

78B-15-705 Limitation on husband's dispute of paternity.

- (1) Except as otherwise provided in Subsection (2), the husband of a wife who gives birth to a child by means of assisted reproduction may not challenge his paternity of the child unless:
 - (a) within two years after learning of the birth of the child he commences a proceeding to adjudicate his paternity; and
 - (b) the tribunal finds that he did not consent to the assisted reproduction, before or after the birth of the child.
- (2) A proceeding to adjudicate paternity may be maintained at any time if the tribunal determines that:
 - (a) the husband did not provide sperm for, or before or after the birth of the child consent to, assisted reproduction by his wife;
 - (b) the husband and the mother of the child have not cohabited since the probable time of assisted reproduction; and
 - (c) the husband never openly treated the child as his own.
- (3) The limitation provided in this section applies to a marriage declared invalid after assisted reproduction.

Renumbered and Amended by Chapter 3, 2008 General Session