

78B-15-623 Binding effect of determination of parentage.

- (1) Except as otherwise provided in Subsection (2), a determination of parentage is binding on:
 - (a) all signatories to a declaration or denial of paternity as provided in Part 3, Voluntary Declaration of Paternity Act; and
 - (b) all parties to an adjudication by a tribunal acting under circumstances that satisfy the jurisdictional requirements of Section 78B-14-201.
- (2) A child is not bound by a determination of parentage under this chapter unless:
 - (a) the determination was based on an unrescinded declaration of paternity and the declaration is consistent with the results of genetic testing;
 - (b) the adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or
 - (c) the child was a party or was represented in the proceeding determining parentage by a guardian ad litem.
- (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made an adjudication of the parentage of a child if the question of paternity is raised and the tribunal adjudicates according to Part 6, Adjudication of Parentage, and the final order:
 - (a) expressly identifies a child as a "child of the marriage," "issue of the marriage," or similar words indicating that the husband is the father of the child; or
 - (b) provides for support of the child by the husband unless paternity is specifically disclaimed in the order.
- (4) The tribunal is not considered to have made an adjudication of the parentage of a child if the child was born at the time of entry of the order and other children are named as children of the marriage, but that child is specifically not named.
- (5) Once the paternity of a child has been adjudicated, an individual who was not a party to the paternity proceeding may not challenge the paternity, unless:
 - (a) the party seeking to challenge can demonstrate a fraud upon the tribunal;
 - (b) the challenger can demonstrate by clear and convincing evidence that the challenger did not know about the adjudicatory proceeding or did not have a reasonable opportunity to know of the proceeding; and
 - (c) there would be harm to the child to leave the order in place.
- (6) A party to an adjudication of paternity may challenge the adjudication only under law of this state relating to appeal, vacation of judgments, or other judicial review.

Renumbered and Amended by Chapter 3, 2008 General Session