

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0843.01 Jerry Barry x4341

HOUSE BILL 20-1292

HOUSE SPONSORSHIP

Tipper,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE "UNIFORM PARENTAGE ACT (2017)".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Colorado Commission on Uniform State Laws. The bill repeals the "Uniform Parentage Act" and enacts the "Uniform Parentage Act (2017)" (new uniform act). The new uniform act:

- ! Clarifies establishment of the parent-child relationship, including the voluntary acknowledgment of parentage and the rules for acknowledgment or denial of parentage;
- ! Establishes a registry of parentage;
- ! Establishes procedures for genetic testing;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 (b) AN INDIVIDUAL WHOSE PARENTAL RIGHTS HAVE BEEN
2 TERMINATED OR DECLARED NOT TO EXIST; OR

3 (c) A DONOR.

4 (4) "ASSISTED REPRODUCTION" MEANS A METHOD OF CAUSING
5 PREGNANCY OTHER THAN SEXUAL INTERCOURSE. THE TERM INCLUDES:

6 (a) INTRAUTERINE OR INTRACERVICAL INSEMINATION;

7 (b) DONATION OF GAMETES;

8 (c) DONATION OF EMBRYOS;

9 (d) IN VITRO FERTILIZATION AND TRANSFER OF EMBRYOS; AND

10 (e) INTRACYTOPLASMIC SPERM INJECTION.

11 (5) "BIRTH" INCLUDES STILLBIRTH.

12 (6) "CHILD" MEANS AN INDIVIDUAL OF ANY AGE WHOSE
13 PARENTAGE MAY BE DETERMINED UNDER THIS ARTICLE 4.1.

14 (7) "CHILD SUPPORT AGENCY" MEANS A GOVERNMENT ENTITY,
15 PUBLIC OFFICIAL, OR PRIVATE AGENCY AUTHORIZED TO PROVIDE
16 PARENTAGE-ESTABLISHMENT SERVICES UNDER TITLE IV-D OF THE
17 "SOCIAL SECURITY ACT", 42 U.S.C. SECS. 651 TO 669, AS AMENDED.

18 (8) "DETERMINATION OF PARENTAGE" MEANS ESTABLISHMENT OF
19 A PARENT-CHILD RELATIONSHIP BY A JUDICIAL OR ADMINISTRATIVE
20 PROCEEDING OR SIGNING OF A VALID ACKNOWLEDGMENT OF PARENTAGE
21 UNDER PART 3 OF THIS ARTICLE 4.1.

22 (9) "DONOR" MEANS AN INDIVIDUAL WHO PROVIDES GAMETES
23 INTENDED FOR USE IN ASSISTED REPRODUCTION, WHETHER OR NOT FOR
24 CONSIDERATION. THE TERM DOES NOT INCLUDE:

25 (a) A WOMAN WHO GIVES BIRTH TO A CHILD CONCEIVED BY
26 ASSISTED REPRODUCTION, EXCEPT AS OTHERWISE PROVIDED IN PART 8 OF
27 THIS ARTICLE 4.1; OR

1 (b) A PARENT UNDER PART 7 OF THIS ARTICLE 4.1 OR AN INTENDED
2 PARENT UNDER PART 8 OF THIS ARTICLE 4.1.

3 (10) "GAMETE" MEANS SPERM, EGG, OR ANY PART OF A SPERM OR
4 EGG.

5 (11) "GENETIC TESTING" MEANS AN ANALYSIS OF GENETIC
6 MARKERS TO IDENTIFY OR EXCLUDE A GENETIC RELATIONSHIP.

7 (12) "INDIVIDUAL" MEANS A NATURAL PERSON OF ANY AGE.

8 (13) "INTENDED PARENT" MEANS AN INDIVIDUAL, MARRIED OR
9 UNMARRIED, WHO MANIFESTS AN INTENT TO BE LEGALLY BOUND AS A
10 PARENT OF A CHILD CONCEIVED BY ASSISTED REPRODUCTION.

11 (14) "MAN" MEANS A MALE INDIVIDUAL OF ANY AGE.

12 (15) "PARENT" MEANS AN INDIVIDUAL WHO HAS ESTABLISHED A
13 PARENT-CHILD RELATIONSHIP UNDER SECTION 19-4.1-201.

14 (16) "PARENTAGE" OR "PARENT-CHILD RELATIONSHIP" MEANS THE
15 LEGAL RELATIONSHIP BETWEEN A CHILD AND A PARENT OF THE CHILD.

16 (17) "PRESUMED PARENT" MEANS AN INDIVIDUAL WHO UNDER
17 SECTION 19-4.1-204 IS PRESUMED TO BE A PARENT OF A CHILD, UNLESS
18 THE PRESUMPTION IS OVERCOME IN A JUDICIAL PROCEEDING, A VALID
19 DENIAL OF PARENTAGE IS MADE UNDER PART 3 OF THIS ARTICLE 4.1, OR A
20 COURT ADJUDICATES THE INDIVIDUAL TO BE A PARENT.

21 (18) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A
22 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER
23 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

24 (19) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR
25 ADOPT A RECORD:

26 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

27 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD

1 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

2 (20) "SIGNATORY" MEANS AN INDIVIDUAL WHO SIGNS A RECORD.

3 (21) "STATE" MEANS A STATE OF THE UNITED STATES, THE
4 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
5 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION UNDER THE
6 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY
7 RECOGNIZED INDIAN TRIBE.

8 (22) "TRANSFER" MEANS A PROCEDURE FOR ASSISTED
9 REPRODUCTION BY WHICH AN EMBRYO OR SPERM IS PLACED IN THE BODY
10 OF THE WOMAN WHO WILL GIVE BIRTH TO THE CHILD.

11 (23) "WITNESSED" MEANS THAT AT LEAST ONE INDIVIDUAL WHO
12 IS AUTHORIZED TO SIGN HAS SIGNED A RECORD TO VERIFY THAT THE
13 INDIVIDUAL PERSONALLY OBSERVED A SIGNATORY SIGN THE RECORD.

14 (24) "WOMAN" MEANS A FEMALE INDIVIDUAL OF ANY AGE.

15 **19-4.1-103. Scope.** (1) THIS ARTICLE 4.1 APPLIES TO AN
16 ADJUDICATION OR DETERMINATION OF PARENTAGE.

17 (2) THIS ARTICLE 4.1 DOES NOT CREATE, AFFECT, ENLARGE, OR
18 DIMINISH PARENTAL RIGHTS OR DUTIES UNDER LAW OF THIS STATE OTHER
19 THAN THIS ARTICLE 4.1.

20 **19-4.1-104. Authorized court.** THE JUVENILE COURT FOR THE
21 CITY AND COUNTY OF DENVER OR THE JUVENILE DIVISION OF THE DISTRICT
22 COURT OUTSIDE OF THE CITY AND COUNTY OF DENVER MAY ADJUDICATE
23 PARENTAGE UNDER THIS ARTICLE 4.1.

24 **19-4.1-105. Applicable law.** (1) THE COURT SHALL APPLY THE
25 LAW OF THIS STATE TO ADJUDICATE PARENTAGE. THE APPLICABLE LAW
26 DOES NOT DEPEND ON:

27 (a) THE PLACE OF BIRTH OF THE CHILD; OR

1 (b) THE PAST OR PRESENT RESIDENCE OF THE CHILD.

2 **19-4.1-106. Data privacy.** A PROCEEDING UNDER THIS ARTICLE
3 4.1 IS SUBJECT TO LAW OF THIS STATE OTHER THAN THIS ARTICLE 4.1 THAT
4 GOVERNS THE HEALTH, SAFETY, PRIVACY, AND LIBERTY OF A CHILD OR
5 OTHER INDIVIDUAL WHO COULD BE AFFECTED BY DISCLOSURE OF
6 INFORMATION THAT COULD IDENTIFY THE CHILD OR OTHER INDIVIDUAL,
7 INCLUDING ADDRESS, TELEPHONE NUMBER, DIGITAL CONTACT
8 INFORMATION, PLACE OF EMPLOYMENT, SOCIAL SECURITY NUMBER, AND
9 THE CHILD'S DAY CARE FACILITY OR SCHOOL.

10 **19-4.1-107. Establishment of maternity and paternity.** TO THE
11 EXTENT PRACTICABLE, A PROVISION OF THIS ARTICLE 4.1 APPLICABLE TO
12 A FATHER-CHILD RELATIONSHIP APPLIES TO A MOTHER-CHILD
13 RELATIONSHIP AND A PROVISION OF THIS ARTICLE 4.1 APPLICABLE TO A
14 MOTHER-CHILD RELATIONSHIP APPLIES TO A FATHER-CHILD RELATIONSHIP.

15 PART 2

16 PARENT-CHILD RELATIONSHIP

17 **19-4.1-201. Establishment of parent-child relationship.** (1) A
18 PARENT-CHILD RELATIONSHIP IS ESTABLISHED BETWEEN AN INDIVIDUAL
19 AND A CHILD IF:

20 (a) THE INDIVIDUAL GIVES BIRTH TO THE CHILD, EXCEPT AS
21 OTHERWISE PROVIDED IN PART 8 OF THIS ARTICLE 4.1;

22 (b) THERE IS A PRESUMPTION UNDER SECTION 19-4.1-204 OF THE
23 INDIVIDUAL'S PARENTAGE OF THE CHILD, UNLESS THE PRESUMPTION IS
24 OVERCOME IN A JUDICIAL PROCEEDING OR A VALID DENIAL OF PARENTAGE
25 IS MADE UNDER PART 3 OF THIS ARTICLE 4.1;

26 (c) THE INDIVIDUAL IS ADJUDICATED A PARENT OF THE CHILD
27 UNDER PART 6 OF THIS ARTICLE 4.1;

1 (d) THE INDIVIDUAL ADOPTS THE CHILD;

2 (e) THE INDIVIDUAL ACKNOWLEDGES PARENTAGE OF THE CHILD
3 UNDER PART 3 OF THIS ARTICLE 4.1, UNLESS THE ACKNOWLEDGMENT IS
4 RESCINDED UNDER SECTION 19-4.1-308 OR SUCCESSFULLY CHALLENGED
5 UNDER PART 3 OR 6 OF THIS ARTICLE 4.1; OR

6 (f) THE INDIVIDUAL'S PARENTAGE OF THE CHILD IS ESTABLISHED
7 UNDER PART 8 OF THIS ARTICLE 4.1.

8 **19-4.1-202. No discrimination based on marital status of**
9 **parent.** A PARENT-CHILD RELATIONSHIP EXTENDS EQUALLY TO EVERY
10 CHILD AND PARENT, REGARDLESS OF THE MARITAL STATUS OF THE
11 PARENT.

12 **19-4.1-203. Consequences of establishing parentage.** UNLESS
13 PARENTAL RIGHTS ARE TERMINATED, A PARENT-CHILD RELATIONSHIP
14 ESTABLISHED UNDER THIS ARTICLE 4.1 APPLIES FOR ALL PURPOSES, EXCEPT
15 AS OTHERWISE PROVIDED BY LAW OF THIS STATE OTHER THAN THIS
16 ARTICLE 4.1.

17 **19-4.1-204. Presumption of parentage.** (1) AN INDIVIDUAL IS
18 PRESUMED TO BE A PARENT OF A CHILD IF:

19 (a) EXCEPT AS OTHERWISE PROVIDED UNDER PART 8 OF THIS
20 ARTICLE 4.1 OR THE LAW OF THIS STATE OTHER THAN THIS ARTICLE 4.1:

21 (I) THE INDIVIDUAL AND THE WOMAN WHO GAVE BIRTH TO THE
22 CHILD ARE MARRIED TO EACH OTHER AND THE CHILD IS BORN DURING THE
23 MARRIAGE, WHETHER THE MARRIAGE IS OR COULD BE DECLARED INVALID;

24 (II) THE INDIVIDUAL AND THE WOMAN WHO GAVE BIRTH TO THE
25 CHILD WERE MARRIED TO EACH OTHER AND THE CHILD IS BORN NOT LATER
26 THAN THREE HUNDRED DAYS AFTER THE MARRIAGE IS TERMINATED BY
27 DEATH, DISSOLUTION, ANNULMENT, OR DECLARATION OF INVALIDITY, OR

1 AFTER A DECREE OF SEPARATION, MAINTENANCE, WHETHER THE
2 MARRIAGE IS OR COULD BE DECLARED INVALID; OR

3 (III) THE INDIVIDUAL AND THE WOMAN WHO GAVE BIRTH TO THE
4 CHILD MARRIED EACH OTHER AFTER THE BIRTH OF THE CHILD, WHETHER
5 THE MARRIAGE IS OR COULD BE DECLARED INVALID, THE INDIVIDUAL AT
6 ANY TIME ASSERTED PARENTAGE OF THE CHILD, AND:

7 (A) THE ASSERTION IS IN A RECORD FILED WITH THE STATE
8 REGISTRAR; OR

9 (B) THE INDIVIDUAL AGREED TO BE AND IS NAMED AS A PARENT OF
10 THE CHILD ON THE BIRTH CERTIFICATE OF THE CHILD; OR

11 (b) THE INDIVIDUAL RESIDED IN THE SAME HOUSEHOLD WITH THE
12 CHILD FOR THE FIRST TWO YEARS OF THE LIFE OF THE CHILD, INCLUDING
13 ANY PERIOD OF TEMPORARY ABSENCE, AND OPENLY HELD OUT THE CHILD
14 AS THE INDIVIDUAL'S CHILD.

15 (2) A PRESUMPTION OF PARENTAGE UNDER THIS SECTION MAY BE
16 OVERCOME, AND COMPETING CLAIMS TO PARENTAGE MAY BE RESOLVED,
17 ONLY BY AN ADJUDICATION UNDER PART 6 OF THIS ARTICLE 4.1 OR A
18 VALID DENIAL OF PARENTAGE UNDER PART 3 OF THIS ARTICLE 4.1.

19 PART 3

20 VOLUNTARY ACKNOWLEDGMENT

21 OF PARENTAGE

22 **19-4.1-301. Acknowledgment of parentage.** A WOMAN WHO
23 GAVE BIRTH TO A CHILD AND AN ALLEGED GENETIC FATHER OF THE CHILD,
24 INTENDED PARENT UNDER PART 7 OF THIS ARTICLE 4.1, OR PRESUMED
25 PARENT MAY SIGN AN ACKNOWLEDGMENT OF PARENTAGE TO ESTABLISH
26 THE PARENTAGE OF THE CHILD.

27 **19-4.1-302. Execution of acknowledgment of parentage.**

1 (1) AN ACKNOWLEDGMENT OF PARENTAGE UNDER SECTION 19-4.1-301
2 MUST:

3 (a) BE IN A RECORD SIGNED BY THE WOMAN WHO GAVE BIRTH TO
4 THE CHILD AND BY THE INDIVIDUAL SEEKING TO ESTABLISH A
5 PARENT-CHILD RELATIONSHIP, AND THE SIGNATURES MUST BE ATTESTED
6 BY A NOTARIAL OFFICER OR WITNESSED;

7 (b) STATE THAT THE CHILD WHOSE PARENTAGE IS BEING
8 ACKNOWLEDGED:

9 (I) DOES NOT HAVE A PRESUMED PARENT OTHER THAN THE
10 INDIVIDUAL SEEKING TO ESTABLISH THE PARENT-CHILD RELATIONSHIP OR
11 HAS A PRESUMED PARENT WHOSE FULL NAME IS STATED; AND

12 (II) DOES NOT HAVE ANOTHER ACKNOWLEDGED PARENT,
13 ADJUDICATED PARENT, OR INDIVIDUAL WHO IS A PARENT OF THE CHILD
14 UNDER PART 7 OR 8 OF THIS ARTICLE 4.1 OTHER THAN THE WOMAN WHO
15 GAVE BIRTH TO THE CHILD; AND

16 (c) STATE THAT THE SIGNATORIES UNDERSTAND THAT THE
17 ACKNOWLEDGMENT IS THE EQUIVALENT OF AN ADJUDICATION OF
18 PARENTAGE OF THE CHILD AND THAT A CHALLENGE TO THE
19 ACKNOWLEDGMENT IS PERMITTED ONLY UNDER LIMITED CIRCUMSTANCES
20 AND IS BARRED TWO YEARS AFTER THE EFFECTIVE DATE OF THE
21 ACKNOWLEDGMENT.

22 (2) AN ACKNOWLEDGMENT OF PARENTAGE IS VOID IF, AT THE TIME
23 OF SIGNING:

24 (a) AN INDIVIDUAL OTHER THAN THE INDIVIDUAL SEEKING TO
25 ESTABLISH PARENTAGE IS A PRESUMED PARENT, UNLESS A DENIAL OF
26 PARENTAGE BY THE PRESUMED PARENT IN A SIGNED RECORD IS FILED WITH
27 THE STATE REGISTRAR; OR

1 (b) AN INDIVIDUAL, OTHER THAN THE WOMAN WHO GAVE BIRTH TO
2 THE CHILD OR THE INDIVIDUAL SEEKING TO ESTABLISH PARENTAGE, IS AN
3 ACKNOWLEDGED OR ADJUDICATED PARENT OR A PARENT UNDER PART 7 OR
4 8 OF THIS ARTICLE 4.1.

5 **19-4.1-303. Denial of parentage.** (1) A PRESUMED PARENT OR
6 ALLEGED GENETIC PARENT MAY SIGN A DENIAL OF PARENTAGE IN A
7 RECORD. THE DENIAL OF PARENTAGE IS VALID ONLY IF:

8 (a) AN ACKNOWLEDGMENT OF PARENTAGE BY ANOTHER
9 INDIVIDUAL IS FILED UNDER SECTION 19-4.1-305;

10 (b) THE SIGNATURE OF THE PRESUMED PARENT OR ALLEGED
11 GENETIC PARENT IS ATTESTED BY A NOTARIAL OFFICER OR WITNESSED;
12 AND

13 (c) THE PRESUMED PARENT OR ALLEGED GENETIC PARENT HAS NOT
14 PREVIOUSLY:

15 (I) COMPLETED A VALID ACKNOWLEDGMENT OF PARENTAGE,
16 UNLESS THE PREVIOUS ACKNOWLEDGMENT WAS RESCINDED UNDER
17 SECTION 19-4.1-308 OR CHALLENGED SUCCESSFULLY UNDER SECTION
18 19-4.1-309; OR

19 (II) BEEN ADJUDICATED TO BE A PARENT OF THE CHILD.

20 **19-4.1-304. Rules for acknowledgment or denial of parentage.**

21 (1) AN ACKNOWLEDGMENT OF PARENTAGE AND A DENIAL OF PARENTAGE
22 MAY BE CONTAINED IN A SINGLE DOCUMENT OR MAY BE IN COUNTERPARTS
23 AND MAY BE FILED WITH THE STATE REGISTRAR SEPARATELY OR
24 SIMULTANEOUSLY. IF FILING OF THE ACKNOWLEDGMENT AND DENIAL
25 BOTH ARE REQUIRED UNDER THIS ARTICLE 4.1, NEITHER IS EFFECTIVE
26 UNTIL BOTH ARE FILED.

27 (2) AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF

1 PARENTAGE MAY BE SIGNED BEFORE OR AFTER THE BIRTH OF THE CHILD.

2 (3) SUBJECT TO SUBSECTION (1) OF THIS SECTION, AN
3 ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE TAKES
4 EFFECT ON THE BIRTH OF THE CHILD OR FILING OF THE DOCUMENT WITH
5 THE STATE REGISTRAR, WHICHEVER OCCURS LATER.

6 (4) AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF
7 PARENTAGE SIGNED BY A MINOR IS VALID IF THE ACKNOWLEDGMENT
8 COMPLIES WITH THIS ARTICLE 4.1.

9 **19-4.1-305. Effect of acknowledgment or denial of parentage.**

10 (1) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-308 AND
11 19-4.1-309, AN ACKNOWLEDGMENT OF PARENTAGE THAT COMPLIES WITH
12 THIS PART 3 AND IS FILED WITH THE STATE REGISTRAR IS EQUIVALENT TO
13 AN ADJUDICATION OF PARENTAGE OF THE CHILD AND CONFERS ON THE
14 ACKNOWLEDGED PARENT ALL RIGHTS AND DUTIES OF A PARENT.

15 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-308 AND
16 19-4.1-309, A DENIAL OF PARENTAGE BY A PRESUMED PARENT OR
17 ALLEGED GENETIC PARENT THAT COMPLIES WITH THIS PART 3 AND IS FILED
18 WITH THE STATE REGISTRAR WITH AN ACKNOWLEDGMENT OF PARENTAGE
19 THAT COMPLIES WITH THIS PART 3 IS EQUIVALENT TO AN ADJUDICATION OF
20 THE NONPARENTAGE OF THE PRESUMED PARENT OR ALLEGED GENETIC
21 PARENT AND DISCHARGES THE PRESUMED PARENT OR ALLEGED GENETIC
22 PARENT FROM ALL RIGHTS AND DUTIES OF A PARENT.

23 **19-4.1-306. No filing fee.** THE STATE REGISTRAR MAY NOT
24 CHARGE A FEE FOR FILING AN ACKNOWLEDGMENT OF PARENTAGE OR
25 DENIAL OF PARENTAGE.

26 **19-4.1-307. Ratification barred.** A COURT CONDUCTING A
27 JUDICIAL PROCEEDING OR AN ADMINISTRATIVE AGENCY CONDUCTING AN

1 ADMINISTRATIVE PROCEEDING IS NOT REQUIRED OR PERMITTED TO RATIFY
2 AN UNCHALLENGED ACKNOWLEDGMENT OF PARENTAGE.

3 **19-4.1-308. Procedure for rescission.** (1) A SIGNATORY MAY
4 RESCIND AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF PARENTAGE
5 BY FILING WITH THE STATE REGISTRAR A RESCISSION IN A SIGNED RECORD
6 THAT IS ATTESTED BY A NOTARIAL OFFICER OR WITNESSED, BEFORE THE
7 EARLIER OF:

8 (a) SIXTY DAYS AFTER THE EFFECTIVE DATE UNDER SECTION
9 19-4.1-304 OF THE ACKNOWLEDGMENT OR DENIAL; OR

10 (b) THE DATE OF THE FIRST HEARING BEFORE A COURT IN A
11 PROCEEDING, TO WHICH THE SIGNATORY IS A PARTY, TO ADJUDICATE AN
12 ISSUE RELATING TO THE CHILD, INCLUDING A PROCEEDING THAT
13 ESTABLISHES SUPPORT.

14 (2) IF AN ACKNOWLEDGMENT OF PARENTAGE IS RESCINDED UNDER
15 SUBSECTION (1) OF THIS SECTION, AN ASSOCIATED DENIAL OF PARENTAGE
16 IS INVALID, AND THE STATE REGISTRAR SHALL NOTIFY THE WOMAN WHO
17 GAVE BIRTH TO THE CHILD AND THE INDIVIDUAL WHO SIGNED A DENIAL OF
18 PARENTAGE OF THE CHILD THAT THE ACKNOWLEDGMENT HAS BEEN
19 RESCINDED. FAILURE TO GIVE THE NOTICE REQUIRED BY THIS SUBSECTION
20 (2) DOES NOT AFFECT THE VALIDITY OF THE RESCISSION.

21 **19-4.1-309. Challenge after expiration of period for rescission.**

22 (1) AFTER THE PERIOD FOR RESCISSION UNDER SECTION 19-4.1-308
23 EXPIRES, BUT NOT LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE
24 UNDER SECTION 19-4.1-304 OF AN ACKNOWLEDGMENT OF PARENTAGE OR
25 DENIAL OF PARENTAGE, A SIGNATORY OF THE ACKNOWLEDGMENT OR
26 DENIAL MAY COMMENCE A PROCEEDING TO CHALLENGE THE
27 ACKNOWLEDGMENT OR DENIAL, INCLUDING A CHALLENGE BROUGHT

1 UNDER SECTION 19-4.1-614, ONLY ON THE BASIS OF FRAUD, DURESS, OR
2 MATERIAL MISTAKE OF FACT.

3 (2) A CHALLENGE TO AN ACKNOWLEDGMENT OF PARENTAGE OR
4 DENIAL OF PARENTAGE BY AN INDIVIDUAL WHO WAS NOT A SIGNATORY TO
5 THE ACKNOWLEDGMENT OR DENIAL IS GOVERNED BY SECTION 19-4.1-610.

6 **19-4.1-310. Procedure for challenge by signatory.** (1) EVERY
7 SIGNATORY TO AN ACKNOWLEDGMENT OF PARENTAGE AND ANY RELATED
8 DENIAL OF PARENTAGE MUST BE MADE A PARTY TO A PROCEEDING TO
9 CHALLENGE THE ACKNOWLEDGMENT OR DENIAL.

10 (2) BY SIGNING AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL
11 OF PARENTAGE, A SIGNATORY SUBMITS TO PERSONAL JURISDICTION IN THIS
12 STATE IN A PROCEEDING TO CHALLENGE THE ACKNOWLEDGMENT OR
13 DENIAL, EFFECTIVE ON THE FILING OF THE ACKNOWLEDGMENT OR DENIAL
14 WITH THE STATE REGISTRAR.

15 (3) THE COURT MAY NOT SUSPEND THE LEGAL RESPONSIBILITIES
16 ARISING FROM AN ACKNOWLEDGMENT OF PARENTAGE, INCLUDING THE
17 DUTY TO PAY CHILD SUPPORT, DURING THE PENDENCY OF A PROCEEDING
18 TO CHALLENGE THE ACKNOWLEDGMENT OR A RELATED DENIAL OF
19 PARENTAGE, UNLESS THE PARTY CHALLENGING THE ACKNOWLEDGMENT
20 OR DENIAL SHOWS GOOD CAUSE.

21 (4) A PARTY CHALLENGING AN ACKNOWLEDGMENT OF PARENTAGE
22 OR DENIAL OF PARENTAGE HAS THE BURDEN OF PROOF.

23 (5) IF THE COURT DETERMINES THAT A PARTY HAS SATISFIED THE
24 BURDEN OF PROOF UNDER SUBSECTION (4) OF THIS SECTION, THE COURT
25 SHALL ORDER THE STATE REGISTRAR TO AMEND THE BIRTH RECORD OF THE
26 CHILD TO REFLECT THE LEGAL PARENTAGE OF THE CHILD.

27 (6) A PROCEEDING TO CHALLENGE AN ACKNOWLEDGMENT OF

1 PARENTAGE OR DENIAL OF PARENTAGE MUST BE CONDUCTED UNDER PART
2 6 OF THIS ARTICLE 4.1.

3 **19-4.1-311. Full faith and credit.** THE COURT SHALL GIVE FULL
4 FAITH AND CREDIT TO AN ACKNOWLEDGMENT OF PARENTAGE OR DENIAL
5 OF PARENTAGE EFFECTIVE IN ANOTHER STATE IF THE ACKNOWLEDGMENT
6 OR DENIAL WAS IN A SIGNED RECORD AND OTHERWISE COMPLIES WITH LAW
7 OF THE OTHER STATE.

8 **19-4.1-312. Forms for acknowledgment and denial of**
9 **parentage.** (1) THE STATE REGISTRAR SHALL PRESCRIBE FORMS FOR AN
10 ACKNOWLEDGMENT OF PARENTAGE AND DENIAL OF PARENTAGE.

11 (2) A VALID ACKNOWLEDGMENT OF PARENTAGE OR DENIAL OF
12 PARENTAGE IS NOT AFFECTED BY A LATER MODIFICATION OF THE FORM
13 UNDER SUBSECTION (1) OF THIS SECTION.

14 **19-4.1-313. Release of information.** THE STATE REGISTRAR MAY
15 RELEASE INFORMATION RELATING TO AN ACKNOWLEDGMENT OF
16 PARENTAGE OR DENIAL OF PARENTAGE TO A SIGNATORY OF THE
17 ACKNOWLEDGMENT OR DENIAL, A COURT, A FEDERAL AGENCY, AND A
18 CHILD SUPPORT AGENCY OF THIS OR ANOTHER STATE.

19 **19-4.1-314. Adoption of rules.** THE STATE REGISTRAR MAY
20 ADOPT RULES PURSUANT TO ARTICLE 4 OF TITLE 24 TO IMPLEMENT THIS
21 PART 3.

22 PART 4

23 REGISTRY OF PATERNITY

24 SUBPART 1

25 GENERAL PROVISIONS

26 **19-4.1-401. Establishment of registry.** A REGISTRY OF
27 PATERNITY IS ESTABLISHED IN THE OFFICE OF THE STATE REGISTRAR.

1 **19-4.1-402. Registration for notification.** (1) EXCEPT AS
2 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION OR SECTION
3 19-4.1-405, A MAN WHO DESIRES TO BE NOTIFIED OF A PROCEEDING FOR
4 ADOPTION OF, OR TERMINATION OF PARENTAL RIGHTS REGARDING, HIS
5 GENETIC CHILD MUST REGISTER IN THE REGISTRY OF PATERNITY
6 ESTABLISHED BY SECTION 19-4.1-401 BEFORE THE BIRTH OF THE CHILD OR
7 NOT LATER THAN THIRTY DAYS AFTER THE BIRTH.

8 (2) A MAN IS NOT REQUIRED TO REGISTER UNDER SUBSECTION (1)
9 OF THIS SECTION IF:

10 (a) A PARENT-CHILD RELATIONSHIP BETWEEN THE MAN AND THE
11 CHILD HAS BEEN ESTABLISHED UNDER THIS ARTICLE 4.1 OR LAW OF THIS
12 STATE OTHER THAN THIS ARTICLE 4.1; OR

13 (b) THE MAN COMMENCES A PROCEEDING TO ADJUDICATE HIS
14 PARENTAGE BEFORE A COURT HAS TERMINATED HIS PARENTAL RIGHTS.

15 (3) A MAN WHO REGISTERS UNDER SUBSECTION (1) OF THIS
16 SECTION SHALL NOTIFY THE REGISTRY PROMPTLY IN A RECORD OF ANY
17 CHANGE IN THE INFORMATION REGISTERED. THE STATE REGISTRAR SHALL
18 INCORPORATE NEW INFORMATION RECEIVED INTO ITS RECORDS BUT NEED
19 NOT SEEK TO OBTAIN CURRENT INFORMATION FOR INCORPORATION IN THE
20 REGISTRY.

21 **19-4.1-403. Notice of proceeding.** AN INDIVIDUAL WHO SEEKS TO
22 ADOPT A CHILD OR TERMINATE PARENTAL RIGHTS TO THE CHILD SHALL
23 GIVE NOTICE OF THE PROCEEDING TO A MAN WHO HAS REGISTERED TIMELY
24 UNDER SECTION 19-4.1-402 (1) REGARDING THE CHILD. NOTICE MUST BE
25 GIVEN IN A MANNER PRESCRIBED FOR SERVICE OF PROCESS IN A CIVIL
26 PROCEEDING IN THIS STATE.

27 **19-4.1-404. Termination of parental rights: child under one**

1 **year of age.** (1) AN INDIVIDUAL WHO SEEKS TO TERMINATE PARENTAL
2 RIGHTS TO OR ADOPT A CHILD IS NOT REQUIRED TO GIVE NOTICE OF THE
3 PROCEEDING TO A MAN WHO MAY BE THE GENETIC FATHER OF THE CHILD
4 IF:

5 (a) THE CHILD IS UNDER ONE YEAR OF AGE AT THE TIME OF THE
6 TERMINATION OF PARENTAL RIGHTS;

7 (b) THE MAN DID NOT REGISTER TIMELY UNDER SECTION
8 19-4.1-402 (1); AND

9 (c) THE MAN IS NOT EXEMPT FROM REGISTRATION UNDER SECTION
10 19-4.1-402 (2).

11 **19-4.1-405. Termination of parental rights: child at least one**
12 **year of age.** IF A CHILD IS AT LEAST ONE YEAR OF AGE, AN INDIVIDUAL
13 SEEKING TO ADOPT OR TERMINATE PARENTAL RIGHTS TO THE CHILD SHALL
14 GIVE NOTICE OF THE PROCEEDING TO EACH ALLEGED GENETIC FATHER OF
15 THE CHILD, WHETHER OR NOT HE HAS REGISTERED UNDER SECTION
16 19-4.1-402 (1), UNLESS HIS PARENTAL RIGHTS HAVE ALREADY BEEN
17 TERMINATED. NOTICE MUST BE GIVEN IN A MANNER PRESCRIBED FOR
18 SERVICE OF PROCESS IN A CIVIL PROCEEDING IN THIS STATE.

19 SUBPART 2

20 OPERATION OF REGISTRY

21 **19-4.1-406. Required form.** (1) THE STATE REGISTRAR SHALL
22 PRESCRIBE A FORM FOR REGISTERING UNDER SECTION 19-4.1-402 (1). THE
23 FORM MUST STATE THAT:

24 (a) THE MAN WHO REGISTERS SIGNS THE FORM UNDER PENALTY OF
25 PERJURY;

26 (b) TIMELY REGISTRATION ENTITLES THE MAN WHO REGISTERS TO
27 NOTICE OF A PROCEEDING FOR ADOPTION OF THE CHILD OR TERMINATION

1 OF THE PARENTAL RIGHTS OF THE MAN;

2 (c) TIMELY REGISTRATION DOES NOT COMMENCE A PROCEEDING
3 TO ESTABLISH PARENTAGE;

4 (d) THE INFORMATION DISCLOSED ON THE FORM MAY BE USED
5 AGAINST THE MAN WHO REGISTERS TO ESTABLISH PARENTAGE;

6 (e) SERVICES TO ASSIST IN ESTABLISHING PARENTAGE ARE
7 AVAILABLE TO THE MAN WHO REGISTERS THROUGH THE STATE CHILD
8 SUPPORT ENFORCEMENT AGENCY IN THE DEPARTMENT OF HUMAN
9 SERVICES;

10 (f) THE MAN WHO REGISTERS ALSO MAY REGISTER IN A REGISTRY
11 OF PATERNITY IN ANOTHER STATE IF CONCEPTION OR BIRTH OF THE CHILD
12 OCCURRED IN THE OTHER STATE;

13 (g) INFORMATION ON REGISTRIES OF PATERNITY OF OTHER STATES
14 IS AVAILABLE FROM THE STATE CHILD SUPPORT ENFORCEMENT AGENCY IN
15 THE DEPARTMENT OF HUMAN SERVICES; AND

16 (h) PROCEDURES EXIST TO RESCIND THE REGISTRATION.

17 (2) A MAN WHO REGISTERS UNDER SECTION 19-4.1-402 (1) SHALL
18 SIGN THE FORM DESCRIBED IN SUBSECTION (1) OF THIS SECTION UNDER
19 PENALTY OF PERJURY.

20 **19-4.1-407. Furnishing information; confidentiality.** (1) THE
21 STATE REGISTRAR IS NOT REQUIRED TO SEEK TO LOCATE THE WOMAN WHO
22 GAVE BIRTH TO THE CHILD WHO IS THE SUBJECT OF A REGISTRATION UNDER
23 SECTION 19-4.1-402 (1), BUT THE STATE REGISTRAR SHALL GIVE NOTICE
24 OF THE REGISTRATION TO THE WOMAN IF THE STATE REGISTRAR HAS HER
25 ADDRESS.

26 (2) INFORMATION CONTAINED IN THE REGISTRY OF PATERNITY
27 ESTABLISHED BY SECTION 19-4.1-401 IS CONFIDENTIAL AND MAY BE

1 RELEASED ON REQUEST ONLY TO:

2 (a) A COURT OR INDIVIDUAL DESIGNATED BY THE COURT;

3 (b) THE WOMAN WHO GAVE BIRTH TO THE CHILD WHO IS THE
4 SUBJECT OF THE REGISTRATION;

5 (c) AN AGENCY AUTHORIZED BY LAW OF THIS STATE OTHER THAN
6 THIS ARTICLE 4.1, THE LAW OF ANOTHER STATE, OR FEDERAL LAW TO
7 RECEIVE THE INFORMATION;

8 (d) A LICENSED CHILD PLACING AGENCY;

9 (e) A CHILD SUPPORT AGENCY;

10 (f) A PARTY OR THE PARTY'S ATTORNEY OF RECORD IN A
11 PROCEEDING UNDER THIS ARTICLE 4.1 OR IN A PROCEEDING TO ADOPT OR
12 TERMINATE PARENTAL RIGHTS TO THE CHILD WHO IS THE SUBJECT OF THE
13 REGISTRATION; AND

14 (g) A REGISTRY OF PATERNITY IN ANOTHER STATE.

15 **19-4.1-408. Penalty for releasing information.** AN INDIVIDUAL
16 WHO INTENTIONALLY RELEASES INFORMATION FROM THE REGISTRY OF
17 PATERNITY ESTABLISHED BY SECTION 19-4.1-401 TO AN INDIVIDUAL OR
18 AGENCY NOT AUTHORIZED UNDER SECTION 19-4.1-407(2) TO RECEIVE THE
19 INFORMATION COMMITS A CLASS 1 MISDEMEANOR.

20 **19-4.1-409. Rescission of registration.** A MAN WHO REGISTERS
21 UNDER SECTION 19-4.1-402 (1) MAY RESCIND HIS REGISTRATION AT ANY
22 TIME BY FILING WITH THE REGISTRY OF PATERNITY ESTABLISHED BY
23 SECTION 19-4.1-401 A RESCISSION IN A SIGNED RECORD THAT IS ATTESTED
24 BY A NOTARIAL OFFICER OR WITNESSED.

25 **19-4.1-410. Untimely registration.** IF A MAN REGISTERS UNDER
26 SECTION 19-4.1-402 (1) MORE THAN THIRTY DAYS AFTER THE BIRTH OF
27 THE CHILD, THE STATE REGISTRAR SHALL NOTIFY THE MAN WHO REGISTERS

1 THAT, BASED ON A REVIEW OF THE REGISTRATION, THE REGISTRATION WAS
2 NOT FILED TIMELY.

3 **19-4.1-411. Fees for registry.** (1) THE STATE REGISTRAR MAY
4 NOT CHARGE A FEE FOR FILING A REGISTRATION UNDER SECTION
5 19-4.1-402 (1) OR RESCISSION OF REGISTRATION UNDER SECTION
6 19-4.1-409.

7 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
8 SECTION, THE STATE REGISTRAR MAY CHARGE A REASONABLE FEE TO
9 SEARCH THE REGISTRY OF PATERNITY ESTABLISHED BY SECTION
10 19-4.1-401 AND FOR FURNISHING A CERTIFICATE OF SEARCH UNDER
11 SECTION 19-4.1-414.

12 (3) A CHILD SUPPORT ENFORCEMENT AGENCY AND OTHER
13 APPROPRIATE AGENCIES, IF ANY, ARE NOT REQUIRED TO PAY A FEE
14 AUTHORIZED BY SUBSECTION (2) OF THIS SECTION.

15 SUBPART 3

16 SEARCH OF REGISTRY

17 **19-4.1-412. Child born through assisted reproduction: search**
18 **of registry inapplicable.** THIS SUBPART 3 DOES NOT APPLY TO A CHILD
19 BORN THROUGH ASSISTED REPRODUCTION.

20 **19-4.1-413. Search of appropriate registry.** (1) IF A
21 PARENT-CHILD RELATIONSHIP HAS NOT BEEN ESTABLISHED UNDER THIS
22 ARTICLE 4.1 BETWEEN A CHILD WHO IS UNDER ONE YEAR OF AGE AND AN
23 INDIVIDUAL OTHER THAN THE WOMAN WHO GAVE BIRTH TO THE CHILD:

24 (a) AN INDIVIDUAL SEEKING TO ADOPT OR TERMINATE PARENTAL
25 RIGHTS TO THE CHILD SHALL OBTAIN A CERTIFICATE OF SEARCH UNDER
26 SECTION 19-4.1-414 TO DETERMINE IF A REGISTRATION HAS BEEN FILED IN
27 THE REGISTRY OF PATERNITY ESTABLISHED BY SECTION 19-4.1-401

1 REGARDING THE CHILD; AND

2 (b) IF THE INDIVIDUAL HAS REASON TO BELIEVE THAT CONCEPTION
3 OR BIRTH OF THE CHILD MAY HAVE OCCURRED IN ANOTHER STATE, THE
4 INDIVIDUAL SHALL OBTAIN A CERTIFICATE OF SEARCH FROM THE REGISTRY
5 OF PATERNITY, IF ANY, IN THAT STATE.

6 **19-4.1-414. Certificate of search of registry.** (1) THE REGISTER
7 SHALL FURNISH A CERTIFICATE OF SEARCH OF THE REGISTRY OF PATERNITY
8 ESTABLISHED BY SECTION 19-4.1-401 ON REQUEST TO AN INDIVIDUAL,
9 COURT, OR AGENCY IDENTIFIED IN SECTION 19-4.1-407 (2) OR AN
10 INDIVIDUAL REQUIRED UNDER SECTION 19-4.1-413 (1)(a) TO OBTAIN A
11 CERTIFICATE.

12 (2) A CERTIFICATE FURNISHED UNDER SUBSECTION (1) OF THIS
13 SECTION:

14 (a) MUST BE SIGNED ON BEHALF OF THE STATE REGISTRAR AND
15 STATE THAT:

16 (I) A SEARCH HAS BEEN MADE OF THE REGISTRY; AND

17 (II) A REGISTRATION UNDER SECTION 19-4.1-402 (1) CONTAINING
18 THE INFORMATION REQUIRED TO IDENTIFY THE MAN WHO REGISTERS:

19 (A) HAS BEEN FOUND; OR

20 (B) HAS NOT BEEN FOUND; AND

21 (b) IF SUBSECTION (2)(a)(II)(A) OF THIS SECTION APPLIES, MUST
22 HAVE A COPY OF THE REGISTRATION ATTACHED.

23 (3) AN INDIVIDUAL SEEKING TO ADOPT OR TERMINATE PARENTAL
24 RIGHTS TO A CHILD MUST FILE WITH THE COURT THE CERTIFICATE OF
25 SEARCH FURNISHED UNDER SUBSECTION (1) OF THIS SECTION AND SECTION
26 19-4.1-413 (1)(b), IF APPLICABLE, BEFORE A PROCEEDING TO ADOPT OR
27 TERMINATE PARENTAL RIGHTS TO THE CHILD MAY BE CONCLUDED.

1 COMPARES THE PROBABILITY OF A GENETIC MARKER GIVEN A
2 HYPOTHESIZED GENETIC RELATIONSHIP AND THE PROBABILITY OF THE
3 GENETIC MARKER GIVEN A GENETIC RELATIONSHIP BETWEEN THE CHILD
4 AND A RANDOM INDIVIDUAL OF THE ETHNIC OR RACIAL GROUP USED IN THE
5 HYPOTHESIZED GENETIC RELATIONSHIP.

6 **19-4.1-502. Scope of part 5; limitation on use of genetic testing.**

7 (1) THIS PART 5 GOVERNS GENETIC TESTING OF AN INDIVIDUAL IN A
8 PROCEEDING TO ADJUDICATE PARENTAGE, WHETHER THE INDIVIDUAL:

- 9 (a) VOLUNTARILY SUBMITS TO TESTING; OR
- 10 (b) IS TESTED UNDER AN ORDER OF THE COURT OR A CHILD
11 SUPPORT AGENCY.

12 (2) GENETIC TESTING MAY NOT BE USED:

- 13 (a) TO CHALLENGE THE PARENTAGE OF AN INDIVIDUAL WHO IS A
14 PARENT UNDER PART 7 OR 8 OF THIS ARTICLE 4.1; OR
- 15 (b) TO ESTABLISH THE PARENTAGE OF AN INDIVIDUAL WHO IS A
16 DONOR.

17 **19-4.1-503. Authority to order or deny genetic testing.**

18 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 5 OR PART 6 OF THIS
19 ARTICLE 4.1, IN A PROCEEDING UNDER THIS ARTICLE 4.1 TO DETERMINE
20 PARENTAGE, THE COURT SHALL ORDER THE CHILD AND ANY OTHER
21 INDIVIDUAL TO SUBMIT TO GENETIC TESTING IF A REQUEST FOR TESTING IS
22 SUPPORTED BY THE SWORN STATEMENT OF A PARTY:

- 23 (a) ALLEGING A REASONABLE POSSIBILITY THAT THE INDIVIDUAL
24 IS THE CHILD'S GENETIC PARENT; OR
- 25 (b) DENYING GENETIC PARENTAGE OF THE CHILD AND STATING
26 FACTS ESTABLISHING A REASONABLE POSSIBILITY THAT THE INDIVIDUAL
27 IS NOT A GENETIC PARENT.

1 (2) A CHILD SUPPORT AGENCY MAY ORDER GENETIC TESTING ONLY
2 IF THERE IS NO PRESUMED, ACKNOWLEDGED, OR ADJUDICATED PARENT OF
3 A CHILD OTHER THAN THE WOMAN WHO GAVE BIRTH TO THE CHILD.

4 (3) THE COURT OR CHILD SUPPORT AGENCY MAY NOT ORDER IN
5 UTERO GENETIC TESTING.

6 (4) IF TWO OR MORE INDIVIDUALS ARE SUBJECT TO
7 COURT-ORDERED GENETIC TESTING, THE COURT MAY ORDER THAT TESTING
8 BE COMPLETED CONCURRENTLY OR SEQUENTIALLY.

9 (5) GENETIC TESTING OF A WOMAN WHO GAVE BIRTH TO A CHILD
10 IS NOT A CONDITION PRECEDENT TO TESTING OF THE CHILD AND AN
11 INDIVIDUAL WHOSE GENETIC PARENTAGE OF THE CHILD IS BEING
12 DETERMINED. IF THE WOMAN IS UNAVAILABLE OR DECLINES TO SUBMIT TO
13 GENETIC TESTING, THE COURT MAY ORDER GENETIC TESTING OF THE CHILD
14 AND EACH INDIVIDUAL WHOSE GENETIC PARENTAGE OF THE CHILD IS BEING
15 ADJUDICATED.

16 (6) IN A PROCEEDING TO ADJUDICATE THE PARENTAGE OF A CHILD
17 HAVING A PRESUMED PARENT OR AN INDIVIDUAL WHO CLAIMS TO BE A
18 PARENT UNDER SECTION 19-4.1-609, OR TO CHALLENGE AN
19 ACKNOWLEDGMENT OF PARENTAGE, THE COURT MAY DENY A MOTION FOR
20 GENETIC TESTING OF THE CHILD AND ANY OTHER INDIVIDUAL AFTER
21 CONSIDERING THE FACTORS IN SECTION 19-4.1-613 (1) AND (2).

22 (7) IF AN INDIVIDUAL REQUESTING GENETIC TESTING IS BARRED
23 UNDER PART 6 OF THIS ARTICLE 4.1 FROM ESTABLISHING THE INDIVIDUAL'S
24 PARENTAGE, THE COURT SHALL DENY THE REQUEST FOR GENETIC TESTING.

25 (8) AN ORDER UNDER THIS SECTION FOR GENETIC TESTING IS
26 ENFORCEABLE BY CONTEMPT.

27 **19-4.1-504. Requirements for genetic testing.** (1) GENETIC

1 TESTING MUST BE OF A TYPE REASONABLY RELIED ON BY EXPERTS IN THE
2 FIELD OF GENETIC TESTING AND PERFORMED IN A TESTING LABORATORY
3 ACCREDITED BY:

4 (a) THE AABB, FORMERLY KNOWN AS THE AMERICAN
5 ASSOCIATION OF BLOOD BANKS, OR A SUCCESSOR TO ITS FUNCTIONS; OR

6 (b) AN ACCREDITING BODY DESIGNATED BY THE SECRETARY OF
7 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

8 (2) A SPECIMEN USED IN GENETIC TESTING MAY CONSIST OF A
9 SAMPLE OR A COMBINATION OF SAMPLES OF BLOOD, BUCCAL CELLS, BONE,
10 HAIR, OR OTHER BODY TISSUE OR FLUID. THE SPECIMEN USED IN THE
11 TESTING NEED NOT BE OF THE SAME KIND FOR EACH INDIVIDUAL
12 UNDERGOING GENETIC TESTING.

13 (3) BASED ON THE ETHNIC OR RACIAL GROUP OF AN INDIVIDUAL
14 UNDERGOING GENETIC TESTING, A TESTING LABORATORY SHALL
15 DETERMINE THE DATABASES FROM WHICH TO SELECT FREQUENCIES FOR
16 USE IN CALCULATING A RELATIONSHIP INDEX. IF AN INDIVIDUAL OR A
17 CHILD SUPPORT AGENCY OBJECTS TO THE LABORATORY'S CHOICE, THE
18 FOLLOWING RULES APPLY:

19 (a) NOT LATER THAN THIRTY DAYS AFTER RECEIPT OF THE REPORT
20 OF THE TEST, THE OBJECTING INDIVIDUAL OR CHILD SUPPORT AGENCY MAY
21 REQUEST THE COURT TO REQUIRE THE LABORATORY TO RECALCULATE THE
22 RELATIONSHIP INDEX USING AN ETHNIC OR RACIAL GROUP DIFFERENT
23 FROM THAT USED BY THE LABORATORY.

24 (b) THE INDIVIDUAL OR THE CHILD SUPPORT AGENCY OBJECTING
25 TO THE LABORATORY'S CHOICE UNDER THIS SUBSECTION (3)(b) SHALL:

26 (I) IF THE REQUESTED FREQUENCIES ARE NOT AVAILABLE TO THE
27 LABORATORY FOR THE ETHNIC OR RACIAL GROUP REQUESTED, PROVIDE

1 THE REQUESTED FREQUENCIES COMPILED IN A MANNER RECOGNIZED BY
2 ACCREDITING BODIES;

3 (II) ENGAGE ANOTHER LABORATORY TO PERFORM THE
4 CALCULATIONS; OR

5 (III) THE LABORATORY MAY USE ITS OWN STATISTICAL ESTIMATE
6 IF THERE IS A QUESTION WHICH ETHNIC OR RACIAL GROUP IS APPROPRIATE.
7 THE LABORATORY SHALL CALCULATE THE FREQUENCIES USING
8 STATISTICS, IF AVAILABLE, FOR ANY OTHER ETHNIC OR RACIAL GROUP
9 REQUESTED.

10 (4) IF, AFTER RECALCULATION OF THE RELATIONSHIP INDEX UNDER
11 SUBSECTION (3) OF THIS SECTION USING A DIFFERENT ETHNIC OR RACIAL
12 GROUP, GENETIC TESTING UNDER SECTION 19-4.1-506 DOES NOT IDENTIFY
13 AN INDIVIDUAL AS A GENETIC PARENT OF A CHILD, THE COURT MAY
14 REQUIRE AN INDIVIDUAL WHO HAS BEEN TESTED TO SUBMIT TO
15 ADDITIONAL GENETIC TESTING TO IDENTIFY A GENETIC PARENT.

16 **19-4.1-505. Report of genetic testing.** (1) A REPORT OF GENETIC
17 TESTING MUST BE IN A RECORD AND SIGNED UNDER PENALTY OF PERJURY
18 BY A DESIGNEE OF THE TESTING LABORATORY. A REPORT COMPLYING WITH
19 THE REQUIREMENTS OF THIS PART 5 IS SELF-AUTHENTICATING.

20 (2) DOCUMENTATION FROM A TESTING LABORATORY OF THE
21 FOLLOWING INFORMATION IS SUFFICIENT TO ESTABLISH A RELIABLE CHAIN
22 OF CUSTODY AND ALLOW THE RESULTS OF GENETIC TESTING TO BE
23 ADMISSIBLE WITHOUT TESTIMONY:

24 (a) THE NAME AND PHOTOGRAPH OF EACH INDIVIDUAL WHOSE
25 SPECIMEN HAS BEEN TAKEN;

26 (b) THE NAME OF THE INDIVIDUAL WHO COLLECTED EACH
27 SPECIMEN;

- 1 (c) THE PLACE AND DATE EACH SPECIMEN WAS COLLECTED;
2 (d) THE NAME OF THE INDIVIDUAL WHO RECEIVED EACH SPECIMEN
3 IN THE TESTING LABORATORY; AND
4 (e) THE DATE EACH SPECIMEN WAS RECEIVED.

5 **19-4.1-506. Genetic testing results; challenge to results.**

6 (1) SUBJECT TO A CHALLENGE UNDER SUBSECTION (2) OF THIS SECTION,
7 AN INDIVIDUAL IS IDENTIFIED UNDER THIS ARTICLE 4.1 AS A GENETIC
8 PARENT OF A CHILD IF GENETIC TESTING COMPLIES WITH THIS PART 5 AND
9 THE RESULTS OF THE TESTING DISCLOSE:

10 (a) THE INDIVIDUAL HAS AT LEAST A NINETY-NINE PERCENT
11 PROBABILITY OF PARENTAGE, USING A PRIOR PROBABILITY OF 0.50, AS
12 CALCULATED BY USING THE COMBINED RELATIONSHIP INDEX OBTAINED IN
13 THE TESTING; AND

14 (b) A COMBINED RELATIONSHIP INDEX OF AT LEAST ONE HUNDRED
15 TO ONE.

16 (2) AN INDIVIDUAL IDENTIFIED UNDER SUBSECTION (1) OF THIS
17 SECTION AS A GENETIC PARENT OF THE CHILD MAY CHALLENGE THE
18 GENETIC TESTING RESULTS ONLY BY OTHER GENETIC TESTING SATISFYING
19 THE REQUIREMENTS OF THIS PART 5 THAT:

20 (a) EXCLUDES THE INDIVIDUAL AS A GENETIC PARENT OF THE
21 CHILD; OR

22 (b) IDENTIFIES ANOTHER INDIVIDUAL AS A POSSIBLE GENETIC
23 PARENT OF THE CHILD OTHER THAN:

24 (I) THE WOMAN WHO GAVE BIRTH TO THE CHILD; OR

25 (II) THE INDIVIDUAL IDENTIFIED UNDER SUBSECTION (1) OF THIS
26 SECTION.

27 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-511, IF

1 MORE THAN ONE INDIVIDUAL OTHER THAN THE WOMAN WHO GAVE BIRTH
2 IS IDENTIFIED BY GENETIC TESTING AS A POSSIBLE GENETIC PARENT OF THE
3 CHILD, THE COURT SHALL ORDER EACH INDIVIDUAL TO SUBMIT TO
4 FURTHER GENETIC TESTING TO IDENTIFY A GENETIC PARENT.

5 **19-4.1-507. Cost of genetic testing.** (1) SUBJECT TO ASSESSMENT
6 OF FEES UNDER PART 6 OF THIS ARTICLE 4.1, PAYMENT OF THE COST OF
7 INITIAL GENETIC TESTING MUST BE MADE IN ADVANCE:

8 (a) BY A CHILD SUPPORT AGENCY IN A PROCEEDING IN WHICH THE
9 CHILD SUPPORT AGENCY IS PROVIDING SERVICES;

10 (b) BY THE INDIVIDUAL WHO MADE THE REQUEST FOR GENETIC
11 TESTING;

12 (c) AS AGREED BY THE PARTIES; OR

13 (d) AS ORDERED BY THE COURT.

14 (2) IF THE COST OF GENETIC TESTING IS PAID BY A CHILD SUPPORT
15 AGENCY, THE AGENCY MAY SEEK REIMBURSEMENT FROM THE GENETIC
16 PARENT WHOSE PARENT-CHILD RELATIONSHIP IS ESTABLISHED.

17 **19-4.1-508. Additional genetic testing.** THE COURT OR CHILD
18 SUPPORT AGENCY SHALL ORDER ADDITIONAL GENETIC TESTING ON
19 REQUEST OF AN INDIVIDUAL WHO CONTESTS THE RESULT OF THE INITIAL
20 TESTING UNDER SECTION 19-4.1-506. IF INITIAL GENETIC TESTING UNDER
21 SECTION 19-4.1-506 IDENTIFIED AN INDIVIDUAL AS A GENETIC PARENT OF
22 THE CHILD, THE COURT OR AGENCY MAY NOT ORDER ADDITIONAL TESTING
23 UNLESS THE CONTESTING INDIVIDUAL PAYS FOR THE TESTING IN ADVANCE.

24 **19-4.1-509. Genetic testing when specimen not available.**

25 (1) SUBJECT TO SUBSECTION (2) OF THIS SECTION, IF A GENETIC-TESTING
26 SPECIMEN IS NOT AVAILABLE FROM AN ALLEGED GENETIC PARENT OF A
27 CHILD, AN INDIVIDUAL SEEKING GENETIC TESTING DEMONSTRATES GOOD

1 CAUSE, AND THE COURT FINDS THAT THE CIRCUMSTANCES ARE JUST, THE
2 COURT MAY ORDER ANY OF THE FOLLOWING INDIVIDUALS TO SUBMIT
3 SPECIMENS FOR GENETIC TESTING:

- 4 (a) A PARENT OF THE ALLEGED GENETIC PARENT;
- 5 (b) A SIBLING OF THE ALLEGED GENETIC PARENT;
- 6 (c) ANOTHER CHILD OF THE ALLEGED GENETIC PARENT AND THE
7 WOMAN WHO GAVE BIRTH TO THE OTHER CHILD; AND
- 8 (d) ANOTHER RELATIVE OF THE ALLEGED GENETIC PARENT
9 NECESSARY TO COMPLETE GENETIC TESTING.

10 (2) TO ISSUE AN ORDER UNDER THIS SECTION, THE COURT MUST
11 FIND THAT A NEED FOR GENETIC TESTING OUTWEIGHS THE LEGITIMATE
12 INTERESTS OF THE INDIVIDUAL SOUGHT TO BE TESTED.

13 **19-4.1-510. Deceased individual.** IF AN INDIVIDUAL SEEKING
14 GENETIC TESTING DEMONSTRATES GOOD CAUSE, THE COURT MAY ORDER
15 GENETIC TESTING OF A DECEASED INDIVIDUAL.

16 **19-4.1-511. Identical siblings.** (1) IF THE COURT FINDS THERE IS
17 REASON TO BELIEVE THAT AN ALLEGED GENETIC PARENT HAS AN
18 IDENTICAL SIBLING AND EVIDENCE THAT THE SIBLING MAY BE A GENETIC
19 PARENT OF THE CHILD, THE COURT MAY ORDER GENETIC TESTING OF THE
20 SIBLING.

21 (2) IF MORE THAN ONE SIBLING IS IDENTIFIED UNDER SECTION
22 19-4.1-506 AS A GENETIC PARENT OF THE CHILD, THE COURT MAY RELY ON
23 NONGENETIC EVIDENCE TO ADJUDICATE WHICH SIBLING IS A GENETIC
24 PARENT OF THE CHILD.

25 **19-4.1-512. Confidentiality of genetic testing.** (1) RELEASE OF
26 A REPORT OF GENETIC TESTING FOR PARENTAGE IS CONTROLLED BY LAW
27 OF THIS STATE OTHER THAN THIS ARTICLE 4.1.

1 (e) A CHILD SUPPORT AGENCY OR OTHER GOVERNMENTAL AGENCY
2 AUTHORIZED BY LAW OF THIS STATE OTHER THAN THIS ARTICLE 4.1;

3 (f) AN ADOPTION AGENCY AUTHORIZED BY LAW OF THIS STATE
4 OTHER THAN THIS ARTICLE 4.1 OR A LICENSED CHILD PLACEMENT AGENCY;
5 OR

6 (g) A REPRESENTATIVE AUTHORIZED BY LAW OF THIS STATE OTHER
7 THAN THIS ARTICLE 4.1 TO ACT FOR AN INDIVIDUAL WHO OTHERWISE
8 WOULD BE ENTITLED TO MAINTAIN A PROCEEDING BUT IS DECEASED,
9 INCAPACITATED, OR A MINOR.

10 **19-4.1-603. Notice of proceeding.** (1) THE PETITIONER SHALL
11 GIVE NOTICE OF A PROCEEDING TO ADJUDICATE PARENTAGE TO THE
12 FOLLOWING INDIVIDUALS:

13 (a) THE WOMAN WHO GAVE BIRTH TO THE CHILD, UNLESS A COURT
14 HAS ADJUDICATED THAT SHE IS NOT A PARENT;

15 (b) AN INDIVIDUAL WHO IS A PARENT OF THE CHILD UNDER THIS
16 ARTICLE 4.1;

17 (c) A PRESUMED, ACKNOWLEDGED, OR ADJUDICATED PARENT OF
18 THE CHILD; AND

19 (d) AN INDIVIDUAL WHOSE PARENTAGE OF THE CHILD IS TO BE
20 ADJUDICATED.

21 (2) AN INDIVIDUAL ENTITLED TO NOTICE UNDER SUBSECTION (1)
22 OF THIS SECTION HAS A RIGHT TO INTERVENE IN THE PROCEEDING.

23 (3) LACK OF NOTICE REQUIRED BY SUBSECTION (1) OF THIS
24 SECTION DOES NOT RENDER A JUDGMENT VOID. LACK OF NOTICE DOES NOT
25 PRECLUDE AN INDIVIDUAL ENTITLED TO NOTICE UNDER SUBSECTION (1) OF
26 THIS SECTION FROM BRINGING A PROCEEDING UNDER SECTION 19-4.1-611
27 (1).

1 (2) A PARTY MAY OBJECT TO THE ADMISSION OF A REPORT
2 DESCRIBED IN SUBSECTION (1) OF THIS SECTION NOT LATER THAN
3 FOURTEEN DAYS AFTER THE PARTY RECEIVES THE REPORT. THE PARTY
4 SHALL CITE SPECIFIC GROUNDS FOR EXCLUSION.

5 (3) A PARTY THAT OBJECTS TO THE RESULTS OF GENETIC TESTING
6 MAY CALL A GENETIC-TESTING EXPERT TO TESTIFY IN PERSON OR BY
7 ANOTHER METHOD APPROVED BY THE COURT. UNLESS THE COURT ORDERS
8 OTHERWISE, THE PARTY OFFERING THE TESTIMONY BEARS THE EXPENSE
9 FOR THE EXPERT TESTIFYING.

10 (4) ADMISSIBILITY OF A REPORT OF GENETIC TESTING IS NOT
11 AFFECTED BY WHETHER THE TESTING WAS PERFORMED:

12 (a) VOLUNTARILY OR UNDER AN ORDER OF THE COURT OR A CHILD
13 SUPPORT AGENCY; OR

14 (b) BEFORE, ON, OR AFTER COMMENCEMENT OF THE PROCEEDING.

15 **19-4.1-607. Adjudicating parentage of child with alleged**
16 **genetic parent.** (1) A PROCEEDING TO DETERMINE WHETHER AN ALLEGED
17 GENETIC PARENT WHO IS NOT A PRESUMED PARENT IS A PARENT OF A CHILD
18 MAY BE COMMENCED:

19 (a) BEFORE THE CHILD BECOMES AN ADULT; OR

20 (b) AFTER THE CHILD BECOMES AN ADULT, BUT ONLY IF THE CHILD
21 INITIATES THE PROCEEDING.

22 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614, THIS
23 SUBSECTION (2) APPLIES IN A PROCEEDING DESCRIBED IN SUBSECTION (1)
24 OF THIS SECTION IF THE WOMAN WHO GAVE BIRTH TO THE CHILD IS THE
25 ONLY OTHER INDIVIDUAL WITH A CLAIM TO PARENTAGE OF THE CHILD. THE
26 COURT SHALL ADJUDICATE AN ALLEGED GENETIC PARENT TO BE A PARENT
27 OF THE CHILD IF THE ALLEGED GENETIC PARENT:

1 (a) IS IDENTIFIED UNDER SECTION 19-4.1-506 AS A GENETIC
2 PARENT OF THE CHILD AND THE IDENTIFICATION IS NOT SUCCESSFULLY
3 CHALLENGED UNDER SECTION 19-4.1-506;

4 (b) ADMITS PARENTAGE IN A PLEADING, WHEN MAKING AN
5 APPEARANCE, OR DURING A HEARING, THE COURT ACCEPTS THE
6 ADMISSION, AND THE COURT DETERMINES THE ALLEGED GENETIC PARENT
7 TO BE A PARENT OF THE CHILD;

8 (c) DECLINES TO SUBMIT TO GENETIC TESTING ORDERED BY THE
9 COURT OR A CHILD SUPPORT AGENCY, IN WHICH CASE THE COURT MAY
10 ADJUDICATE THE ALLEGED GENETIC PARENT TO BE A PARENT OF THE CHILD
11 EVEN IF THE ALLEGED GENETIC PARENT DENIES A GENETIC RELATIONSHIP
12 WITH THE CHILD;

13 (d) IS IN DEFAULT AFTER SERVICE OF PROCESS AND THE COURT
14 DETERMINES THE ALLEGED GENETIC PARENT TO BE A PARENT OF THE
15 CHILD; OR

16 (e) IS NEITHER IDENTIFIED NOR EXCLUDED AS A GENETIC PARENT
17 BY GENETIC TESTING AND, BASED ON OTHER EVIDENCE, THE COURT
18 DETERMINES THE ALLEGED GENETIC PARENT TO BE A PARENT OF THE
19 CHILD.

20 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614 AND
21 SUBJECT TO OTHER LIMITATIONS IN THIS SUBPART 2, IF IN A PROCEEDING
22 INVOLVING AN ALLEGED GENETIC PARENT, AT LEAST ONE OTHER
23 INDIVIDUAL IN ADDITION TO THE WOMAN WHO GAVE BIRTH TO THE CHILD
24 HAS A CLAIM TO PARENTAGE OF THE CHILD, THE COURT SHALL ADJUDICATE
25 PARENTAGE UNDER SECTION 19-4.1-613.

26 **19-4.1-608. Adjudicating parentage of child with presumed**
27 **parent.** (1) A PROCEEDING TO DETERMINE WHETHER A PRESUMED PARENT

1 IS A PARENT OF A CHILD MAY BE COMMENCED:

2 (a) BEFORE THE CHILD BECOMES AN ADULT; OR

3 (b) AFTER THE CHILD BECOMES AN ADULT, BUT ONLY IF THE CHILD
4 INITIATES THE PROCEEDING.

5 (2) A PRESUMPTION OF PARENTAGE UNDER SECTION 19-4.1-204
6 CANNOT BE OVERCOME AFTER THE CHILD ATTAINS TWO YEARS OF AGE
7 UNLESS THE COURT DETERMINES:

8 (a) THE PRESUMED PARENT IS NOT A GENETIC PARENT, NEVER
9 RESIDED WITH THE CHILD, AND NEVER HELD OUT THE CHILD AS THE
10 PRESUMED PARENT'S CHILD; OR

11 (b) THE CHILD HAS MORE THAN ONE PRESUMED PARENT.

12 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614, THE
13 FOLLOWING RULES APPLY IN A PROCEEDING TO ADJUDICATE A PRESUMED
14 PARENT'S PARENTAGE OF A CHILD IF THE WOMAN WHO GAVE BIRTH TO THE
15 CHILD IS THE ONLY OTHER INDIVIDUAL WITH A CLAIM TO PARENTAGE OF
16 THE CHILD:

17 (a) IF NO PARTY TO THE PROCEEDING CHALLENGES THE PRESUMED
18 PARENT'S PARENTAGE OF THE CHILD, THE COURT SHALL ADJUDICATE THE
19 PRESUMED PARENT TO BE A PARENT OF THE CHILD;

20 (b) IF THE PRESUMED PARENT IS IDENTIFIED UNDER SECTION
21 19-4.1-506 AS A GENETIC PARENT OF THE CHILD AND THAT IDENTIFICATION
22 IS NOT SUCCESSFULLY CHALLENGED UNDER SECTION 19-4.1-506, THE
23 COURT SHALL ADJUDICATE THE PRESUMED PARENT TO BE A PARENT OF THE
24 CHILD; AND

25 (c) IF THE PRESUMED PARENT IS NOT IDENTIFIED UNDER SECTION
26 19-4.1-506 AS A GENETIC PARENT OF THE CHILD AND THE PRESUMED
27 PARENT OR THE WOMAN WHO GAVE BIRTH TO THE CHILD CHALLENGES THE

1 PRESUMED PARENT'S PARENTAGE OF THE CHILD, THE COURT SHALL
2 ADJUDICATE THE PARENTAGE OF THE CHILD IN THE BEST INTEREST OF THE
3 CHILD BASED ON THE FACTORS UNDER SECTION 19-4.1-613 (1) AND (2).

4 (4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614 AND
5 SUBJECT TO OTHER LIMITATIONS IN THIS SUBPART 2, IF IN A PROCEEDING
6 TO ADJUDICATE A PRESUMED PARENT'S PARENTAGE OF A CHILD, ANOTHER
7 INDIVIDUAL IN ADDITION TO THE WOMAN WHO GAVE BIRTH TO THE CHILD
8 ASSERTS A CLAIM TO PARENTAGE OF THE CHILD, THE COURT SHALL
9 ADJUDICATE PARENTAGE UNDER SECTION 19-4.1-613.

10 **19-4.1-609. Adjudicating claim of de facto parentage of child.**

11 (1) A PROCEEDING TO ESTABLISH PARENTAGE OF A CHILD UNDER THIS
12 SECTION MAY BE COMMENCED ONLY BY AN INDIVIDUAL WHO:

13 (a) IS ALIVE WHEN THE PROCEEDING IS COMMENCED; AND

14 (b) CLAIMS TO BE A DE FACTO PARENT OF THE CHILD.

15 (2) AN INDIVIDUAL WHO CLAIMS TO BE A DE FACTO PARENT OF A
16 CHILD MUST COMMENCE A PROCEEDING TO ESTABLISH PARENTAGE OF A
17 CHILD UNDER THIS SECTION:

18 (a) BEFORE THE CHILD ATTAINS EIGHTEEN YEARS OF AGE; AND

19 (b) WHILE THE CHILD IS ALIVE.

20 (3) THE FOLLOWING RULES GOVERN STANDING OF AN INDIVIDUAL
21 WHO CLAIMS TO BE A DE FACTO PARENT OF A CHILD TO MAINTAIN A
22 PROCEEDING UNDER THIS SECTION:

23 (a) THE INDIVIDUAL MUST FILE AN INITIAL VERIFIED PLEADING
24 ALLEGING SPECIFIC FACTS THAT SUPPORT THE CLAIM TO PARENTAGE OF
25 THE CHILD ASSERTED UNDER THIS SECTION. THE VERIFIED PLEADING MUST
26 BE SERVED ON ALL PARENTS AND LEGAL GUARDIANS OF THE CHILD AND
27 ANY OTHER PARTY TO THE PROCEEDING.

1 (b) AN ADVERSE PARTY, PARENT, OR LEGAL GUARDIAN MAY FILE
2 A PLEADING IN RESPONSE TO THE PLEADING FILED UNDER SUBSECTION
3 (3)(a) OF THIS SECTION. A RESPONSIVE PLEADING MUST BE VERIFIED AND
4 MUST BE SERVED ON PARTIES TO THE PROCEEDING.

5 (c) UNLESS THE COURT FINDS A HEARING IS NECESSARY TO
6 DETERMINE DISPUTED FACTS MATERIAL TO THE ISSUE OF STANDING, THE
7 COURT SHALL DETERMINE, BASED ON THE PLEADINGS UNDER SUBSECTIONS
8 (3)(a) AND (3)(b) OF THIS SECTION, WHETHER THE INDIVIDUAL HAS
9 ALLEGED FACTS SUFFICIENT TO SATISFY BY A PREPONDERANCE OF THE
10 EVIDENCE THE REQUIREMENTS OF SUBSECTIONS (4)(a) TO (4)(g) OF THIS
11 SECTION. IF THE COURT HOLDS A HEARING UNDER THIS SUBSECTION (3),
12 THE HEARING MUST BE HELD ON AN EXPEDITED BASIS.

13 (4) IN A PROCEEDING TO ADJUDICATE PARENTAGE OF AN
14 INDIVIDUAL WHO CLAIMS TO BE A DE FACTO PARENT OF THE CHILD, IF
15 THERE IS ONLY ONE OTHER INDIVIDUAL WHO IS A PARENT OR HAS A CLAIM
16 TO PARENTAGE OF THE CHILD, THE COURT SHALL ADJUDICATE THE
17 INDIVIDUAL WHO CLAIMS TO BE A DE FACTO PARENT TO BE A PARENT OF
18 THE CHILD IF THE INDIVIDUAL DEMONSTRATES BY CLEAR AND CONVINCING
19 EVIDENCE THAT:

20 (a) THE INDIVIDUAL RESIDED WITH THE CHILD AS A REGULAR
21 MEMBER OF THE CHILD'S HOUSEHOLD FOR A SIGNIFICANT PERIOD;

22 (b) THE INDIVIDUAL ENGAGED IN CONSISTENT CARETAKING OF THE
23 CHILD;

24 (c) THE INDIVIDUAL UNDERTOOK FULL AND PERMANENT
25 RESPONSIBILITIES OF A PARENT OF THE CHILD WITHOUT EXPECTATION OF
26 FINANCIAL COMPENSATION;

27 (d) THE INDIVIDUAL HELD OUT THE CHILD AS THE INDIVIDUAL'S

1 CHILD;

2 (e) THE INDIVIDUAL ESTABLISHED A BONDED AND DEPENDENT
3 RELATIONSHIP WITH THE CHILD THAT IS PARENTAL IN NATURE;

4 (f) ANOTHER PARENT OF THE CHILD FOSTERED OR SUPPORTED THE
5 BONDED AND DEPENDENT RELATIONSHIP REQUIRED UNDER SUBSECTION
6 (4)(e) OF THIS SECTION; AND

7 (g) CONTINUING THE RELATIONSHIP BETWEEN THE INDIVIDUAL
8 AND THE CHILD IS IN THE BEST INTEREST OF THE CHILD.

9 (5) SUBJECT TO OTHER LIMITATIONS IN THIS SUBPART 2, IF IN A
10 PROCEEDING TO ADJUDICATE PARENTAGE OF AN INDIVIDUAL WHO CLAIMS
11 TO BE A DE FACTO PARENT OF THE CHILD, THERE IS MORE THAN ONE OTHER
12 INDIVIDUAL WHO IS A PARENT OR HAS A CLAIM TO PARENTAGE OF THE
13 CHILD AND THE COURT DETERMINES THAT THE REQUIREMENTS OF
14 SUBSECTION (4) OF THIS SECTION ARE SATISFIED, THE COURT SHALL
15 ADJUDICATE PARENTAGE UNDER SECTION 19-4.1-613.

16 **19-4.1-610. Adjudicating parentage of child with**
17 **acknowledged parent.** (1) IF A CHILD HAS AN ACKNOWLEDGED PARENT,
18 A PROCEEDING TO CHALLENGE THE ACKNOWLEDGMENT OF PARENTAGE OR
19 A DENIAL OF PARENTAGE, BROUGHT BY A SIGNATORY TO THE
20 ACKNOWLEDGMENT OR DENIAL, IS GOVERNED BY SECTIONS 19-4.1-309
21 AND 19-4.1-310.

22 (2) IF A CHILD HAS AN ACKNOWLEDGED PARENT, THE FOLLOWING
23 RULES APPLY IN A PROCEEDING TO CHALLENGE THE ACKNOWLEDGMENT OF
24 PARENTAGE OR A DENIAL OF PARENTAGE BROUGHT BY AN INDIVIDUAL,
25 OTHER THAN THE CHILD, WHO HAS STANDING UNDER SECTION 19-4.1-602
26 AND WAS NOT A SIGNATORY TO THE ACKNOWLEDGMENT OR DENIAL:

27 (a) THE INDIVIDUAL MUST COMMENCE THE PROCEEDING NOT

1 LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THE
2 ACKNOWLEDGMENT;

3 (b) THE COURT MAY PERMIT THE PROCEEDING ONLY IF THE COURT
4 FINDS PERMITTING THE PROCEEDING IS IN THE BEST INTEREST OF THE
5 CHILD; AND

6 (c) IF THE COURT PERMITS THE PROCEEDING, THE COURT SHALL
7 ADJUDICATE PARENTAGE UNDER SECTION 19-4.1-613.

8 **19-4.1-611. Adjudicating parentage of child with adjudicated**
9 **parent.** (1) IF A CHILD HAS AN ADJUDICATED PARENT, A PROCEEDING TO
10 CHALLENGE THE ADJUDICATION, BROUGHT BY AN INDIVIDUAL WHO WAS
11 A PARTY TO THE ADJUDICATION OR WHO RECEIVED NOTICE UNDER SECTION
12 19-4.1-603, IS GOVERNED BY THE RULES GOVERNING A COLLATERAL
13 ATTACK ON A JUDGMENT.

14 (2) IF A CHILD HAS AN ADJUDICATED PARENT, THE FOLLOWING
15 RULES APPLY TO A PROCEEDING TO CHALLENGE THE ADJUDICATION OF
16 PARENTAGE BROUGHT BY AN INDIVIDUAL, OTHER THAN THE CHILD, WHO
17 HAS STANDING UNDER SECTION 19-4.1-602 AND WHO WAS NOT A PARTY TO
18 THE ADJUDICATION AND DID NOT RECEIVE NOTICE UNDER SECTION
19 19-4.1-603:

20 (a) THE INDIVIDUAL MUST COMMENCE THE PROCEEDING NOT
21 LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THE
22 ADJUDICATION;

23 (b) THE COURT MAY PERMIT THE PROCEEDING ONLY IF THE COURT
24 FINDS PERMITTING THE PROCEEDING IS IN THE BEST INTEREST OF THE
25 CHILD; AND

26 (c) IF THE COURT PERMITS THE PROCEEDING, THE COURT SHALL
27 ADJUDICATE PARENTAGE UNDER SECTION 19-4.1-613.

1 **19-4.1-612. Adjudicating parentage of child of assisted**
2 **reproduction.** (1) AN INDIVIDUAL WHO IS A PARENT UNDER PART 7 OF
3 THIS ARTICLE 4.1 OR THE WOMAN WHO GAVE BIRTH TO THE CHILD MAY
4 BRING A PROCEEDING TO ADJUDICATE PARENTAGE. IF THE COURT
5 DETERMINES THE INDIVIDUAL IS A PARENT UNDER PART 7 OF THIS ARTICLE
6 4.1, THE COURT SHALL ADJUDICATE THE INDIVIDUAL TO BE A PARENT OF
7 THE CHILD.

8 (2) IN A PROCEEDING TO ADJUDICATE AN INDIVIDUAL'S PARENTAGE
9 OF A CHILD, IF ANOTHER INDIVIDUAL OTHER THAN THE WOMAN WHO GAVE
10 BIRTH TO THE CHILD IS A PARENT UNDER PART 7 OF THIS ARTICLE 4.1, THE
11 COURT SHALL ADJUDICATE THE INDIVIDUAL'S PARENTAGE OF THE CHILD
12 UNDER SECTION 19-4.1-613.

13 **19-4.1-613. Adjudicating competing claims of parentage.** (1)
14 EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-614, IN A
15 PROCEEDING TO ADJUDICATE COMPETING CLAIMS OF, OR CHALLENGES
16 UNDER SECTION 19-4.1-608 (3), 19-4.1-610, OR 19-4.1-611 TO,
17 PARENTAGE OF A CHILD BY TWO OR MORE INDIVIDUALS, THE COURT SHALL
18 ADJUDICATE PARENTAGE IN THE BEST INTEREST OF THE CHILD, BASED ON:

- 19 (a) THE AGE OF THE CHILD;
- 20 (b) THE LENGTH OF TIME DURING WHICH EACH INDIVIDUAL
21 ASSUMED THE ROLE OF PARENT OF THE CHILD;
- 22 (c) THE NATURE OF THE RELATIONSHIP BETWEEN THE CHILD AND
23 EACH INDIVIDUAL;
- 24 (d) THE HARM TO THE CHILD IF THE RELATIONSHIP BETWEEN THE
25 CHILD AND EACH INDIVIDUAL IS NOT RECOGNIZED;
- 26 (e) THE BASIS FOR EACH INDIVIDUAL'S CLAIM TO PARENTAGE OF
27 THE CHILD; AND

1 (f) OTHER EQUITABLE FACTORS ARISING FROM THE DISRUPTION OF
2 THE RELATIONSHIP BETWEEN THE CHILD AND EACH INDIVIDUAL OR THE
3 LIKELIHOOD OF OTHER HARM TO THE CHILD.

4 (2) IF AN INDIVIDUAL CHALLENGES PARENTAGE BASED ON THE
5 RESULTS OF GENETIC TESTING, IN ADDITION TO THE FACTORS LISTED IN
6 SUBSECTION (1) OF THIS SECTION, THE COURT SHALL CONSIDER:

7 (a) THE FACTS SURROUNDING THE DISCOVERY THE INDIVIDUAL
8 MIGHT NOT BE A GENETIC PARENT OF THE CHILD; AND

9 (b) THE LENGTH OF TIME BETWEEN THE TIME THAT THE
10 INDIVIDUAL WAS PLACED ON NOTICE THAT THE INDIVIDUAL MIGHT NOT BE
11 A GENETIC PARENT AND THE COMMENCEMENT OF THE PROCEEDING.

12 (3) THE COURT MAY ADJUDICATE A CHILD TO HAVE MORE THAN
13 TWO PARENTS UNDER THIS ARTICLE 4.1 IF THE COURT FINDS THAT FAILURE
14 TO RECOGNIZE MORE THAN TWO PARENTS WOULD BE DETRIMENTAL TO THE
15 CHILD. A FINDING OF DETRIMENT TO THE CHILD DOES NOT REQUIRE A
16 FINDING OF UNFITNESS OF ANY PARENT OR INDIVIDUAL SEEKING AN
17 ADJUDICATION OF PARENTAGE. IN DETERMINING DETRIMENT TO THE
18 CHILD, THE COURT SHALL CONSIDER ALL RELEVANT FACTORS, INCLUDING
19 THE HARM IF THE CHILD IS REMOVED FROM A STABLE PLACEMENT WITH AN
20 INDIVIDUAL WHO HAS FULFILLED THE CHILD'S PHYSICAL NEEDS AND
21 PSYCHOLOGICAL NEEDS FOR CARE AND AFFECTION AND HAS ASSUMED THE
22 ROLE FOR A SUBSTANTIAL PERIOD.

23 **19-4.1-614. Precluding establishment of parentage by**
24 **perpetrator of sexual assault - definition.** (1) AS USED IN THIS SECTION,
25 UNLESS THE CONTEXT OTHERWISE REQUIRES, "SEXUAL ASSAULT" MEANS
26 COMMISSION OF ANY OF THE FOLLOWING:

27 (a) SEXUAL ASSAULT AS DESCRIBED IN SECTION 18-3-402;

1 (b) UNLAWFUL SEXUAL CONTACT AS DESCRIBED IN SECTION
2 18-3-404;

3 (c) SEXUAL ASSAULT ON A CHILD AS DESCRIBED IN SECTION
4 18-3-405;

5 (d) SEXUAL ASSAULT ON A CHILD BY A PERSON IN A POSITION OF
6 TRUST AS DESCRIBED IN SECTION 18-3-405.3; OR

7 (d) AGGRAVATED SEXUAL ASSAULT ON A CLIENT BY A
8 PSYCHOTHERAPIST AS DESCRIBED IN SECTION 18-3-405.5 (1).

9 (2) IN A PROCEEDING IN WHICH A WOMAN ALLEGES THAT A MAN
10 COMMITTED A SEXUAL ASSAULT THAT RESULTED IN THE WOMAN GIVING
11 BIRTH TO A CHILD, THE WOMAN MAY SEEK TO PRECLUDE THE MAN FROM
12 ESTABLISHING THAT HE IS A PARENT OF THE CHILD.

13 (3) THIS SECTION DOES NOT APPLY IF:

14 (a) THE MAN DESCRIBED IN SUBSECTION (2) OF THIS SECTION HAS
15 PREVIOUSLY BEEN ADJUDICATED TO BE A PARENT OF THE CHILD; OR

16 (b) AFTER THE BIRTH OF THE CHILD, THE MAN ESTABLISHED A
17 BONDED AND DEPENDENT RELATIONSHIP WITH THE CHILD THAT IS
18 PARENTAL IN NATURE.

19 (4) UNLESS SECTION 19-4.1-309 OR 19-4.1-607 APPLIES, A WOMAN
20 MUST FILE A PLEADING MAKING AN ALLEGATION UNDER SUBSECTION (2)
21 OF THIS SECTION NOT LATER THAN TWO YEARS AFTER THE BIRTH OF THE
22 CHILD. THE WOMAN MAY FILE THE PLEADING ONLY IN A PROCEEDING TO
23 ESTABLISH PARENTAGE UNDER THIS ARTICLE 4.1.

24 (5) AN ALLEGATION UNDER SUBSECTION (2) OF THIS SECTION MAY
25 BE PROVED BY:

26 (a) EVIDENCE THAT THE MAN WAS CONVICTED OF A SEXUAL
27 ASSAULT, OR A COMPARABLE CRIME IN ANOTHER JURISDICTION, AGAINST

1 THE WOMAN AND THE CHILD WAS BORN NOT LATER THAN THREE HUNDRED
2 DAYS AFTER THE SEXUAL ASSAULT; OR

3 (b) CLEAR AND CONVINCING EVIDENCE THAT THE MAN COMMITTED
4 SEXUAL ASSAULT AGAINST THE WOMAN AND THE CHILD WAS BORN NOT
5 LATER THAN THREE HUNDRED DAYS AFTER THE SEXUAL ASSAULT.

6 (6) SUBJECT TO SUBSECTIONS (1) TO (4) OF THIS SECTION, IF THE
7 COURT DETERMINES THAT AN ALLEGATION HAS BEEN PROVED UNDER
8 SUBSECTION (5) OF THIS SECTION, THE COURT SHALL:

9 (a) ADJUDICATE THAT THE MAN DESCRIBED IN SUBSECTION (2) OF
10 THIS SECTION IS NOT A PARENT OF THE CHILD;

11 (b) REQUIRE THE STATE REGISTRAR TO AMEND THE BIRTH
12 CERTIFICATE IF REQUESTED BY THE WOMAN AND THE COURT DETERMINES
13 THAT THE AMENDMENT IS IN THE BEST INTEREST OF THE CHILD; AND

14 (c) REQUIRE THE MAN PAY TO CHILD SUPPORT, BIRTH-RELATED
15 COSTS, OR BOTH, UNLESS THE WOMAN REQUESTS OTHERWISE AND THE
16 COURT DETERMINES THAT GRANTING THE REQUEST IS IN THE BEST
17 INTEREST OF THE CHILD.

18 SUBPART 3

19 HEARING AND ADJUDICATION

20 **19-4.1-615. Temporary order.** (1) IN A PROCEEDING UNDER THIS
21 PART 6, THE COURT MAY ISSUE A TEMPORARY ORDER FOR CHILD SUPPORT
22 IF THE ORDER IS CONSISTENT WITH LAW OF THIS STATE OTHER THAN THIS
23 ARTICLE 4.1 AND THE INDIVIDUAL ORDERED TO PAY SUPPORT IS:

24 (a) A PRESUMED PARENT OF THE CHILD;

25 (b) PETITIONING TO BE ADJUDICATED A PARENT;

26 (c) IDENTIFIED AS A GENETIC PARENT THROUGH GENETIC TESTING
27 UNDER SECTION 19-4.1-506;

1 (d) AN ALLEGED GENETIC PARENT WHO HAS DECLINED TO SUBMIT
2 TO GENETIC TESTING;

3 (e) SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE A PARENT
4 OF THE CHILD; OR

5 (f) A PARENT UNDER THIS ARTICLE 4.1.

6 (2) A TEMPORARY ORDER MAY INCLUDE A PROVISION FOR
7 CUSTODY AND VISITATION UNDER LAW OF THIS STATE OTHER THAN THIS
8 ARTICLE 4.1.

9 **19-4.1-616. Combining proceedings.** (1) EXCEPT AS OTHERWISE
10 PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE COURT MAY COMBINE
11 A PROCEEDING TO ADJUDICATE PARENTAGE UNDER THIS ARTICLE 4.1 WITH
12 A PROCEEDING FOR ADOPTION, TERMINATION OF PARENTAL RIGHTS, CHILD
13 CUSTODY OR VISITATION, CHILD SUPPORT, DISSOLUTION, ANNULMENT,
14 DECLARATION OF INVALIDITY, OR LEGAL SEPARATION OR SEPARATE
15 MAINTENANCE, ADMINISTRATION OF AN ESTATE, OR OTHER APPROPRIATE
16 PROCEEDING.

17 (2) A RESPONDENT MAY NOT COMBINE A PROCEEDING DESCRIBED
18 IN SUBSECTION (1) OF THIS SECTION WITH A PROCEEDING TO ADJUDICATE
19 PARENTAGE BROUGHT UNDER ARTICLE 5 OF TITLE 14.

20 **19-4.1-617. Proceeding before birth.** EXCEPT AS OTHERWISE
21 PROVIDED IN PART 8 OF THIS ARTICLE 4.1, A PROCEEDING TO ADJUDICATE
22 PARENTAGE MAY BE COMMENCED BEFORE THE BIRTH OF THE CHILD AND
23 AN ORDER OR JUDGMENT MAY BE ENTERED BEFORE BIRTH, BUT
24 ENFORCEMENT OF THE ORDER OR JUDGMENT MUST BE STAYED UNTIL THE
25 BIRTH OF THE CHILD.

26 **19-4.1-618. Child as party; representation.** (1) A MINOR CHILD
27 IS A PERMISSIVE PARTY BUT NOT A NECESSARY PARTY TO A PROCEEDING

1 UNDER THIS PART 6.

2 (2) THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO
3 REPRESENT A CHILD IN A PROCEEDING UNDER THIS PART 6 IF THE COURT
4 FINDS THAT THE INTERESTS OF THE CHILD ARE NOT ADEQUATELY
5 REPRESENTED.

6 **19-4.1-619. Court to adjudicate parentage.** THE COURT SHALL
7 ADJUDICATE PARENTAGE OF A CHILD WITHOUT A JURY.

8 **19-4.1-620. Hearing; inspection of records.** (1) ON REQUEST OF
9 A PARTY AND FOR GOOD CAUSE, THE COURT MAY CLOSE A PROCEEDING
10 UNDER THIS PART 6 TO THE PUBLIC.

11 (2) A FINAL ORDER IN A PROCEEDING UNDER THIS PART 6 IS
12 AVAILABLE FOR PUBLIC INSPECTION. NOTWITHSTANDING THE PROVISIONS
13 OF PART 2 OF ARTICLE 72 OF TITLE 24, OTHER PAPERS AND RECORDS ARE
14 AVAILABLE FOR PUBLIC INSPECTION ONLY WITH THE CONSENT OF THE
15 PARTIES OR BY COURT ORDER.

16 **19-4.1-621. Dismissal for want of prosecution.** THE COURT MAY
17 DISMISS A PROCEEDING UNDER THIS ARTICLE 4.1 FOR WANT OF
18 PROSECUTION ONLY WITHOUT PREJUDICE. AN ORDER OF DISMISSAL FOR
19 WANT OF PROSECUTION PURPORTEDLY WITH PREJUDICE IS VOID AND HAS
20 ONLY THE EFFECT OF A DISMISSAL WITHOUT PREJUDICE.

21 **19-4.1-622. Order adjudicating parentage.** (1) AN ORDER
22 ADJUDICATING PARENTAGE MUST IDENTIFY THE CHILD IN A MANNER
23 PROVIDED BY LAW OF THIS STATE OTHER THAN THIS ARTICLE 4.1.

24 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
25 SECTION, THE COURT MAY ASSESS FILING FEES, REASONABLE ATTORNEY'S
26 FEES, FEES FOR GENETIC TESTING, OTHER COSTS, AND NECESSARY TRAVEL
27 AND OTHER REASONABLE EXPENSES INCURRED IN A PROCEEDING UNDER

1 THIS PART 6. ATTORNEY'S FEES AWARDED UNDER THIS SUBSECTION MAY
2 BE PAID DIRECTLY TO THE ATTORNEY, AND THE ATTORNEY MAY ENFORCE
3 THE ORDER IN THE ATTORNEY'S OWN NAME.

4 (3) THE COURT MAY NOT ASSESS FEES, COSTS, OR EXPENSES IN A
5 PROCEEDING UNDER THIS PART 6 AGAINST A CHILD SUPPORT AGENCY OF
6 THIS STATE OR ANOTHER STATE, EXCEPT AS PROVIDED BY LAW OF THIS
7 STATE OTHER THAN THIS ARTICLE 4.1.

8 (4) IN A PROCEEDING UNDER THIS PART 6, A COPY OF A BILL FOR
9 GENETIC TESTING OR PRENATAL OR POSTNATAL HEALTH CARE FOR THE
10 WOMAN WHO GAVE BIRTH TO THE CHILD AND THE CHILD, PROVIDED TO THE
11 ADVERSE PARTY NOT LATER THAN TEN DAYS BEFORE A HEARING, IS
12 ADMISSIBLE TO ESTABLISH:

13 (a) THE AMOUNT OF THE CHARGE BILLED; AND

14 (b) THAT THE CHARGE IS REASONABLE AND NECESSARY.

15 (5) ON REQUEST OF A PARTY AND FOR GOOD CAUSE, THE COURT IN
16 A PROCEEDING UNDER THIS PART 6 MAY ORDER THE NAME OF THE CHILD
17 CHANGED. IF THE COURT ORDER CHANGING THE NAME VARIES FROM THE
18 NAME ON THE BIRTH CERTIFICATE OF THE CHILD, THE COURT SHALL ORDER
19 THE STATE REGISTRAR TO ISSUE AN AMENDED BIRTH CERTIFICATE.

20 **19-4.1-623. Binding effect of determination of parentage.** (1)
21 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION:

22 (a) A SIGNATORY TO AN ACKNOWLEDGMENT OF PARENTAGE OR
23 DENIAL OF PARENTAGE IS BOUND BY THE ACKNOWLEDGMENT AND DENIAL
24 AS PROVIDED IN PART 3 OF THIS ARTICLE 4.1; AND

25 (b) A PARTY TO AN ADJUDICATION OF PARENTAGE BY A COURT
26 ACTING UNDER CIRCUMSTANCES THAT SATISFY THE JURISDICTION
27 REQUIREMENTS OF SECTION 14-5-201 AND ANY INDIVIDUAL WHO

1 RECEIVED NOTICE OF THE PROCEEDING ARE BOUND BY THE ADJUDICATION.

2 (2) A CHILD IS NOT BOUND BY A DETERMINATION OF PARENTAGE
3 UNDER THIS ARTICLE 4.1 UNLESS:

4 (a) THE DETERMINATION WAS BASED ON AN UNRESCINDED
5 ACKNOWLEDGMENT OF PARENTAGE AND THE ACKNOWLEDGMENT IS
6 CONSISTENT WITH THE RESULTS OF GENETIC TESTING;

7 (b) THE DETERMINATION WAS BASED ON A FINDING CONSISTENT
8 WITH THE RESULTS OF GENETIC TESTING, AND THE CONSISTENCY IS
9 DECLARED IN THE DETERMINATION OR OTHERWISE SHOWN;

10 (c) THE DETERMINATION OF PARENTAGE WAS MADE UNDER PART
11 7 OR 8 OF THIS ARTICLE 4.1; OR

12 (d) THE CHILD WAS A PARTY OR WAS REPRESENTED BY A
13 GUARDIAN AD LITEM IN THE PROCEEDING.

14 (3) IN A PROCEEDING FOR DISSOLUTION, ANNULMENT,
15 DECLARATION OF INVALIDITY, LEGAL SEPARATION, OR SEPARATE
16 MAINTENANCE, THE COURT IS DEEMED TO HAVE MADE AN ADJUDICATION
17 OF PARENTAGE OF A CHILD IF THE COURT ACTS UNDER CIRCUMSTANCES
18 THAT SATISFY THE JURISDICTION REQUIREMENTS OF SECTION 14-5-201
19 AND THE FINAL ORDER:

20 (a) EXPRESSLY IDENTIFIES THE CHILD AS A "CHILD OF THE
21 MARRIAGE" OR "ISSUE OF THE MARRIAGE" OR INCLUDES SIMILAR WORDS
22 INDICATING THAT BOTH SPOUSES ARE PARENTS OF THE CHILD; OR

23 (b) PROVIDES FOR SUPPORT OF THE CHILD BY A SPOUSE UNLESS
24 THAT SPOUSE'S PARENTAGE IS DISCLAIMED SPECIFICALLY IN THE ORDER.

25 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
26 SECTION OR SECTION 19-4.1-611, A DETERMINATION OF PARENTAGE MAY
27 BE ASSERTED AS A DEFENSE IN A SUBSEQUENT PROCEEDING SEEKING TO

1 ADJUDICATE PARENTAGE OF AN INDIVIDUAL WHO WAS NOT A PARTY TO
2 THE EARLIER PROCEEDING.

3 (5) A PARTY TO AN ADJUDICATION OF PARENTAGE MAY
4 CHALLENGE THE ADJUDICATION ONLY UNDER LAW OF THIS STATE OTHER
5 THAN THIS ARTICLE 4.1 RELATING TO APPEAL, VACATION OF JUDGMENT, OR
6 OTHER JUDICIAL REVIEW.

7 PART 7

8 ASSISTED REPRODUCTION

9 **19-4.1-701. Scope of part.** THIS PART 7 DOES NOT APPLY TO THE
10 BIRTH OF A CHILD CONCEIVED BY SEXUAL INTERCOURSE OR ASSISTED
11 REPRODUCTION UNDER A SURROGACY AGREEMENT UNDER PART 8 OF THIS
12 ARTICLE 4.1.

13 **19-4.1-702. Parental status of donor.** A DONOR IS NOT A PARENT
14 OF A CHILD CONCEIVED BY ASSISTED REPRODUCTION.

15 **19-4.1-703. Parentage of child of assisted reproduction.** AN
16 INDIVIDUAL WHO CONSENTS UNDER SECTION 19-4.1-704 TO ASSISTED
17 REPRODUCTION BY A WOMAN WITH THE INTENT TO BE A PARENT OF A
18 CHILD CONCEIVED BY THE ASSISTED REPRODUCTION IS A PARENT OF THE
19 CHILD.

20 **19-4.1-704. Consent to assisted reproduction.** (1) EXCEPT AS
21 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE CONSENT
22 DESCRIBED IN SECTION 19-4.1-703 MUST BE IN A RECORD SIGNED BY A
23 WOMAN GIVING BIRTH TO A CHILD CONCEIVED BY ASSISTED
24 REPRODUCTION AND AN INDIVIDUAL WHO INTENDS TO BE A PARENT OF THE
25 CHILD.

26 (2) FAILURE TO CONSENT IN A RECORD AS REQUIRED BY
27 SUBSECTION (1) OF THIS SECTION, BEFORE, ON, OR AFTER BIRTH OF THE

1 CHILD, DOES NOT PRECLUDE THE COURT FROM FINDING CONSENT TO
2 PARENTAGE IF:

3 (a) THE WOMAN OR THE INDIVIDUAL PROVES BY CLEAR AND
4 CONVINCING EVIDENCE THE EXISTENCE OF AN EXPRESS AGREEMENT
5 ENTERED INTO BEFORE CONCEPTION THAT THE INDIVIDUAL AND THE
6 WOMAN INTENDED THEY BOTH WOULD BE PARENTS OF THE CHILD; OR

7 (b) THE WOMAN AND THE INDIVIDUAL FOR THE FIRST TWO YEARS
8 OF THE CHILD'S LIFE, INCLUDING ANY PERIOD OF TEMPORARY ABSENCE,
9 RESIDED TOGETHER IN THE SAME HOUSEHOLD WITH THE CHILD AND BOTH
10 OPENLY HELD OUT THE CHILD AS THE INDIVIDUAL'S CHILD, UNLESS THE
11 INDIVIDUAL DIES OR BECOMES INCAPACITATED BEFORE THE CHILD
12 ATTAINS TWO YEARS OF AGE OR THE CHILD DIES BEFORE THE CHILD
13 ATTAINS TWO YEARS OF AGE, IN WHICH CASE THE COURT MAY FIND
14 CONSENT UNDER THIS SUBSECTION (2)(b) TO PARENTAGE IF A PARTY
15 PROVES BY CLEAR AND CONVINCING EVIDENCE THAT THE WOMAN AND THE
16 INDIVIDUAL INTENDED TO RESIDE TOGETHER IN THE SAME HOUSEHOLD
17 WITH THE CHILD AND BOTH INTENDED THE INDIVIDUAL WOULD OPENLY
18 HOLD OUT THE CHILD AS THE INDIVIDUAL'S CHILD, BUT THE INDIVIDUAL
19 WAS PREVENTED FROM CARRYING OUT THAT INTENT BY DEATH OR
20 INCAPACITY.

21 **19-4.1-705. Limitation on spouse's dispute of parentage. (1)**
22 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, AN
23 INDIVIDUAL WHO, AT THE TIME OF A CHILD'S BIRTH, IS THE SPOUSE OF THE
24 WOMAN WHO GAVE BIRTH TO THE CHILD BY ASSISTED REPRODUCTION MAY
25 NOT CHALLENGE THE INDIVIDUAL'S PARENTAGE OF THE CHILD UNLESS:

26 (a) NOT LATER THAN TWO YEARS AFTER THE BIRTH OF THE CHILD,
27 THE INDIVIDUAL COMMENCES A PROCEEDING TO ADJUDICATE THE

1 INDIVIDUAL'S PARENTAGE OF THE CHILD; AND

2 (b) THE COURT FINDS THE INDIVIDUAL DID NOT CONSENT TO THE
3 ASSISTED REPRODUCTION, BEFORE, ON, OR AFTER BIRTH OF THE CHILD, OR
4 WITHDREW CONSENT UNDER SECTION 19-4.1-707.

5 (2) A PROCEEDING TO ADJUDICATE A SPOUSE'S PARENTAGE OF A
6 CHILD BORN BY ASSISTED REPRODUCTION MAY BE COMMENCED AT ANY
7 TIME IF THE COURT DETERMINES:

8 (a) THE SPOUSE NEITHER PROVIDED A GAMETE FOR, NOR
9 CONSENTED TO, THE ASSISTED REPRODUCTION;

10 (b) THE SPOUSE AND THE WOMAN WHO GAVE BIRTH TO THE CHILD
11 HAVE NOT COHABITED SINCE THE PROBABLE TIME OF ASSISTED
12 REPRODUCTION; AND

13 (c) THE SPOUSE NEVER OPENLY HELD OUT THE CHILD AS THE
14 SPOUSE'S CHILD.

15 (3) THIS SECTION APPLIES TO A SPOUSE'S DISPUTE OF PARENTAGE
16 EVEN IF THE SPOUSE'S MARRIAGE IS DECLARED INVALID AFTER ASSISTED
17 REPRODUCTION OCCURS.

18 **19-4.1-706. Effect of certain legal proceedings regarding**
19 **marriage.** IF A MARRIAGE OF A WOMAN WHO GIVES BIRTH TO A CHILD
20 CONCEIVED BY ASSISTED REPRODUCTION IS TERMINATED THROUGH
21 DISSOLUTION, SUBJECT TO LEGAL SEPARATION OR SEPARATE
22 MAINTENANCE, DECLARED INVALID, OR ANNULLED BEFORE TRANSFER OF
23 GAMETES OR EMBRYOS TO THE WOMAN, A FORMER SPOUSE OF THE WOMAN
24 IS NOT A PARENT OF THE CHILD UNLESS THE FORMER SPOUSE CONSENTED
25 IN A RECORD THAT THE FORMER SPOUSE WOULD BE A PARENT OF THE
26 CHILD IF ASSISTED REPRODUCTION WERE TO OCCUR AFTER A DISSOLUTION,
27 ANNULMENT, DECLARATION OF INVALIDITY, LEGAL SEPARATION, OR

1 SEPARATE MAINTENANCE, AND THE FORMER SPOUSE DID NOT WITHDRAW
2 CONSENT UNDER SECTION 19-4.1-707.

3 **19-4.1-707. Withdrawal of consent.** (1) AN INDIVIDUAL WHO
4 CONSENTS UNDER SECTION 19-4.1-704 TO ASSISTED REPRODUCTION MAY
5 WITHDRAW CONSENT ANY TIME BEFORE A TRANSFER THAT RESULTS IN A
6 PREGNANCY, BY GIVING NOTICE IN A RECORD OF THE WITHDRAWAL OF
7 CONSENT TO THE WOMAN WHO AGREED TO GIVE BIRTH TO A CHILD
8 CONCEIVED BY ASSISTED REPRODUCTION AND TO ANY CLINIC OR HEALTH
9 CARE PROVIDER FACILITATING THE ASSISTED REPRODUCTION. FAILURE TO
10 GIVE NOTICE TO THE CLINIC OR HEALTH CARE PROVIDER DOES NOT AFFECT
11 A DETERMINATION OF PARENTAGE UNDER THIS ARTICLE 4.1.

12 (2) AN INDIVIDUAL WHO WITHDRAWS CONSENT UNDER
13 SUBSECTION (1) OF THIS SECTION IS NOT A PARENT OF THE CHILD UNDER
14 THIS PART 7.

15 **19-4.1-708. Parental status of deceased individual.** (1) IF AN
16 INDIVIDUAL WHO INTENDS TO BE A PARENT OF A CHILD CONCEIVED BY
17 ASSISTED REPRODUCTION DIES DURING THE PERIOD BETWEEN THE
18 TRANSFER OF A GAMETE OR EMBRYO AND THE BIRTH OF THE CHILD, THE
19 INDIVIDUAL'S DEATH DOES NOT PRECLUDE THE ESTABLISHMENT OF THE
20 INDIVIDUAL'S PARENTAGE OF THE CHILD IF THE INDIVIDUAL OTHERWISE
21 WOULD BE A PARENT OF THE CHILD UNDER THIS ARTICLE 4.1.

22 (2) IF AN INDIVIDUAL WHO CONSENTED IN A RECORD TO ASSISTED
23 REPRODUCTION BY A WOMAN WHO AGREED TO GIVE BIRTH TO A CHILD DIES
24 BEFORE A TRANSFER OF GAMETES OR EMBRYOS, THE DECEASED
25 INDIVIDUAL IS A PARENT OF A CHILD CONCEIVED BY THE ASSISTED
26 REPRODUCTION ONLY IF:

27 (a) EITHER:

1 (I) THE INDIVIDUAL CONSENTED IN A RECORD THAT IF ASSISTED
2 REPRODUCTION WERE TO OCCUR AFTER THE DEATH OF THE INDIVIDUAL,
3 THE INDIVIDUAL WOULD BE A PARENT OF THE CHILD; OR

4 (II) THE INDIVIDUAL'S INTENT TO BE A PARENT OF A CHILD
5 CONCEIVED BY ASSISTED REPRODUCTION AFTER THE INDIVIDUAL'S DEATH
6 IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE; AND

7 (b) EITHER:

8 (I) THE EMBRYO IS IN UTERO NOT LATER THAN THIRTY-SIX MONTHS
9 AFTER THE INDIVIDUAL'S DEATH; OR

10 (II) THE CHILD IS BORN NOT LATER THAN FORTY-FIVE MONTHS
11 AFTER THE INDIVIDUAL'S DEATH.

12 PART 8

13 SURROGACY REQUIREMENTS

14 SUBPART 1

15 GENERAL REQUIREMENTS

16 **19-4.1-801. Definitions.** AS USED IN THIS PART 8, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "GENETIC SURROGATE" MEANS A WOMAN WHO IS NOT AN
19 INTENDED PARENT AND WHO AGREES TO BECOME PREGNANT THROUGH
20 ASSISTED REPRODUCTION USING HER OWN GAMETE UNDER A GENETIC
21 SURROGACY AGREEMENT AS PROVIDED IN THIS PART 8.

22 (2) "GESTATIONAL SURROGATE" MEANS A WOMAN WHO IS NOT AN
23 INTENDED PARENT AND WHO AGREES TO BECOME PREGNANT THROUGH
24 ASSISTED REPRODUCTION USING GAMETES THAT ARE NOT HER OWN UNDER
25 A GESTATIONAL SURROGACY AGREEMENT AS PROVIDED IN THIS PART 8.

26 (3) "SURROGACY AGREEMENT" MEANS AN AGREEMENT BETWEEN
27 ONE OR MORE INTENDED PARENTS AND A WOMAN WHO IS NOT AN

1 INTENDED PARENT IN WHICH THE WOMAN AGREES TO BECOME PREGNANT
2 THROUGH ASSISTED REPRODUCTION AND THAT PROVIDES THAT EACH
3 INTENDED PARENT IS A PARENT OF A CHILD CONCEIVED UNDER THE
4 AGREEMENT. UNLESS OTHERWISE SPECIFIED, THE TERM REFERS TO BOTH
5 A GESTATIONAL SURROGACY AGREEMENT AND A GENETIC SURROGACY
6 AGREEMENT.

7 **19-4.1-802. Eligibility to enter gestational or genetic surrogacy**
8 **agreement.** (1) TO EXECUTE AN AGREEMENT TO ACT AS A GESTATIONAL
9 OR GENETIC SURROGATE, A WOMAN MUST:

- 10 (a) HAVE ATTAINED TWENTY-ONE YEARS OF AGE;
- 11 (b) PREVIOUSLY HAVE GIVEN BIRTH TO AT LEAST ONE CHILD;
- 12 (c) COMPLETE A MEDICAL EVALUATION RELATED TO THE
13 SURROGACY ARRANGEMENT BY A LICENSED MEDICAL DOCTOR;
- 14 (d) COMPLETE A MENTAL HEALTH CONSULTATION BY A LICENSED
15 MENTAL HEALTH PROFESSIONAL; AND
- 16 (e) HAVE INDEPENDENT LEGAL REPRESENTATION OF HER CHOICE
17 THROUGHOUT THE SURROGACY ARRANGEMENT REGARDING THE TERMS OF
18 THE SURROGACY AGREEMENT AND THE POTENTIAL LEGAL CONSEQUENCES
19 OF THE AGREEMENT.

20 (2) TO EXECUTE A SURROGACY AGREEMENT, EACH INTENDED
21 PARENT, WHETHER OR NOT GENETICALLY RELATED TO THE CHILD, MUST:

- 22 (a) HAVE ATTAINED TWENTY-ONE YEARS OF AGE;
- 23 (b) COMPLETE A MEDICAL EVALUATION RELATED TO THE
24 SURROGACY ARRANGEMENT BY A LICENSED MEDICAL DOCTOR;
- 25 (c) COMPLETE A MENTAL HEALTH CONSULTATION BY A LICENSED
26 MENTAL HEALTH PROFESSIONAL; AND
- 27 (d) HAVE INDEPENDENT LEGAL REPRESENTATION OF THE INTENDED

1 PARENT'S CHOICE THROUGHOUT THE SURROGACY ARRANGEMENT
2 REGARDING THE TERMS OF THE SURROGACY AGREEMENT AND THE
3 POTENTIAL LEGAL CONSEQUENCES OF THE AGREEMENT.

4 **19-4.1-803. Requirements of gestational or genetic surrogacy**
5 **agreement: process.** (1) A SURROGACY AGREEMENT MUST BE EXECUTED
6 IN COMPLIANCE WITH THE FOLLOWING RULES:

7 (a) AT LEAST ONE PARTY MUST BE A RESIDENT OF THIS STATE OR,
8 IF NO PARTY IS A RESIDENT OF THIS STATE, AT LEAST ONE MEDICAL
9 EVALUATION OR PROCEDURE OR MENTAL HEALTH CONSULTATION UNDER
10 THE AGREEMENT MUST OCCUR IN THIS STATE;

11 (b) A SURROGATE AND EACH INTENDED PARENT MUST MEET THE
12 REQUIREMENTS OF SECTION 19-4.1-802;

13 (c) EACH INTENDED PARENT, THE SURROGATE, AND THE
14 SURROGATE'S SPOUSE, IF ANY, MUST BE PARTIES TO THE AGREEMENT;

15 (d) THE AGREEMENT MUST BE IN A RECORD SIGNED BY EACH
16 PARTY LISTED IN SUBSECTION (1)(c) OF THIS SECTION;

17 (e) THE SURROGATE AND EACH INTENDED PARENT MUST
18 ACKNOWLEDGE IN A RECORD RECEIPT OF A COPY OF THE AGREEMENT;

19 (f) THE SIGNATURE OF EACH PARTY TO THE AGREEMENT MUST BE
20 ATTESTED BY A NOTARIAL OFFICER OR WITNESSED;

21 (g) THE SURROGATE AND THE INTENDED PARENT OR PARENTS
22 MUST HAVE INDEPENDENT LEGAL REPRESENTATION THROUGHOUT THE
23 SURROGACY ARRANGEMENT REGARDING THE TERMS OF THE SURROGACY
24 AGREEMENT AND THE POTENTIAL LEGAL CONSEQUENCES OF THE
25 AGREEMENT, AND EACH COUNSEL MUST BE IDENTIFIED IN THE SURROGACY
26 AGREEMENT;

27 (h) THE INTENDED PARENT OR PARENTS MUST PAY FOR

1 INDEPENDENT LEGAL REPRESENTATION FOR THE SURROGATE; AND

2 (i) THE AGREEMENT MUST BE EXECUTED BEFORE A MEDICAL
3 PROCEDURE OCCURS RELATED TO THE SURROGACY AGREEMENT, OTHER
4 THAN THE MEDICAL EVALUATION AND MENTAL HEALTH CONSULTATION
5 REQUIRED BY SECTION 19-4.1-802.

6 **19-4.1-804. Requirements of gestational or genetic surrogacy**
7 **agreement: content.** (1) A SURROGACY AGREEMENT MUST COMPLY WITH
8 THE FOLLOWING REQUIREMENTS:

9 (a) A SURROGATE AGREES TO ATTEMPT TO BECOME PREGNANT BY
10 MEANS OF ASSISTED REPRODUCTION;

11 (b) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-811,
12 19-4.1-814, AND 19-4.1-815, THE SURROGATE AND THE SURROGATE'S
13 SPOUSE OR FORMER SPOUSE, IF ANY, HAVE NO CLAIM TO PARENTAGE OF A
14 CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT;

15 (c) THE SURROGATE'S SPOUSE, IF ANY, MUST ACKNOWLEDGE AND
16 AGREE TO COMPLY WITH THE OBLIGATIONS IMPOSED ON THE SURROGATE
17 BY THE AGREEMENT;

18 (d) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-811,
19 19-4.1-814, AND 19-4.1-815, THE INTENDED PARENT OR, IF THERE ARE
20 TWO INTENDED PARENTS, EACH ONE JOINTLY AND SEVERALLY,
21 IMMEDIATELY ON BIRTH WILL BE THE EXCLUSIVE PARENT OR PARENTS OF
22 THE CHILD, REGARDLESS OF NUMBER OF CHILDREN BORN OR GENDER OR
23 MENTAL OR PHYSICAL CONDITION OF EACH CHILD;

24 (e) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-811,
25 19-4.1-814, AND 19-4.1-815, THE INTENDED PARENT OR, IF THERE ARE
26 TWO INTENDED PARENTS, EACH PARENT JOINTLY AND SEVERALLY,
27 IMMEDIATELY ON BIRTH WILL ASSUME RESPONSIBILITY FOR THE FINANCIAL

1 SUPPORT OF THE CHILD, REGARDLESS OF NUMBER OF CHILDREN BORN OR
2 GENDER OR MENTAL OR PHYSICAL CONDITION OF EACH CHILD;

3 (f) THE AGREEMENT MUST INCLUDE INFORMATION DISCLOSING
4 HOW EACH INTENDED PARENT WILL COVER THE SURROGACY-RELATED
5 EXPENSES OF THE SURROGATE AND THE MEDICAL EXPENSES OF THE CHILD.
6 IF HEALTH CARE COVERAGE IS USED TO COVER THE MEDICAL EXPENSES,
7 THE DISCLOSURE MUST INCLUDE A SUMMARY OF THE HEALTH CARE POLICY
8 PROVISIONS RELATED TO COVERAGE FOR SURROGATE PREGNANCY,
9 INCLUDING ANY POSSIBLE LIABILITY OF THE SURROGATE,
10 THIRD-PARTY-LIABILITY LIENS, OTHER INSURANCE COVERAGE, AND ANY
11 NOTICE REQUIREMENT THAT COULD AFFECT COVERAGE OR LIABILITY OF
12 THE SURROGATE. UNLESS THE AGREEMENT EXPRESSLY PROVIDES
13 OTHERWISE, THE REVIEW AND DISCLOSURE DO NOT CONSTITUTE LEGAL
14 ADVICE. IF THE EXTENT OF COVERAGE IS UNCERTAIN, A STATEMENT OF
15 THAT FACT IS SUFFICIENT TO COMPLY WITH THIS SUBSECTION (1)(f).

16 (g) THE AGREEMENT MUST PERMIT THE SURROGATE TO MAKE ALL
17 HEALTH AND WELFARE DECISIONS REGARDING HERSELF AND HER
18 PREGNANCY. THIS ARTICLE 4.1 DOES NOT ENLARGE OR DIMINISH THE
19 SURROGATE'S RIGHT TO TERMINATE HER PREGNANCY.

20 (h) THE AGREEMENT MUST INCLUDE INFORMATION ABOUT EACH
21 PARTY'S RIGHT UNDER THIS PART 8 TO TERMINATE THE SURROGACY
22 AGREEMENT.

23 (2) A SURROGACY AGREEMENT MAY PROVIDE FOR:

24 (a) PAYMENT OF CONSIDERATION AND REASONABLE EXPENSES;
25 AND

26 (b) REIMBURSEMENT OF SPECIFIC EXPENSES IF THE AGREEMENT IS
27 TERMINATED UNDER THIS PART 8.

1 (3) A RIGHT CREATED UNDER A SURROGACY AGREEMENT IS NOT
2 ASSIGNABLE AND THERE IS NO THIRD-PARTY BENEFICIARY OF THE
3 AGREEMENT OTHER THAN THE CHILD.

4 **19-4.1-805. Surrogacy agreement: effect of subsequent change**
5 **of marital status.** (1) UNLESS A SURROGACY AGREEMENT EXPRESSLY
6 PROVIDES OTHERWISE:

7 (a) THE MARRIAGE OF A SURROGATE AFTER THE AGREEMENT IS
8 SIGNED BY ALL PARTIES DOES NOT AFFECT THE VALIDITY OF THE
9 AGREEMENT, HER SPOUSE'S CONSENT TO THE AGREEMENT IS NOT
10 REQUIRED, AND HER SPOUSE IS NOT A PRESUMED PARENT OF A CHILD
11 CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT; AND

12 (b) THE DISSOLUTION, ANNULMENT, DECLARATION OF INVALIDITY,
13 LEGAL SEPARATION, OR SEPARATE MAINTENANCE OF THE SURROGATE
14 AFTER THE AGREEMENT IS SIGNED BY ALL PARTIES DOES NOT AFFECT THE
15 VALIDITY OF THE AGREEMENT.

16 (2) UNLESS A SURROGACY AGREEMENT EXPRESSLY PROVIDES
17 OTHERWISE:

18 (a) THE MARRIAGE OF AN INTENDED PARENT AFTER THE
19 AGREEMENT IS SIGNED BY ALL PARTIES DOES NOT AFFECT THE VALIDITY
20 OF A SURROGACY AGREEMENT, THE CONSENT OF THE SPOUSE OF THE
21 INTENDED PARENT IS NOT REQUIRED, AND THE SPOUSE OF THE INTENDED
22 PARENT IS NOT, BASED ON THE AGREEMENT, A PARENT OF A CHILD
23 CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT; AND

24 (b) THE DISSOLUTION, ANNULMENT, DECLARATION OF INVALIDITY,
25 LEGAL SEPARATION, OR SEPARATE MAINTENANCE OF AN INTENDED PARENT
26 AFTER THE AGREEMENT IS SIGNED BY ALL PARTIES DOES NOT AFFECT THE
27 VALIDITY OF THE AGREEMENT AND, EXCEPT AS OTHERWISE PROVIDED IN

1 SECTION 19-4.1-814, THE INTENDED PARENTS ARE THE PARENTS OF THE
2 CHILD.

3 **19-4.1-806. Inspection of documents.** NOTWITHSTANDING THE
4 PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24, UNLESS THE COURT
5 ORDERS OTHERWISE, A PETITION AND ANY OTHER DOCUMENT RELATED TO
6 A SURROGACY AGREEMENT FILED WITH THE COURT UNDER THIS SUBPART
7 1 ARE NOT OPEN TO INSPECTION BY ANY INDIVIDUAL OTHER THAN THE
8 PARTIES TO THE PROCEEDING, OR A CHILD CONCEIVED BY ASSISTED
9 REPRODUCTION UNDER THE AGREEMENT, OR ANY OF THEIR ATTORNEYS. A
10 COURT MAY NOT AUTHORIZE AN INDIVIDUAL TO INSPECT A DOCUMENT
11 RELATED TO THE AGREEMENT, UNLESS REQUIRED BY EXIGENT
12 CIRCUMSTANCES. THE INDIVIDUAL SEEKING TO INSPECT THE DOCUMENT
13 MAY BE REQUIRED TO PAY THE EXPENSE OF PREPARING A COPY OF THE
14 DOCUMENT TO BE INSPECTED.

15 **19-4.1-807. Exclusive, continuing jurisdiction.** DURING THE
16 PERIOD AFTER THE EXECUTION OF A SURROGACY AGREEMENT UNTIL
17 NINETY DAYS AFTER THE BIRTH OF A CHILD CONCEIVED BY ASSISTED
18 REPRODUCTION UNDER THE AGREEMENT, A COURT OF THIS STATE
19 CONDUCTING A PROCEEDING UNDER THIS ARTICLE 4.1 HAS EXCLUSIVE,
20 CONTINUING JURISDICTION OVER ALL MATTERS ARISING OUT OF THE
21 AGREEMENT. THIS SECTION DOES NOT GIVE THE COURT JURISDICTION OVER
22 A CHILD CUSTODY OR CHILD SUPPORT PROCEEDING IF JURISDICTION IS NOT
23 OTHERWISE AUTHORIZED BY LAW OF THIS STATE OTHER THAN THIS
24 ARTICLE 4.1.

25 SUBPART 2
26 SPECIAL RULES FOR GESTATIONAL
27 SURROGACY AGREEMENT

1 **19-4.1-808. Termination of gestational surrogacy agreement.**

2 (1) A PARTY TO A GESTATIONAL SURROGACY AGREEMENT MAY
3 TERMINATE THE AGREEMENT, AT ANY TIME BEFORE AN EMBRYO
4 TRANSFER, BY GIVING NOTICE OF TERMINATION IN A RECORD TO ALL
5 OTHER PARTIES. IF AN EMBRYO TRANSFER DOES NOT RESULT IN A
6 PREGNANCY, A PARTY MAY TERMINATE THE AGREEMENT AT ANY TIME
7 BEFORE A SUBSEQUENT EMBRYO TRANSFER.

8 (2) UNLESS A GESTATIONAL SURROGACY AGREEMENT PROVIDES
9 OTHERWISE, ON TERMINATION OF THE AGREEMENT UNDER SUBSECTION (1)
10 OF THIS SECTION, THE PARTIES ARE RELEASED FROM THE AGREEMENT;
11 EXCEPT THAT EACH INTENDED PARENT REMAINS RESPONSIBLE FOR
12 EXPENSES THAT ARE REIMBURSABLE UNDER THE AGREEMENT AND
13 INCURRED BY THE GESTATIONAL SURROGATE THROUGH THE DATE OF
14 TERMINATION.

15 (3) EXCEPT IN A CASE INVOLVING FRAUD, NEITHER A GESTATIONAL
16 SURROGATE NOR THE SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY,
17 IS LIABLE TO THE INTENDED PARENT OR PARENTS FOR A PENALTY OR
18 LIQUIDATED DAMAGES FOR TERMINATING A GESTATIONAL SURROGACY
19 AGREEMENT UNDER THIS SECTION.

20 **19-4.1-809. Parentage under gestational surrogacy agreement.**

21 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION
22 OR SECTION 19-4.1-810 (2) OR 19-4.1-812, ON BIRTH OF A CHILD
23 CONCEIVED BY ASSISTED REPRODUCTION UNDER A GESTATIONAL
24 SURROGACY AGREEMENT, EACH INTENDED PARENT IS, BY OPERATION OF
25 LAW, A PARENT OF THE CHILD.

26 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
27 SECTION OR SECTION 19-4.1-812, NEITHER A GESTATIONAL SURROGATE

1 NOR THE SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, IS A PARENT
2 OF THE CHILD.

3 (3) IF A CHILD IS ALLEGED TO BE A GENETIC CHILD OF THE WOMAN
4 WHO AGREED TO BE A GESTATIONAL SURROGATE, THE COURT SHALL
5 ORDER GENETIC TESTING OF THE CHILD. IF THE CHILD IS A GENETIC CHILD
6 OF THE WOMAN WHO AGREED TO BE A GESTATIONAL SURROGATE,
7 PARENTAGE MUST BE DETERMINED BASED ON PARTS 1 TO 6 OF THIS
8 ARTICLE 4.1.

9 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
10 SECTION OR SECTION 19-4.1-810 (2) OR 19-4.1-812, IF, DUE TO A CLINICAL
11 OR LABORATORY ERROR, A CHILD CONCEIVED BY ASSISTED REPRODUCTION
12 UNDER A GESTATIONAL SURROGACY AGREEMENT IS NOT GENETICALLY
13 RELATED TO AN INTENDED PARENT OR A DONOR WHO DONATED TO THE
14 INTENDED PARENT OR PARENTS, EACH INTENDED PARENT, AND NOT THE
15 GESTATIONAL SURROGATE AND THE SURROGATE'S SPOUSE OR FORMER
16 SPOUSE, IF ANY, IS A PARENT OF THE CHILD, SUBJECT TO ANY OTHER CLAIM
17 OF PARENTAGE.

18 **19-4.1-810. Gestational surrogacy agreement: parentage of**
19 **deceased intended parent.** (1) SECTION 19-4.1-809 APPLIES TO AN
20 INTENDED PARENT EVEN IF THE INTENDED PARENT DIED DURING THE
21 PERIOD BETWEEN THE TRANSFER OF A GAMETE OR EMBRYO AND THE BIRTH
22 OF THE CHILD.

23 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-812, AN
24 INTENDED PARENT IS NOT A PARENT OF A CHILD CONCEIVED BY ASSISTED
25 REPRODUCTION UNDER A GESTATIONAL SURROGACY AGREEMENT IF THE
26 INTENDED PARENT DIES BEFORE THE TRANSFER OF A GAMETE OR EMBRYO
27 UNLESS:

1 (a) THE AGREEMENT PROVIDES OTHERWISE; AND

2 (b) THE TRANSFER OF A GAMETE OR EMBRYO OCCURS NOT LATER
3 THAN THIRTY-SIX MONTHS AFTER THE DEATH OF THE INTENDED PARENT OR
4 BIRTH OF THE CHILD OCCURS NOT LATER THAN FORTY-FIVE MONTHS AFTER
5 THE DEATH OF THE INTENDED PARENT.

6 **19-4.1-811. Gestational surrogacy agreement: order of**
7 **parentage.** (1) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4.1-809
8 (3) OR 19-4.1-812, BEFORE, ON, OR AFTER THE BIRTH OF A CHILD
9 CONCEIVED BY ASSISTED REPRODUCTION UNDER A GESTATIONAL
10 SURROGACY AGREEMENT, A PARTY TO THE AGREEMENT MAY COMMENCE
11 A PROCEEDING IN THE JUVENILE COURT FOR AN ORDER OR JUDGMENT:

12 (a) DECLARING THAT EACH INTENDED PARENT IS A PARENT OF THE
13 CHILD AND ORDERING THAT PARENTAL RIGHTS AND DUTIES VEST
14 IMMEDIATELY ON THE BIRTH OF THE CHILD EXCLUSIVELY IN EACH
15 INTENDED PARENT;

16 (b) DECLARING THAT THE GESTATIONAL SURROGATE AND THE
17 SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, ARE NOT THE PARENTS
18 OF THE CHILD;

19 (c) DESIGNATING THE CONTENT OF THE BIRTH RECORD IN
20 ACCORDANCE WITH ARTICLE 2 OF TITLE 25 AND DIRECTING THE STATE
21 REGISTRAR TO DESIGNATE EACH INTENDED PARENT AS A PARENT OF THE
22 CHILD;

23 (d) TO PROTECT THE PRIVACY OF THE CHILD AND THE PARTIES,
24 DECLARING THAT THE COURT RECORD IS NOT OPEN TO INSPECTION EXCEPT
25 AS AUTHORIZED UNDER SECTION 19-4.1-806;

26 (e) IF NECESSARY, THAT THE CHILD BE SURRENDERED TO THE
27 INTENDED PARENT OR PARENTS; AND

1 (f) FOR OTHER RELIEF THE COURT DETERMINES NECESSARY AND
2 PROPER.

3 (2) THE COURT MAY ISSUE AN ORDER OR JUDGMENT UNDER
4 SUBSECTION (1) OF THIS SECTION BEFORE THE BIRTH OF THE CHILD. THE
5 COURT SHALL STAY ENFORCEMENT OF THE ORDER OR JUDGMENT UNTIL
6 THE BIRTH OF THE CHILD.

7 (3) NEITHER THIS STATE NOR THE STATE REGISTRAR IS A
8 NECESSARY PARTY TO A PROCEEDING UNDER SUBSECTION (1) OF THIS
9 SECTION.

10 **19-4.1-812. Effect of gestational surrogacy agreement.** (1) A
11 GESTATIONAL SURROGACY AGREEMENT THAT COMPLIES WITH SECTIONS
12 19-4.1-802, 19-4.1-803, AND 19-4.1-804 IS ENFORCEABLE.

13 (2) IF A CHILD WAS CONCEIVED BY ASSISTED REPRODUCTION
14 UNDER A GESTATIONAL SURROGACY AGREEMENT THAT DOES NOT COMPLY
15 WITH SECTIONS 19-4.1-802, 19-4.1-803, AND 19-4.1-804, THE COURT
16 SHALL DETERMINE THE RIGHTS AND DUTIES OF THE PARTIES TO THE
17 AGREEMENT CONSISTENT WITH THE INTENT OF THE PARTIES AT THE TIME
18 OF EXECUTION OF THE AGREEMENT. EACH PARTY TO THE AGREEMENT AND
19 ANY INDIVIDUAL WHO AT THE TIME OF THE EXECUTION OF THE AGREEMENT
20 WAS A SPOUSE OF A PARTY TO THE AGREEMENT HAS STANDING TO
21 MAINTAIN A PROCEEDING TO ADJUDICATE AN ISSUE RELATED TO THE
22 ENFORCEMENT OF THE AGREEMENT.

23 (3) EXCEPT AS EXPRESSLY PROVIDED IN A GESTATIONAL
24 SURROGACY AGREEMENT OR SUBSECTION (4) OR (5) OF THIS SECTION, IF
25 THE AGREEMENT IS BREACHED BY THE GESTATIONAL SURROGATE OR ONE
26 OR MORE INTENDED PARENTS, THE NON-BREACHING PARTY IS ENTITLED TO
27 THE REMEDIES AVAILABLE AT LAW OR IN EQUITY.

1 (4) SPECIFIC PERFORMANCE IS NOT A REMEDY AVAILABLE FOR
2 BREACH BY A GESTATIONAL SURROGATE OF A PROVISION IN THE
3 AGREEMENT THAT THE GESTATIONAL SURROGATE BE IMPREGNATED,
4 TERMINATE OR NOT TERMINATE A PREGNANCY, OR SUBMIT TO MEDICAL
5 PROCEDURES.

6 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS
7 SECTION, IF AN INTENDED PARENT IS DETERMINED TO BE A PARENT OF THE
8 CHILD, SPECIFIC PERFORMANCE IS A REMEDY AVAILABLE FOR:

9 (a) BREACH OF THE AGREEMENT BY A GESTATIONAL SURROGATE
10 THAT PREVENTS THE INTENDED PARENT FROM EXERCISING IMMEDIATELY
11 ON BIRTH OF THE CHILD THE FULL RIGHTS OF PARENTAGE; OR

12 (b) BREACH BY THE INTENDED PARENT THAT PREVENTS THE
13 INTENDED PARENT'S ACCEPTANCE, IMMEDIATELY ON BIRTH OF THE CHILD
14 CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT, OF THE
15 DUTIES OF PARENTAGE.

16 SUBPART 3

17 SPECIAL RULES FOR GENETIC

18 SURROGACY AGREEMENT

19 **19-4.1-813. Requirements to validate genetic surrogacy**
20 **agreement.** (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-816,
21 TO BE ENFORCEABLE, A GENETIC SURROGACY AGREEMENT MUST BE
22 VALIDATED BY THE JUVENILE COURT. A PROCEEDING TO VALIDATE THE
23 AGREEMENT MUST BE COMMENCED BEFORE ASSISTED REPRODUCTION
24 RELATED TO THE SURROGACY AGREEMENT.

25 (2) THE COURT SHALL ISSUE AN ORDER VALIDATING A GENETIC
26 SURROGACY AGREEMENT IF THE COURT FINDS THAT:

27 (a) SECTIONS 19-4.1-802, 19-4.1-803, AND 19-4.1-804 ARE

1 SATISFIED; AND

2 (b) ALL PARTIES ENTERED INTO THE AGREEMENT VOLUNTARILY
3 AND UNDERSTAND ITS TERMS.

4 (3) AN INDIVIDUAL WHO TERMINATES UNDER SECTION 19-4.1-814
5 A GENETIC SURROGACY AGREEMENT SHALL FILE NOTICE OF THE
6 TERMINATION WITH THE COURT. ON RECEIPT OF THE NOTICE, THE COURT
7 SHALL VACATE ANY ORDER ISSUED UNDER SUBSECTION (2) OF THIS
8 SECTION. AN INDIVIDUAL WHO DOES NOT NOTIFY THE COURT OF THE
9 TERMINATION OF THE AGREEMENT IS SUBJECT TO SANCTIONS.

10 **19-4.1-814. Termination of genetic surrogacy agreement.** (1) A
11 PARTY TO A GENETIC SURROGACY AGREEMENT MAY TERMINATE THE
12 AGREEMENT AS FOLLOWS:

13 (a) AN INTENDED PARENT WHO IS A PARTY TO THE AGREEMENT
14 MAY TERMINATE THE AGREEMENT AT ANY TIME BEFORE A GAMETE OR
15 EMBRYO TRANSFER BY GIVING NOTICE OF TERMINATION IN A RECORD TO
16 ALL OTHER PARTIES. IF A GAMETE OR EMBRYO TRANSFER DOES NOT
17 RESULT IN A PREGNANCY, A PARTY MAY TERMINATE THE AGREEMENT AT
18 ANY TIME BEFORE A SUBSEQUENT GAMETE OR EMBRYO TRANSFER. THE
19 NOTICE OF TERMINATION MUST BE ATTESTED BY A NOTARIAL OFFICER OR
20 WITNESSED.

21 (b) A GENETIC SURROGATE WHO IS A PARTY TO THE AGREEMENT
22 MAY WITHDRAW CONSENT TO THE AGREEMENT ANY TIME BEFORE
23 SEVENTY-TWO HOURS AFTER THE BIRTH OF A CHILD CONCEIVED BY
24 ASSISTED REPRODUCTION UNDER THE AGREEMENT. TO WITHDRAW
25 CONSENT, THE GENETIC SURROGATE MUST EXECUTE A NOTICE OF
26 TERMINATION IN A RECORD STATING THE SURROGATE'S INTENT TO
27 TERMINATE THE AGREEMENT. THE NOTICE OF TERMINATION MUST BE

1 ATTESTED BY A NOTARIAL OFFICER OR WITNESSED AND BE DELIVERED TO
2 EACH INTENDED PARENT ANY TIME BEFORE SEVENTY-TWO HOURS AFTER
3 THE BIRTH OF THE CHILD.

4 (2) ON TERMINATION OF THE GENETIC SURROGACY AGREEMENT
5 UNDER SUBSECTION (1) OF THIS SECTION, THE PARTIES ARE RELEASED
6 FROM ALL OBLIGATIONS UNDER THE AGREEMENT EXCEPT THAT EACH
7 INTENDED PARENT REMAINS RESPONSIBLE FOR ALL EXPENSES INCURRED
8 BY THE SURROGATE THROUGH THE DATE OF TERMINATION THAT ARE
9 REIMBURSABLE UNDER THE AGREEMENT. UNLESS THE AGREEMENT
10 PROVIDES OTHERWISE, THE SURROGATE IS NOT ENTITLED TO ANY
11 NON-EXPENSE-RELATED COMPENSATION PAID FOR SERVING AS A
12 SURROGATE.

13 (3) EXCEPT IN A CASE INVOLVING FRAUD, NEITHER A GENETIC
14 SURROGATE NOR THE SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY,
15 IS LIABLE TO THE INTENDED PARENT OR PARENTS FOR A PENALTY OR
16 LIQUIDATED DAMAGES, FOR TERMINATING A GENETIC SURROGACY
17 AGREEMENT UNDER THIS SECTION.

18 **19-4.1-815. Parentage under validated genetic surrogacy**
19 **agreement.** (1) UNLESS A GENETIC SURROGATE EXERCISES THE RIGHT
20 UNDER SECTION 19-4.1-814 TO TERMINATE A GENETIC SURROGACY
21 AGREEMENT, EACH INTENDED PARENT IS A PARENT OF A CHILD CONCEIVED
22 BY ASSISTED REPRODUCTION UNDER AN AGREEMENT VALIDATED UNDER
23 SECTION 19-4.1-813.

24 (2) UNLESS A GENETIC SURROGATE EXERCISES THE RIGHT UNDER
25 SECTION 19-4.1-814 TO TERMINATE THE GENETIC SURROGACY
26 AGREEMENT, ON PROOF OF A COURT ORDER ISSUED UNDER SECTION
27 19-4.1-813 VALIDATING THE AGREEMENT, THE COURT SHALL MAKE AN

1 ORDER:

2 (a) DECLARING THAT EACH INTENDED PARENT IS A PARENT OF A
3 CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT
4 AND ORDERING THAT PARENTAL RIGHTS AND DUTIES VEST EXCLUSIVELY
5 IN EACH INTENDED PARENT;

6 (b) DECLARING THAT THE GENETIC SURROGATE AND THE
7 SURROGATE'S SPOUSE OR FORMER SPOUSE, IF ANY, ARE NOT PARENTS OF
8 THE CHILD;

9 (c) DESIGNATING THE CONTENTS OF THE BIRTH CERTIFICATE IN
10 ACCORDANCE WITH ARTICLE 2 OF TITLE 25 AND DIRECTING THE STATE
11 REGISTRAR TO DESIGNATE EACH INTENDED PARENT AS A PARENT OF THE
12 CHILD;

13 (d) TO PROTECT THE PRIVACY OF THE CHILD AND THE PARTIES,
14 DECLARING THAT THE COURT RECORD IS NOT OPEN TO INSPECTION EXCEPT
15 AS AUTHORIZED UNDER SECTION 19-4.1-806;

16 (e) IF NECESSARY, THAT THE CHILD BE SURRENDERED TO THE
17 INTENDED PARENT OR PARENTS; AND

18 (f) FOR OTHER RELIEF THE COURT DETERMINES NECESSARY AND
19 PROPER.

20 (3) IF A GENETIC SURROGATE TERMINATES UNDER SECTION
21 19-4.1-814 (1)(b) A GENETIC SURROGACY AGREEMENT, PARENTAGE OF
22 THE CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER THE
23 AGREEMENT MUST BE DETERMINED UNDER PARTS 1 TO 6 OF THIS ARTICLE
24 4.1.

25 (4) IF A CHILD BORN TO A GENETIC SURROGATE IS ALLEGED NOT TO
26 HAVE BEEN CONCEIVED BY ASSISTED REPRODUCTION, THE COURT SHALL
27 ORDER GENETIC TESTING TO DETERMINE THE GENETIC PARENTAGE OF THE

1 CHILD. IF THE CHILD WAS NOT CONCEIVED BY ASSISTED REPRODUCTION,
2 PARENTAGE MUST BE DETERMINED UNDER PARTS 1 TO 6 OF THIS ARTICLE
3 4.1. UNLESS THE GENETIC SURROGACY AGREEMENT PROVIDES OTHERWISE,
4 IF THE CHILD WAS NOT CONCEIVED BY ASSISTED REPRODUCTION THE
5 SURROGATE IS NOT ENTITLED TO ANY NON-EXPENSE-RELATED
6 COMPENSATION PAID FOR SERVING AS A SURROGATE.

7 (5) UNLESS A GENETIC SURROGATE EXERCISES THE RIGHT UNDER
8 SECTION 19-4.1-814 TO TERMINATE THE GENETIC SURROGACY
9 AGREEMENT, IF AN INTENDED PARENT FAILS TO FILE NOTICE REQUIRED
10 UNDER SECTION 19-4.1-814(1), THE GENETIC SURROGATE MAY FILE WITH
11 THE COURT, NOT LATER THAN SIXTY DAYS AFTER THE BIRTH OF A CHILD
12 CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT, NOTICE
13 THAT THE CHILD HAS BEEN BORN TO THE GENETIC SURROGATE. UNLESS
14 THE GENETIC SURROGATE HAS PROPERLY EXERCISED THE RIGHT UNDER
15 SECTION 19-4.1-814 TO WITHDRAW CONSENT TO THE AGREEMENT, ON
16 PROOF OF A COURT ORDER ISSUED UNDER SECTION 19-4.1-813 VALIDATING
17 THE AGREEMENT, THE COURT SHALL ORDER THAT EACH INTENDED PARENT
18 IS A PARENT OF THE CHILD.

19 **19-4.1-816. Effect of nonvalidated genetic surrogacy**
20 **agreement.** (1) A GENETIC SURROGACY AGREEMENT, WHETHER OR NOT
21 IN A RECORD, THAT IS NOT VALIDATED UNDER SECTION 19-4.1-813 IS
22 ENFORCEABLE ONLY TO THE EXTENT PROVIDED IN THIS SECTION AND
23 SECTION 19-4.1-818.

24 (2) IF ALL PARTIES AGREE, A COURT MAY VALIDATE A GENETIC
25 SURROGACY AGREEMENT AFTER ASSISTED REPRODUCTION HAS OCCURRED
26 BUT BEFORE THE BIRTH OF A CHILD CONCEIVED BY ASSISTED
27 REPRODUCTION UNDER THE AGREEMENT.

1 (3) IF A CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER A
2 GENETIC SURROGACY AGREEMENT THAT IS NOT VALIDATED UNDER
3 SECTION 19-4.1-813 IS BORN AND THE GENETIC SURROGATE, CONSISTENT
4 WITH SECTION 19-4.1-814 (1)(b), WITHDRAWS HER CONSENT TO THE
5 AGREEMENT BEFORE SEVENTY-TWO HOURS AFTER THE BIRTH OF THE
6 CHILD, THE COURT SHALL ADJUDICATE THE PARENTAGE OF THE CHILD
7 UNDER PARTS 1 TO 6 OF THIS ARTICLE 4.1.

8 (4) IF A CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER A
9 GENETIC SURROGACY AGREEMENT THAT IS NOT VALIDATED UNDER
10 SECTION 19-4.1-813 IS BORN AND A GENETIC SURROGATE DOES NOT
11 WITHDRAW HER CONSENT TO THE AGREEMENT, CONSISTENT WITH SECTION
12 19-4.1-814(1)(b), BEFORE SEVENTY-TWO HOURS AFTER THE BIRTH OF THE
13 CHILD, THE GENETIC SURROGATE IS NOT AUTOMATICALLY A PARENT AND
14 THE COURT SHALL ADJUDICATE PARENTAGE OF THE CHILD BASED ON THE
15 BEST INTEREST OF THE CHILD, TAKING INTO ACCOUNT THE FACTORS IN
16 SECTION 19-4.1-613 (1) AND THE INTENT OF THE PARTIES AT THE TIME OF
17 THE EXECUTION OF THE AGREEMENT.

18 (5) THE PARTIES TO A GENETIC SURROGACY AGREEMENT HAVE
19 STANDING TO MAINTAIN A PROCEEDING TO ADJUDICATE PARENTAGE
20 UNDER THIS SECTION.

21 **19-4.1-817. Genetic surrogacy agreement: parentage of**
22 **deceased intended parent.** (1) EXCEPT AS OTHERWISE PROVIDED IN
23 SECTION 19-4.1-815 OR 19-4.1-816, ON BIRTH OF A CHILD CONCEIVED BY
24 ASSISTED REPRODUCTION UNDER A GENETIC SURROGACY AGREEMENT,
25 EACH INTENDED PARENT IS, BY OPERATION OF LAW, A PARENT OF THE
26 CHILD, NOTWITHSTANDING THE DEATH OF AN INTENDED PARENT DURING
27 THE PERIOD BETWEEN THE TRANSFER OF A GAMETE OR EMBRYO AND THE

1 BIRTH OF THE CHILD.

2 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4.1-815 OR
3 19-4.1-816, AN INTENDED PARENT IS NOT A PARENT OF A CHILD
4 CONCEIVED BY ASSISTED REPRODUCTION UNDER A GENETIC SURROGACY
5 AGREEMENT IF THE INTENDED PARENT DIES BEFORE THE TRANSFER OF A
6 GAMETE OR EMBRYO UNLESS:

7 (a) THE AGREEMENT PROVIDES OTHERWISE; AND

8 (b) THE TRANSFER OF THE GAMETE OR EMBRYO OCCURS NOT
9 LATER THAN THIRTY-SIX MONTHS AFTER THE DEATH OF THE INTENDED
10 PARENT OR BIRTH OF THE CHILD OCCURS NOT LATER THAN FORTY-FIVE
11 MONTHS AFTER THE DEATH OF THE INTENDED PARENT.

12 **19-4.1-818. Breach of genetic surrogacy agreement.**

13 (1) SUBJECT TO SECTION 19-4.1-814 (2), IF A GENETIC SURROGACY
14 AGREEMENT IS BREACHED BY A GENETIC SURROGATE OR ONE OR MORE
15 INTENDED PARENTS, THE NON-BREACHING PARTY IS ENTITLED TO THE
16 REMEDIES AVAILABLE AT LAW OR IN EQUITY.

17 (2) SPECIFIC PERFORMANCE IS NOT A REMEDY AVAILABLE FOR
18 BREACH BY A GENETIC SURROGATE OF A REQUIREMENT OF A VALIDATED
19 OR NON-VALIDATED GENETIC SURROGACY AGREEMENT THAT THE
20 SURROGATE BE IMPREGNATED, TERMINATE OR NOT TERMINATE A
21 PREGNANCY, OR SUBMIT TO MEDICAL PROCEDURES.

22 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
23 SECTION, SPECIFIC PERFORMANCE IS A REMEDY AVAILABLE FOR:

24 (a) BREACH OF A VALIDATED GENETIC SURROGACY AGREEMENT BY
25 A GENETIC SURROGATE OF A REQUIREMENT THAT PREVENTS AN INTENDED
26 PARENT FROM EXERCISING THE FULL RIGHTS OF PARENTAGE SEVENTY-TWO
27 HOURS AFTER THE BIRTH OF THE CHILD; OR

1 (b) BREACH BY AN INTENDED PARENT THAT PREVENTS THE
2 INTENDED PARENT'S ACCEPTANCE OF DUTIES OF PARENTAGE
3 SEVENTY-TWO HOURS AFTER THE BIRTH OF THE CHILD.

4 PART 9
5 INFORMATION ABOUT DONOR

6 **19-4.1-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "IDENTIFYING INFORMATION" MEANS:
9 (a) THE FULL NAME OF A DONOR;
10 (b) THE DATE OF BIRTH OF THE DONOR; AND
11 (c) THE PERMANENT AND, IF DIFFERENT, CURRENT ADDRESS OF THE
12 DONOR AT THE TIME OF THE DONATION.

13 (2) "MEDICAL HISTORY" MEANS INFORMATION REGARDING ANY:
14 (a) PRESENT ILLNESS OF A DONOR;
15 (b) PAST ILLNESS OF THE DONOR; AND
16 (c) SOCIAL, GENETIC, AND FAMILY HISTORY PERTAINING TO THE
17 HEALTH OF THE DONOR.

18 **19-4.1-902. Applicability.** THIS PART 9 APPLIES ONLY TO GAMETES
19 COLLECTED ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE 4.1.

20 **19-4.1-903. Collection of information.** (1) A GAMETE BANK OR
21 FERTILITY CLINIC LICENSED IN THIS STATE SHALL COLLECT FROM A DONOR
22 THE DONOR'S IDENTIFYING INFORMATION AND MEDICAL HISTORY AT THE
23 TIME OF THE DONATION.

24 (2) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
25 THAT RECEIVES GAMETES OF A DONOR COLLECTED BY ANOTHER GAMETE
26 BANK OR FERTILITY CLINIC SHALL COLLECT THE NAME, ADDRESS,
27 TELEPHONE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE GAMETE

1 BANK OR FERTILITY CLINIC FROM WHICH IT RECEIVED THE GAMETES.

2 (3) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
3 SHALL DISCLOSE THE INFORMATION COLLECTED UNDER SUBSECTIONS (1)
4 AND (2) OF THIS SECTION AS PROVIDED UNDER SECTION 19-4.1-905.

5 **19-4.1-904. Declaration regarding identity disclosure.** (1) A
6 GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE THAT
7 COLLECTS GAMETES FROM A DONOR SHALL:

8 (a) PROVIDE THE DONOR WITH INFORMATION IN A RECORD ABOUT
9 THE DONOR'S CHOICE REGARDING IDENTITY DISCLOSURE; AND

10 (b) OBTAIN A DECLARATION FROM THE DONOR REGARDING
11 IDENTITY DISCLOSURE.

12 (2) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
13 SHALL GIVE A DONOR THE CHOICE TO SIGN A DECLARATION, ATTESTED BY
14 A NOTARIAL OFFICER OR WITNESSED, THAT EITHER:

15 (a) STATES THAT THE DONOR AGREES TO DISCLOSE THE DONOR'S
16 IDENTITY TO A CHILD CONCEIVED BY ASSISTED REPRODUCTION WITH THE
17 DONOR'S GAMETES ON REQUEST ONCE THE CHILD ATTAINS EIGHTEEN
18 YEARS OF AGE; OR

19 (b) STATES THAT THE DONOR DOES NOT AGREE PRESENTLY TO
20 DISCLOSE THE DONOR'S IDENTITY TO THE CHILD.

21 (3) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
22 SHALL PERMIT A DONOR WHO HAS SIGNED A DECLARATION UNDER
23 SUBSECTION (2)(b) OF THIS SECTION TO WITHDRAW THE DECLARATION AT
24 ANY TIME BY SIGNING A DECLARATION UNDER SUBSECTION (2)(a).

25 **19-4.1-905. Disclosure of identifying information and medical**
26 **history.** (1) ON REQUEST OF A CHILD CONCEIVED BY ASSISTED
27 REPRODUCTION WHO ATTAINS EIGHTEEN YEARS OF AGE, A GAMETE BANK

1 OR FERTILITY CLINIC LICENSED IN THIS STATE THAT COLLECTED THE
2 GAMETES USED IN THE ASSISTED REPRODUCTION SHALL MAKE A
3 GOOD-FAITH EFFORT TO PROVIDE THE CHILD WITH IDENTIFYING
4 INFORMATION OF THE DONOR WHO PROVIDED THE GAMETES, UNLESS THE
5 DONOR SIGNED AND DID NOT WITHDRAW A DECLARATION UNDER SECTION
6 19-4.1-904 (2)(b). IF THE DONOR SIGNED AND DID NOT WITHDRAW THE
7 DECLARATION, THE GAMETE BANK OR FERTILITY CLINIC SHALL MAKE A
8 GOOD-FAITH EFFORT TO NOTIFY THE DONOR, WHO MAY ELECT UNDER
9 SECTION 19-4.1-904 TO WITHDRAW THE DONOR'S DECLARATION.

10 (2) REGARDLESS WHETHER A DONOR SIGNED A DECLARATION
11 UNDER SECTION 19-4.1-904 (2)(b), ON REQUEST BY A CHILD CONCEIVED BY
12 ASSISTED REPRODUCTION WHO ATTAINS EIGHTEEN YEARS OF AGE, OR, IF
13 THE CHILD IS A MINOR, BY A PARENT OR GUARDIAN OF THE CHILD, A
14 GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE THAT
15 COLLECTED THE GAMETES USED IN THE ASSISTED REPRODUCTION SHALL
16 MAKE A GOOD-FAITH EFFORT TO PROVIDE THE CHILD OR, IF THE CHILD IS
17 A MINOR, THE PARENT OR GUARDIAN OF THE CHILD, ACCESS TO
18 NONIDENTIFYING MEDICAL HISTORY OF THE DONOR.

19 (3) ON REQUEST OF A CHILD CONCEIVED BY ASSISTED
20 REPRODUCTION WHO ATTAINS EIGHTEEN YEARS OF AGE, A GAMETE BANK
21 OR FERTILITY CLINIC LICENSED IN THIS STATE THAT RECEIVED THE
22 GAMETES USED IN THE ASSISTED REPRODUCTION FROM ANOTHER GAMETE
23 BANK OR FERTILITY CLINIC SHALL DISCLOSE THE NAME, ADDRESS,
24 TELEPHONE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE GAMETE
25 BANK OR FERTILITY CLINIC FROM WHICH IT RECEIVED THE GAMETES.

26 **19-4.1-906. Record keeping.** (1) A GAMETE BANK OR FERTILITY
27 CLINIC LICENSED IN THIS STATE THAT COLLECTS GAMETES FOR USE IN

1 ASSISTED REPRODUCTION SHALL MAINTAIN IDENTIFYING INFORMATION
2 AND MEDICAL HISTORY ABOUT EACH GAMETE DONOR. THE GAMETE BANK
3 OR FERTILITY CLINIC SHALL MAINTAIN RECORDS OF GAMETE SCREENING
4 AND TESTING AND COMPLY WITH REPORTING REQUIREMENTS, IN
5 ACCORDANCE WITH FEDERAL LAW AND APPLICABLE LAW OF THIS STATE
6 OTHER THAN THIS ARTICLE 4.1.

7 (2) A GAMETE BANK OR FERTILITY CLINIC LICENSED IN THIS STATE
8 THAT RECEIVES GAMETES FROM ANOTHER GAMETE BANK OR FERTILITY
9 CLINIC SHALL MAINTAIN THE NAME, ADDRESS, TELEPHONE NUMBER, AND
10 ELECTRONIC MAIL ADDRESS OF THE GAMETE BANK OR FERTILITY CLINIC
11 FROM WHICH IT RECEIVED THE GAMETES.

12 PART 10

13 MISCELLANEOUS PROVISIONS

14 **19-4.1-1001. Uniformity of application and construction.** IN
15 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE
16 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT
17 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

18 **19-4.1-1002. Relation to federal "Electronic Signatures in
19 Global and National Commerce Act".** THIS ARTICLE 4.1 MODIFIES,
20 LIMITS, OR SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN
21 GLOBAL AND NATIONAL COMMERCE ACT", 15 U.S.C. 7001 ET SEQ., BUT
22 DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15
23 U.S.C. SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF
24 THE NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC.
25 7003 (b).

26 **19-4.1-1003. Transitional provision.** THIS ARTICLE 4.1 APPLIES
27 TO A PENDING PROCEEDING TO ADJUDICATE PARENTAGE COMMENCED

1 BEFORE THE EFFECTIVE DATE OF THIS ARTICLE 4.1 FOR AN ISSUE ON WHICH
2 A JUDGMENT HAS NOT BEEN ENTERED.

3 **SECTION 2.** In Colorado Revised Statutes, **repeal** article 4 of
4 title 19.

5 **SECTION 3.** In Colorado Revised Statutes, 5-16-111, **amend**
6 (1)(b)(III) as follows:

7 **5-16-111. Legal actions by collection agencies.** (1) Any debt
8 collector or collection agency who brings any legal action on a debt
9 against any consumer shall:

10 (b) In the case of an action not described in subsection (1)(a) of
11 this section, bring the action only in the judicial district or similar legal
12 entity in which:

13 (III) The action may be brought pursuant to article 13 or 13.5 of
14 title 26, section 14-14-104, or ~~article 4~~ ARTICLE 4.1 or 6 of title 19, if the
15 action is by a private collection agency acting on behalf of a delegate
16 child support enforcement unit.

17 **SECTION 4.** In Colorado Revised Statutes, 13-1-124, **amend**
18 (1)(f) as follows:

19 **13-1-124. Jurisdiction of courts.** (1) Engaging in any act
20 enumerated in this section by any person, whether or not a resident of the
21 state of Colorado, either in person or by an agent, submits such person
22 and, if a natural person, such person's personal representative to the
23 jurisdiction of the courts of this state concerning any cause of action
24 arising from:

25 (f) The engaging of sexual intercourse in this state as to an action
26 brought under ~~article 4~~ ARTICLE 4.1 or article 6 of title 19, ~~C.R.S.~~, with
27 respect to a child who may have been conceived by that act of intercourse,

1 as set forth in verified petition; or

2 **SECTION 5.** In Colorado Revised Statutes, 13-25-126, **amend**
3 (2) as follows:

4 **13-25-126. Genetic tests to determine parentage.** (2) Any
5 objection to genetic testing results shall be made in writing not less than
6 fifteen days before the first scheduled hearing at which the results may be
7 introduced into evidence or fifteen days after motion for summary
8 judgment is served on such person; except that a person shall object to the
9 genetic testing results not less than twenty-four hours prior to the first
10 scheduled hearing if such person did not receive the results fifteen or
11 more days before such hearing. The test results ~~shall be~~ ARE admissible
12 as evidence of paternity in an action filed pursuant to article 10 of title 14,
13 ~~C.R.S., article 4~~ ARTICLE 4.1 of title 19, ~~C.R.S.,~~ or article 13.5 of title 26,
14 ~~C.R.S.,~~ without the need for foundation testimony or other proof of
15 authenticity or accuracy.

16 **SECTION 6.** In Colorado Revised Statutes, 13-92-102, **amend**
17 the introductory portion and (4) as follows:

18 **13-92-102. Definitions.** As used in this ~~article~~ ARTICLE 92, unless
19 the context otherwise requires:

20 (4) "Parent" means a natural parent of a child, as may be
21 established pursuant to ~~article 4~~ ARTICLE 4.1 of title 19, ~~C.R.S.,~~ a parent
22 by adoption, or a legal guardian.

23 **SECTION 7.** In Colorado Revised Statutes, 14-14-111.5, **amend**
24 (14) as follows:

25 **14-14-111.5. Income assignments for child support or**
26 **maintenance.** (14) This section applies to any action brought under this
27 ~~article~~ ARTICLE 14 or article 5, 6, or 10 of this ~~title~~ TITLE 14 or under

1 ~~article 4~~ ARTICLE 4.1 or 6 of title 19, ~~C.R.S.~~, or under article 13.5 of title
2 26. ~~C.R.S.~~

3 **SECTION 8.** In Colorado Revised Statutes, 14-14-113, **amend**
4 (1)(b) as follows:

5 **14-14-113. Recordation of social security numbers in certain**
6 **family matters.** (1) (b) The judicial department shall maintain records
7 of the parties' and children's social security numbers in family matters
8 filed under articles 10 and 14 of this ~~title, articles 4~~ TITLE 14, ARTICLES
9 4.1 and 6 of title 19, ~~C.R.S.~~, and article 13.5 of title 26. ~~C.R.S.~~ Nothing
10 in this ~~paragraph (b) shall require~~ SUBSECTION (1)(b) REQUIRES that a
11 person's social security number appear on the face of the court order.

12 **SECTION 9.** In Colorado Revised Statutes, 19-1-103, **amend**
13 (15) as follows:

14 **19-1-103. Definitions.** As used in this title 19 or in the specified
15 portion of this title 19, unless the context otherwise requires:

16 (15) "Birth parents", as used in part 4 of article 5 of this ~~title~~ TITLE
17 19, means genetic, biological, or natural parents whose rights were
18 voluntarily or involuntarily terminated by a court or otherwise. "Birth
19 parents" includes a man who is the parent of a child as established in
20 accordance with the provisions of the ~~"Uniform Parentage Act", article~~
21 ~~4 of this title~~ "UNIFORM PARENTAGE ACT (2017)", ARTICLE 4.1 OF THIS
22 TITLE 19, prior to the termination of parental rights.

23 **SECTION 10.** In Colorado Revised Statutes, 19-1-108, **amend**
24 (3)(a.5) as follows:

25 **19-1-108. Magistrates - qualifications - duties.**
26 (3) (a.5) Magistrates shall conduct hearings in the manner provided for
27 the hearing of cases by the court. During the initial advisement of the

1 rights of any party, the magistrate shall inform the party that, except as
2 provided in this subsection (3), he or she has the right to a hearing before
3 the judge in the first instance and that he or she may waive that right but
4 that, by waiving that right, he or she is bound by the findings and
5 recommendations of the magistrate, subject to a request for review as
6 provided in subsection (5.5) of this section. The right to require a hearing
7 before a judge does not apply to hearings at which a child is advised of
8 his or her rights pursuant to section 19-2-706; detention hearings held
9 pursuant to sections 19-2-507, 19-2-507.5, and 19-2-508; preliminary
10 hearings held pursuant to section 19-2-705; temporary custody hearings
11 held pursuant to section 19-3-403; proceedings held pursuant to ~~article 4~~
12 ARTICLE 4.1 of this title 19; and support proceedings held pursuant to
13 article 6 of this title 19. In proceedings held pursuant to article 4 or 6 of
14 this title 19, contested final orders regarding allocation of parental
15 responsibilities may be heard by the magistrate only with the consent of
16 all parties.

17 **SECTION 11.** In Colorado Revised Statutes, **amend** 19-1-308 as
18 follows:

19 **19-1-308. Parentage information.** Notwithstanding any other law
20 concerning public hearings and records, any hearing or trial held pursuant
21 to ~~article 4~~ ARTICLE 4.1 of this title 19 must be held in closed court
22 without admittance of any person other than those necessary to the action
23 or proceeding. In addition to access otherwise provided for pursuant to
24 section 19-1-303, all papers and records pertaining to the action or
25 proceeding that are part of the permanent record of the court are subject
26 to inspection by the parties to the action and their attorneys of record, and
27 such parties and their attorneys are subject to a court order that must be

1 in effect against all parties to the action prohibiting the parties from
2 disclosing the genetic testing information contained in the court's record.
3 Such court papers and records are not subject to inspection by any person
4 not a party to the action except the state child support enforcement agency
5 or delegate child support enforcement units for the purposes set forth in
6 section 19-1-303 (4.4) or upon consent of the court and all parties to the
7 action, or, in exceptional cases only, upon an order of the court for good
8 cause shown. All papers and records in the custody of the county
9 department of human or social services must be available for inspection
10 by the parties to the action only upon the consent of all parties to the
11 action and as provided by section 26-1-114, or by the rules governing
12 discovery, but the papers and records must not be subject to inspection by
13 any person not a party to the action except upon consent of all parties to
14 the action; except that the results of genetic testing may be provided to all
15 parties, when available, notwithstanding laws governing confidentiality
16 and without the necessity of formal discovery. Any person receiving or
17 inspecting paternity information in the custody of the county department
18 of human or social services is subject to a court order that must be in
19 effect prohibiting such persons from disclosing the genetic testing
20 information contained in the department's record.

21 **SECTION 12.** In Colorado Revised Statutes, 24-34-805, **amend**
22 (2)(d) introductory portion as follows:

23 **24-34-805. Family preservation safeguards for families that**
24 **include a parent with a disability - protections - legislative**
25 **declaration - definitions.** (2) Achieving the goal of family preservation
26 for a parent or prospective parent with a disability includes the following
27 requirements:

1 (d) In a case brought pursuant to title 14, a minor guardianship
2 proceeding pursuant to title 15, or ~~article 4~~ ARTICLE 4.1 of title 19:

3 **SECTION 13.** In Colorado Revised Statutes, **amend** 25-1-122.5
4 as follows:

5 **25-1-122.5. Confidentiality of genetic testing records -**
6 **"Uniform Parentage Act (2017)".** Notwithstanding any other law
7 concerning public records, any records or information concerning the
8 genetic testing of a person for purposes of the determination of parentage
9 pursuant to ~~article 4~~ ARTICLE 4.1 of title 19, ~~C.R.S., shall be~~ ARE
10 confidential and shall not be disclosed except as otherwise provided in
11 section 19-1-308. ~~C.R.S.~~

12 **SECTION 14.** In Colorado Revised Statutes, 25-2-113.5, **amend**
13 (2)(e) as follows:

14 **25-2-113.5. Limited access to information upon consent of all**
15 **parties - voluntary adoption registry.** (2) As used in this section,
16 unless the context otherwise requires:

17 (e) "Qualified birth parent" means a genetic, biological, or natural
18 parent whose rights were voluntarily or involuntarily terminated by a
19 court or otherwise and who meets the requirements of this section. "Birth
20 parent" includes a man who is the parent of a child as established in
21 accordance with the provisions of the ~~"Uniform Parentage Act"~~, ~~article~~
22 ~~4~~ "UNIFORM PARENTAGE ACT (2017)", ARTICLE 4.1 of title 19, ~~C.R.S.~~;
23 prior to the termination of parental rights and who meets the requirements
24 of this section.

25 **SECTION 15. Act subject to petition - effective date.** This act
26 takes effect January 1, 2021; except that, if a referendum petition is filed
27 pursuant to section 1 (3) of article V of the state constitution against this

1 act or an item, section, or part of this act within the ninety-day period
2 after final adjournment of the general assembly, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2020 and, in such case, will take
5 effect January 1, 2021, or on the date of the official declaration of the
6 vote thereon by the governor, whichever is later.