

Part 1 General Provisions

78B-15-101 Title.

This chapter is known as the "Utah Uniform Parentage Act."

Renumbered and Amended by Chapter 3, 2008 General Session

Effective until 9/1/2024

78B-15-102 Definitions.

As used in this chapter:

- (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the father of a child.
- (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined.
- (3) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:
 - (a) intrauterine insemination;
 - (b) donation of eggs;
 - (c) donation of embryos;
 - (d) in vitro fertilization and transfer of embryos; and
 - (e) intracytoplasmic sperm injection.
- (4) "Birth expenses" means all medical costs associated with the birth of a child, including the related expenses for the biological mother during her pregnancy and delivery.
- (5) "Birth mother" means the biological mother of a child.
- (6) "Child" means an individual of any age whose parentage may be determined under this chapter.
- (7) "Commence" means to file the initial pleading seeking an adjudication of parentage in the appropriate tribunal of this state.
- (8) "Declarant father" means a male who, along with the biological mother claims to be the genetic father of a child, and signs a voluntary declaration of paternity to establish the man's paternity.
- (9) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of Paternity Act, or adjudication by a tribunal.
- (10) "Donor" means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration. The term does not include:
 - (a) a husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by the wife;
 - (b) a woman who gives birth to a child by means of assisted reproduction, except as otherwise provided in Part 8, Gestational Agreement; or
 - (c) a parent under Part 7, Assisted Reproduction, or an intended parent under Part 8, Gestational Agreement.
- (11) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information.

- (12) "Financial support" means a base child support award as defined in Section 78B-12-102, all past-due support which accrues under an order for current periodic payments, and sum certain judgments for past-due support.
- (13) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child. The term includes an analysis of one or a combination of the following:
 - (a) deoxyribonucleic acid; or
 - (b) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.
- (14) "Gestational mother" means an adult woman who gives birth to a child under a gestational agreement.
- (15) "Man," as defined in this chapter, means a male individual of any age.
- (16) "Medical support" means a provision in a support order that requires the purchase and maintenance of appropriate insurance for health and dental expenses of dependent children, and assigns responsibility for uninsured medical expenses.
- (17) "Parent" means an individual who has established a parent-child relationship under Section 78B-15-201.
- (18) "Parent-child relationship" means the legal relationship between a child and a parent of the child. The term includes the mother-child relationship and the father-child relationship.
- (19) "Paternity index" means the likelihood of paternity calculated by computing the ratio between:
 - (a) the likelihood that the tested man is the father, based on the genetic markers of the tested man and child, conditioned on the hypothesis that the tested man is the father of the child; and
 - (b) the likelihood that the tested man is not the father, based on the genetic markers of the tested man and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.
- (20) "Presumed father" means a man who, by operation of law under Section 78B-15-204, is recognized as the father of a child until that status is rebutted or confirmed as set forth in this chapter.
- (21) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability.
- (22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (23) "Signatory" means an individual who authenticates a record and is bound by its terms.
- (24) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory, Native American Tribe, or insular possession subject to the jurisdiction of the United States.
- (25) "Support-enforcement agency" means a public official or agency authorized under Title IV-D of the Social Security Act which has the authority to seek:
 - (a) enforcement of support orders or laws relating to the duty of support;
 - (b) establishment or modification of child support;
 - (c) determination of parentage; or
 - (d) location of child-support obligors and their income and assets.
- (26) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

Renumbered and Amended by Chapter 3, 2008 General Session

Effective 9/1/2024

78B-15-102 Definitions.

As used in this chapter:

- (1) "Adjudicated father" means a man who has been adjudicated by a tribunal to be the father of a child.
- (2) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined.
- (3)
 - (a) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse.
 - (b) "Assisted reproduction" includes:
 - (i) intrauterine insemination;
 - (ii) donation of eggs;
 - (iii) donation of embryos;
 - (iv) in vitro fertilization and transfer of embryos; and
 - (v) intracytoplasmic sperm injection.
- (4) "Birth expenses" means all medical costs associated with the birth of a child, including the related expenses for the biological mother during her pregnancy and delivery.
- (5) "Birth mother" means the biological mother of a child.
- (6) "Child" means an individual of any age whose parentage may be determined under this chapter.
- (7) "Commence" means to file the initial pleading seeking an adjudication of parentage in the appropriate tribunal of this state.
- (8) "Declarant father" means a male who, along with the biological mother claims to be the genetic father of a child, and signs a voluntary declaration of paternity to establish the man's paternity.
- (9) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a valid declaration of paternity under Part 3, Voluntary Declaration of Paternity Act, or adjudication by a tribunal.
- (10)
 - (a) "Donor" means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration.
 - (b) "Donor" does not include:
 - (i) a husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by the wife;
 - (ii) a woman who gives birth to a child by means of assisted reproduction, except as otherwise provided in Part 8, Gestational Agreement; or
 - (iii) a parent under Part 7, Assisted Reproduction, or an intended parent under Part 8, Gestational Agreement.
- (11) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information.
- (12) "Financial support" means a base child support award as defined in Section 81-6-101, all past-due support which accrues under an order for current periodic payments, and sum certain judgments for past-due support.
- (13)
 - (a) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child.

- (b) "Genetic testing" includes an analysis of one or a combination of the following:
 - (i) deoxyribonucleic acid; or
 - (ii) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.
- (14) "Gestational mother" means an adult woman who gives birth to a child under a gestational agreement.
- (15) "Man" means a male individual of any age.
- (16) "Medical support" means a provision in a support order that requires the purchase and maintenance of appropriate insurance for health and dental expenses of dependent children, and assigns responsibility for uninsured medical expenses.
- (17) "Parent" means an individual who has established a parent-child relationship under Section 78B-15-201.
- (18)
 - (a) "Parent-child relationship" means the legal relationship between a child and a parent of the child.
 - (b) "Parent-child relationship" includes the mother-child relationship and the father-child relationship.
- (19) "Paternity index" means the likelihood of paternity calculated by computing the ratio between:
 - (a) the likelihood that the tested man is the father, based on the genetic markers of the tested man and child, conditioned on the hypothesis that the tested man is the father of the child; and
 - (b) the likelihood that the tested man is not the father, based on the genetic markers of the tested man and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.
- (20) "Presumed father" means a man who, by operation of law under Section 78B-15-204, is recognized as the father of a child until that status is rebutted or confirmed as set forth in this chapter.
- (21) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability.
- (22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (23) "Signatory" means an individual who authenticates a record and is bound by its terms.
- (24) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory, Native American Tribe, or insular possession subject to the jurisdiction of the United States.
- (25) "Support-enforcement agency" means a public official or agency authorized under Title IV-D of the Social Security Act which has the authority to seek:
 - (a) enforcement of support orders or laws relating to the duty of support;
 - (b) establishment or modification of child support;
 - (c) determination of parentage; or
 - (d) location of child-support obligors and their income and assets.
- (26) "Tribunal" means a court of law, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

Amended by Chapter 366, 2024 General Session

78B-15-103 Scope -- Choice of law.

- (1) This chapter applies to determinations of parentage in this state.
- (2) The tribunal shall apply the law of this state to adjudicate the parent-child relationship. The applicable law may not depend upon:
 - (a) the place of birth of the child; or
 - (b) the past or present residence of the child.
- (3) This chapter may not create, enlarge, or diminish parental rights or duties under other laws of this state.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-104 Jurisdiction -- Authority of Office of Recovery Services -- Dismissal of petition.

- (1)
 - (a) Except as provided in Subsection 78A-6-104(1)(a)(i), the district court has original jurisdiction over any action brought under this chapter.
 - (b) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i) over a paternity action filed in the district court, the district court may transfer jurisdiction over the paternity action to the juvenile court.
- (2) The Office of Recovery Services is authorized to establish paternity in accordance with this chapter, Title 26B, Chapter 9, Recovery Services and Administration of Child Support, and Title 63G, Chapter 4, Administrative Procedures Act.
- (3) A court shall, without adjudicating paternity, dismiss a petition that is filed under this chapter by an unmarried biological father if he is not entitled to consent to the adoption of the child under Sections 78B-6-121 and 78B-6-122.

Amended by Chapter 330, 2023 General Session

78B-15-105 Protection of participants.

Proceedings under this chapter are 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.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-106 Determination of maternity.

Provisions of this chapter relating to determination of paternity also apply to determinations of maternity.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-107 Effect.

An adjudication or declaration of paternity shall be filed with the state registrar in accordance with Section 26B-8-104.

Amended by Chapter 330, 2023 General Session

78B-15-108 Obligation to provide address.

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

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-109 Limitation on recovery from the obligor.

The obligor's liabilities for past support are limited to the period of four years preceding the commencement of an action.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-110 Duty of attorney general and county attorney.

Whenever the state commences an action under this chapter, it shall be the duty of the attorney general or the county attorney of the county where the obligee resides to represent the state. Neither the attorney general nor the county attorney represents or has an attorney-client relationship with the obligee or the obligor in carrying out his responsibilities under this chapter.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-111 Default judgment.

Utah Rule of Civil Procedure 55, Default Judgment, shall apply to paternity actions commenced under this chapter.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-112 Standard of proof.

The standard of proof in a trial to determine paternity is "by clear and convincing evidence."

Renumbered and Amended by Chapter 3, 2008 General Session

Effective until 9/1/2024

78B-15-113 Parent-time rights of father.

- (1) If the tribunal determines that the alleged father is the father, it may upon its own motion or upon motion of the father, order parent-time rights in accordance with Sections 30-3-32 through 30-3-37 as it considers appropriate under the circumstances.
- (2) Parent-time rights may not be granted to a father if the child has been subsequently adopted.

Renumbered and Amended by Chapter 3, 2008 General Session

Effective 9/1/2024

78B-15-113 Parent-time rights of father.

- (1) If the tribunal determines that the alleged father is the father, the tribunal may upon the tribunal's own motion or upon motion of the 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.
- (2) Parent-time rights may not be granted to a father if the child has been subsequently adopted.

Amended by Chapter 366, 2024 General Session

78B-15-114 Social Security number in tribunal records.

The Social Security number of any individual who is subject to a paternity determination shall be placed in the records relating to the matter.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-15-115 Settlement agreements.

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

Renumbered and Amended by Chapter 3, 2008 General Session