

1 **PARENTAGE ACT AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lorie D. Fowlke**

5 Senate Sponsor: Lyle W. Hillyard

7 **LONG TITLE**

8 **General Description:**

9 This bill requires an accounting of fees and expenses in conjunction with a gestational
10 agreement to be filed with a court, and makes technical corrections.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires an affidavit detailing the fees and expenses with regard to a gestational
- 14 agreement be filed with the court;
- 15 ▶ specifies the fees and expenses required to be in the affidavit; and
- 16 ▶ makes technical corrections.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **78-45g-103**, as enacted by Chapter 150, Laws of Utah 2005

24 ENACTS:

25 **78-45g-810**, Utah Code Annotated 1953

26
27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **78-45g-103** is amended to read:

29 **78-45g-103. Scope -- Choice of law.**

30 (1) This chapter applies to determinations of parentage in this state.

31 (2) The tribunal shall apply the law of this state to adjudicate the parent-child
32 relationship. The applicable law may not depend upon:

33 (a) the place of birth of the child; or

34 (b) the past or present residence of the child.

35 (3) This chapter may not create, enlarge, or diminish parental rights or duties under
36 other laws of this state.

37 [~~(4) This chapter does not authorize or prohibit an agreement between a woman and a~~
38 ~~man and another woman in which the woman relinquishes all rights as a parent of a child~~
39 ~~conceived by means of assisted reproduction, and which provides that the man and other~~
40 ~~woman become the parents of the child. If a birth results under such an agreement and the~~
41 ~~agreement is unenforceable under the law of this state, the parent-child relationship is~~
42 ~~determined as provided in Part 2, Parent-child Relationship.]~~

43 Section 2. Section **78-45g-810** is enacted to read:

44 **78-45g-810. Itemization of fees and expenses.**

45 (1) Within ten days of the issuance of a birth certificate under Subsection
46 78-45g-807(1)(c), an affidavit regarding fees and expenses ~~shall~~ ^{H→} [signed by all parties to the
47 gestational agreement,] ~~shall~~ ^{←H} shall be filed with the tribunal. ~~shall~~ ^{H→} The affidavit shall contain the
47a case number and be signed by counsel for the petitioners. ~~shall~~ ^{←H}

48 (2) The affidavit described in Subsection (1) shall itemize the following items in
49 connection with the gestational agreement:

50 (a) all legal expenses, maternity expenses, medical or hospital expenses, and living
51 expenses that have been or will be paid to or on behalf of the gestational mother, including the
52 source of payment;

53 (b) all gifts, property, or other items that have been or will be provided to the
54 gestational mother, including the source of the gifts, property, or other items;

55 (c) the state of residence of the:

56 (i) gestational mother; and

57 (ii) the intended parents; and

58 (d) a description of services provided to the intended parents in connection with the

59 agreement.

60 (3) A copy of the affidavit described in Subsection (1) shall be provided to each party
61 to the gestational agreement.

62 (4) If the tribunal orders the record of any proceedings under this chapter sealed, the
63 affidavit required by this section may not be sealed with the record, but shall remain a public
64 document.

Legislative Review Note
as of 1-30-06 1:44 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0382

Parentage Act Amendments

07-Feb-06

11:56 AM

State Impact

No fiscal impact.

Individual and Business Impact

May have a fiscal impact on individuals depending on circumstances.

Office of the Legislative Fiscal Analyst