

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.

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