



House of Representatives *State of Utah*

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February 14, 2005

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **S.B. 14**, UNIFORM PARENTAGE ACT, by Senator L. Hillyard, with the following amendments:

1. *Page 1, Lines 21 through 22*

Senate Committee Amendments

1-20-2005:

21 Other Special Clauses:

22 § [~~This bill has an immediate effective date.~~] { ~~THIS BILL TAKES EFFECT ON~~
JANUARY 1, 2006. § } None

2. *Page 6, Lines 159 through 162:*

159 (3) "Declarant father" means a male who { , along with the biological mother,
-} [declares
160 that he is the father of a child conceived as a result of sexual intercourse with the mother]
161 claims to be the genetic father of a child, and , along with the biological mother,
signs a voluntary declaration of paternity to
162 establish the child's paternity.

3. *Page 17, Lines 518 through 520:*

518 78-45g-109. Limitation on recovery from the father.
519 The { father's } obligor's liabilities for past support are limited to the period
of four years preceding
520 the commencement of an action.

4. *Page 34, Lines 1038 through 1050:*

1038 78-45g-607. Limitation -- Child having presumed father.
1039 (1) Paternity of a child conceived or born during a marriage with a presumed father
as

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1040 described in Subsection 78-45g-204(1)(a), (b), or (c), may ~~{only}~~ be raised by the
1041 presumed
1042 father or the mother at any time prior to filing an action for divorce or in the pleadings at
1043 the
1044 time of the divorce of the parents.
1045 (a) If the issue is raised prior to the adjudication, genetic testing may be ordered by
1046 the
1047 mother. ~~{Once}~~ **If the question of** paternity has been raised in the pleadings in
1048 a divorce and **the tribunal addresses the issue and enters** an order ~~{is~~
1049 **entered}**
1050 the parties are estopped from raising the issue again, and the order of the tribunal may not
1051 be
1052 challenged on the basis of material mistake of fact.

* * * *Some lines not shown* * * *

5. *Page 41, Lines 1258 through 1259:*

1258 (3) In a proceeding to dissolve a marriage, the tribunal is considered to have made
1259 an
1260 adjudication of the parentage of a child if **the question of paternity is raised and the**
1261 **tribunal adjudicates according to Part 6, Adjudication of Parentage, and** the final
1262 order:

6. *Page 41, Line 1267 through Page 42, Line 1273:*

1267 (5) Once the paternity of a child has been adjudicated, an individual who was not a
1268 party to the paternity proceeding may not challenge the paternity, unless:
1269 * * * *Some lines not shown* * * *
1270 (c) there would be ~~{irreparable}~~ harm to the child to leave the order in place.

7. *Page 44, Lines 1331 through 1345:*

1331 78-45g-801. Gestational agreement authorized.
1332 * * * *Some lines not shown* * * *

(2) The intended gestational mother may not currently be receiving Medicaid

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or any other state assistance.

1340 Renumber remaining subsections accordingly.

8. Page 44, Line 1360 through Page 45, Line 1369:

1360 (2) The tribunal may issue an order under Subsection (1) only on finding that:

* * * *Some lines not shown* * * *

(d) all parties have participated in counseling with a licensed mental health professional as evidenced by a certificate signed by the licensed mental health professional which affirms that all parties have discussed options and consequences of the agreement and presented to the tribunal;

Renumber remaining subsections accordingly.

9. Page 48, Lines 1471 through 1475

Senate Committee Amendments

1-20-2005:

1471 { ~~Section 101. Effective date.~~

1472 ~~—§ [If approved by two-thirds of all members elected to each house, this bill takes effect~~

1473 ~~upon approval by the governor, or the day following the constitutional time limit of Utah~~

1474 ~~Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,~~

1475 ~~the date of veto override.] THIS BILL TAKES EFFECT ON JANUARY 1, 2006~~

§ }

Respectfully,

James A. Ferrin
Committee Chair

Voting: 10-0-3

3 SB0014.HC1.WPD 2/14/05 9:46 am jldhowe/JDH ECM/JDH

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