described in Section 81-13-213.

(2) The standard of proof in a trial to establish parentage is "by clear and convincing

evidence."

(3) Utah Rule of Civil Procedure 55, Default, applies to a parentage action commenced under this chapter.

(4) An agreement of settlement with an alleged father is binding only when approved by the tribunal.

(5) If a parentage action is brought under this chapter, the obligor's liabilities for past support are limited to ~~[the period of four years preceding the commencement of an action]~~ a period of one year before the filing of the parentage action.

(6)(a) If the tribunal determines that an alleged father is a parent of the child, the tribunal may upon the tribunal's own motion, or upon motion of the alleged father, order parent-time rights in accordance with Title 81, Chapter 9, Custody, Parent-time, and Visitation, as the tribunal considers appropriate under the circumstances.

(b) Parent-time rights may not be granted to an alleged father if the child has been subsequently adopted.

(7) A party to an action under this chapter has a continuing obligation to keep the tribunal informed of the party's current address.

(8) A proceeding under this chapter is subject to other laws of this state governing the health, safety, privacy, and liberty of a child or other individual who could be jeopardized by disclosure of identifying information, including address, telephone number, place of employment, social security number, the child's day-care facility, or school.

(9) An adjudication of parentage or declaration of paternity shall be filed with the Office of Vital Records and Statistics in accordance with Section 26B-8-104.

Section 2. Section **81-5-606** is repealed and reenacted to read:

81-5-606 . Statute of limitations for parentage action.

(1) Except as provided in Subsections (2) and (3), a person may only bring a proceeding to adjudicate parentage of a child before the child is 18 years old.

(2) For a child who is born on or after May 6, 2026, the child may only bring a proceeding to adjudicate the child's parentage before the child is 26 years old.

(3) For a child who is born before May 6, 2026, the child may only bring a proceeding to adjudicate the child's parentage within the later of:

(a) the child reaching 26 years old; or

(b) three years after May 6, 2026.

(4) This section does not:

(a) prevent the birth mother of a child and the alleged father of a child from signing a declaration of paternity as described in Part 3, Voluntary Declaration of Paternity, to establish the paternity of the child after the child is 18 years old; or

(b) apply to a proceeding to challenge a declaration of paternity under Section 81-5-307.

Section 3. Section **81-5-607** is amended to read:

81-5-607 . Parentage action for child having presumed father.

(1)~~[(a) Parentage of a child conceived or born during a marriage with a presumed father, as described in Subsection 81-5-204(1)(a), (b), or (c) may be raised by the presumed father, the birth mother, or a child support services agency at any time before filing an action for divorce or in the pleadings at the time of the divorce of the parents.]~~

(a) Subject to Subsection 81-5-606(1), a man, a birth mother, or a child support services agency may raise the parentage of a child at any time before filing an action for divorce, or in the pleadings at the time of the divorce of the man and birth mother if:

(i) the child was conceived or born during a marriage between the man and birth mother; and

(ii) the man is the presumed father of the child under Subsection 81-5-204(1)(a), (b), or (c).

(b)(i) If the issue is raised ~~[prior to]~~ before the adjudication, genetic testing may be ordered by the tribunal in accordance with Section 81-5-608.

(ii) Failure of the birth mother of the child to appear for testing may result in an order allowing a motherless calculation of parentage.

(iii) Failure of the birth mother to make the child available may not result in a determination that the presumed father is not the father, but shall allow for appropriate proceedings to compel the cooperation of the birth mother.

(iv) If the question of parentage has been raised in the pleadings in a divorce and the tribunal addresses the issue and enters an order, the parties are estopped from raising the issue again, and the order of the tribunal may not be challenged on the basis of material mistake of fact.

(c) If the presumed father seeks to rebut the presumption of parentage, then denial of a motion seeking an order for genetic testing or a decision to disregard genetic test results shall be based on a preponderance of the evidence.

(d) If the birth mother seeks to rebut the presumption of parentage, the birth mother has the burden to show by a preponderance of the evidence that it would be in the best interests of the child to disestablish the parent-child relationship.

- 99 (e)(i) If a child support services agency seeks to rebut the presumption of parentage
100 and the presumed father opposes the rebuttal, the agency's request shall be denied.
- 101 (ii) Otherwise, the denial of the agency's motion seeking an order for genetic testing
102 or a decision to disregard genetic test results shall be based on a preponderance of
103 the evidence, taking into account the best interests of the child.
- 104 (2) For the presumption outside of marriage described in Subsection 81-5-204(1)(d), the
105 presumption may be rebutted at any time if the tribunal determines that the presumed
106 father and the birth mother of the child neither cohabited nor engaged in sexual
107 intercourse with each other during the probable time of conception.
- 108 (3) The presumption may be rebutted by:
- 109 (a) genetic test results that exclude the presumed father;
- 110 (b) genetic test results that rebuttably identify another man as the father in accordance
111 with Section 81-5-505;
- 112 (c) evidence that the presumed father and the birth mother of the child neither cohabited
113 nor engaged in sexual intercourse with each other during the probable time of
114 conception; or
- 115 (d) an adjudication under this part.
- 116 (4) There is no presumption to rebut if the presumed father was properly served and there
117 has been a final adjudication of the issue.

118 Section 4. **Effective Date.**

119 This bill takes effect on May 6, 2026.