

Renumbered 9/1/2025

78B-15-204 Presumption of paternity.

- (1) A man is presumed to be the father of a child if:
 - (a) he and the mother of the child are married to each other and the child is born during the marriage;
 - (b) he and the mother of the child were married to each other and the child is born within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation;
 - (c) before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce or after a decree of separation; or
 - (d) after the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether or not the marriage is, or could be declared, invalid, he voluntarily asserted his paternity of the child, and there is no other presumptive father of the child, and:
 - (i) the assertion is in a record filed with the Office of Vital Records;
 - (ii) he agreed to be and is named as the child's father on the child's birth certificate; or
 - (iii) he promised in a record to support the child as his own.
- (2) A presumption of paternity established under this section may only be rebutted in accordance with Section 78B-15-607.
- (3) If a child has an adjudicated father, the results of genetic testing are inadmissible to challenge paternity except as set forth in Section 78B-15-607.