

UNIFORM PARENTAGE ACT (2000)*

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

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By

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

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UNIFORM PARENTAGE ACT (2000)

ARTICLE 1 GENERAL PROVISIONS

SECTION 101. SHORT TITLE. This [Act] may be cited as the Uniform Parentage Act.

SECTION 102. DEFINITIONS. In this [Act]:

(1) “Acknowledged father” means a man who has established a father-child relationship under [Article] 3.

(2) “Adjudicated father” means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.

(3) “Alleged father” means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include:

(A) a presumed father;

(B) a man whose parental rights have been terminated or declared not to exist;

or

(C) a male donor.

(4) “Assisted reproduction” means a method of causing pregnancy other than sexual intercourse. The term includes:

(A) intrauterine insemination;

(B) donation of eggs;

(C) donation of embryos;

(D) in-vitro fertilization and transfer of embryos; and

(E) intracytoplasmic sperm injection.

(5) “Child” means an individual of any age whose parentage may be determined under this [Act].

(6) “Commence” means to file the initial pleading seeking an adjudication of parentage in [the appropriate court] of this State.

(7) “Determination of parentage” means the establishment of the parent-child relationship by the signing of a valid acknowledgment of paternity under [Article] 3 or adjudication by the court.

(8) “Donor” means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration. The term does not include:

(A) a husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by the wife; or

(B) a woman who gives birth to a child by means of assisted reproduction[, except as otherwise provided in [Article] 8].

(9) “Ethnic or racial group” means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of his or her ancestry or that is so identified by other information.

(10) “Genetic testing” means an analysis of genetic markers only to exclude or identify a man as the father or a woman as the mother of a child. The term includes an analysis of one or a combination of the following:

(A) deoxyribonucleic acid; and

(B) blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.

[(11) “Gestational mother” means the woman who gives birth to a child.]

[(12) “Intended parents” means the individuals who enter into an agreement providing that they will be the parents of a child born to a gestational mother by means of assisted reproduction, whether or not either of them has a genetic relationship with the child.]

(13) “Man” means a male individual of any age.

(14) “Parent” means an individual who has established a parent-child relationship under Section 201.

(15) “Parent-child relationship” means the legal relationship between a child and a parent of the child. The term includes the mother-child relationship and the father-child relationship.

(16) “Paternity index” means the likelihood of paternity calculated by computing the ratio between:

(A) the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child; and

(B) the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is from the same ethnic or racial group as the tested man.

(17) “Presumed father” means a man who, by operation of law under Section 204, is recognized to be the father of a child until that status is rebutted or confirmed in a judicial proceeding.

(18) “Probability of paternity” means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the individual in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability.

(19) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(20) “State” means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(21) “Support-enforcement agency” means a public official or agency authorized to seek:

(A) enforcement of support orders or laws relating to the duty of support;

(B) establishment or modification of child support;

(C) determination of parentage; or

(D) location of child-support obligors and their income and assets.

SECTION 103. SCOPE OF [ACT]; CHOICE OF LAW.

(a) This [Act] governs every determination of parentage in this State.

(b) The court shall apply the law of this State to adjudicate the parent-child relationship. The applicable law does not depend on:

(1) the place of birth of the child; or

(2) the past or present residence of the child.

(c) This [Act] does not create, enlarge, or diminish parental rights or duties under other law of this State.

[(d) This [Act] does not authorize or prohibit an agreement between a gestational mother and intended parents in which the gestational mother relinquishes all rights as a parent of a child born through assisted reproduction, and which provides that the intended parents become the parents of the child. If a birth results under a gestational agreement that is unenforceable under [the law of this State], the parent-child relationship is determined as provided in [Article] 2.]

SECTION 104. COURT OF THIS STATE. The following courts are authorized to adjudicate parentage under this [Act]:[list appropriate courts].

SECTION 105. PROTECTION OF PARTICIPANTS. Proceedings under this [Act] are subject to other law of this State governing the health, safety, privacy, and liberty of a child or other individual that could be jeopardized by disclosure of identifying information, including address, telephone number, place of employment, social security number, and the child's day-care facility and school.

SECTION 106. DETERMINATION OF MATERNITY. The provisions relating to determination of paternity may be applied to a determination of maternity.

ARTICLE 2
PARENT-CHILD RELATIONSHIP

SECTION 201. ESTABLISHMENT OF PARENT-CHILD RELATIONSHIP.

(a) The mother-child relationship is established between a child and a woman by:

(1) the woman's having given birth to the child [, except as otherwise provided in [Article] 8];

(2) an adjudication of the woman's maternity; [or]

(3) adoption of the child by the woman[; or

(4) an adjudication confirming the woman as a parent of a child born pursuant to a gestational agreement validated under [Article] 8 or other enforceable gestational agreement].

(b) The father-child relationship is established between a child and a man by:

(1) an unrebutted presumption of the man's paternity of the child under Section 204;

(2) the man's having signed an acknowledgment of paternity under [Article] 3, unless the acknowledgment has been rescinded or successfully challenged;

(3) an adjudication of the man's paternity;

(4) adoption of the child by the man; [or]

(5) the man's having consented to assisted reproduction by his wife under [Article] 7 which resulted in the birth of the child[; or

(6) an adjudication confirming the man as a parent of a child born pursuant to a gestational agreement validated under [Article] 8 or other enforceable gestational agreement].

SECTION 202. NO DISCRIMINATION BASED ON MARITAL STATUS. A child born to parents who are not married to each other has the same rights under the law as a child born to parents who are married to each other.

SECTION 203. CONSEQUENCES OF ESTABLISHMENT OF PARENTAGE.

Unless parental rights are terminated, the parent-child relationship established under this [Act] applies for all purposes, except as otherwise provided by other law of this State.

SECTION 204. PRESUMPTION OF PATERNITY IN CONTEXT OF MARRIAGE.

(a) A man is presumed to be the father of a child if:

(1) he and the mother of the child are married to each other and the child is born during the marriage;

(2) he and the mother of the child were married to each other and the child is born within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce[, or after a decree of separation];

(3) before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is, or could be, declared invalid and the child is born during the invalid marriage or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce[, or after a decree of separation]; or

(4) after the birth of the child, he and the mother of the child have married each other in apparent compliance with law, whether or not the marriage is, or could be declared invalid, and he voluntarily asserted his paternity of the child, and:

(A) the assertion is in a record filed with [state agency maintaining birth records];

(B) agreed to be and is named as the child's father on the child's birth certificate; or

(C) promised in a record to support the child as his own.

(b) A presumption of paternity established under this section may be rebutted only by an adjudication under [Article] 6.

ARTICLE 3
VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

SECTION 301. ACKNOWLEDGMENT OF PATERNITY. The mother of a child and a man claiming to be the father of the child conceived as the result of his sexual intercourse with the mother may sign an acknowledgment of paternity with intent to establish the man's paternity.

SECTION 302. EXECUTION OF ACKNOWLEDGMENT OF PATERNITY.

(a) An acknowledgment of paternity must:

(1) be in a record;

(2) be signed under penalty of perjury by the mother and by the man seeking to establish his paternity;

(3) state that the child whose paternity is being acknowledged:

(A) does not have a presumed father, or has a presumed father whose full name is stated; and

(B) does not have another acknowledged or adjudicated father; and

(4) state whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing; and

(5) state that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after two years.

(b) An acknowledgment of paternity is void if it:

(1) states that another man is a presumed father, unless a denial of paternity signed by the presumed father is filed with the [agency maintaining birth records];

(2) states that another man is an acknowledged or adjudicated father; or

(3) falsely denies the existence of a presumed, acknowledged, or adjudicated father of the child.

(c) A presumed father may sign an acknowledgment of paternity.

SECTION 303. DENIAL OF PATERNITY. A presumed father of a child may sign a denial of his paternity. The denial is valid only if:

(1) an acknowledgment of paternity signed by another man is filed pursuant to Section 305;

(2) the denial is in a record, and signed under penalty of perjury; and

(3) the presumed father has not previously:

(A) acknowledged his paternity, unless the previous acknowledgment has been rescinded pursuant to Section 307 or successfully challenged pursuant to Section 308; or

(B) been adjudicated to be the father of the child.

SECTION 304. RULES FOR ACKNOWLEDGMENT AND DENIAL OF PATERNITY.

(a) An acknowledgment of paternity and a denial of paternity may be contained in a single document or may be signed in counterparts, and may be filed separately or simultaneously.

(b) An acknowledgment of paternity or a denial of paternity may be signed before the birth of the child.

(c) An acknowledgment and denial of paternity, if any, take effect on the birth of the child or the filing of the document with the [agency maintaining birth records], whichever occurs later.

(d) An acknowledgment or denial of paternity signed by a minor is valid if otherwise in compliance with this [Act].

SECTION 305. EFFECT OF ACKNOWLEDGMENT OR DENIAL OF PATERNITY.

(a) Except as otherwise provided in Sections 307 and 308, a valid acknowledgment of paternity filed with the [agency maintaining birth records] is equivalent to an adjudication of paternity of a child and confers upon the acknowledged father all the rights and duties of a parent.

(b) Except as otherwise provided in Sections 307 and 308, a valid denial of paternity filed with the [agency maintaining birth records] in conjunction with a valid acknowledgment of paternity is equivalent to an adjudication of the nonpaternity of the presumed father and discharges the presumed father from all of the rights and duties of a parent.

SECTION 306. NO FILING FEE. The [agency maintaining birth records] may not charge for filing an acknowledgment or denial of paternity.

SECTION 307. PROCEEDING FOR RESCISSION. A signatory may rescind an acknowledgment or denial of paternity by commencing a proceeding to rescind before the earlier of:

(1) 60 days after the effective date of the filing of the acknowledgment or denial, as provided in Section 304; or

(2) the date of the first hearing in a proceeding to which the signatory is a party before a court to adjudicate an issue relating to the child, including a proceeding that establishes support.

SECTION 308. CHALLENGE AFTER EXPIRATION OF TIME FOR RESCISSION.

(a) After the period for rescission under Section 307 has elapsed, a signatory of an acknowledgment or denial of paternity may commence a proceeding to challenge the acknowledgment or denial only:

(1) on the basis of fraud, duress, or material mistake of fact; and
(2) within two years after the acknowledgment or denial is filed with the [agency maintaining birth records].

(b) A party challenging an acknowledgment or denial of paternity has the burden of proof.

SECTION 309. PROCEDURE FOR RESCISSION OR CHALLENGE.

(a) Every signatory to an acknowledgment or denial of paternity must be made a party to a proceeding to rescind or challenge the acknowledgment or denial.

(b) For the purpose of rescission of, or challenge to, an acknowledgment or denial of paternity, a signatory submits to personal jurisdiction of this State by signing the acknowledgment or denial, effective upon the filing of the document with the [agency maintaining birth records].

(c) Except for good cause shown, during the pendency of a proceeding to rescind or challenge an acknowledgment or denial of paternity, the court may not suspend the legal responsibilities of a signatory arising from an acknowledgment, including the duty to pay child support.

(d) A proceeding to rescind or to challenge an acknowledgment or denial of paternity must be conducted in the same manner as a proceeding to adjudicate parentage under [Article] 6.

(e) At the conclusion of a proceeding to rescind or challenge an acknowledgment or denial of paternity, the court shall order the [agency maintaining birth records] to amend the birth record of the child, if appropriate.

SECTION 310. RATIFICATION BARRED. A court or administrative agency conducting a judicial or administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of paternity.

SECTION 311. FULL FAITH AND CREDIT. A court of this State shall give full faith and credit to an acknowledgment or denial of paternity effective in another State if the acknowledgment or denial has been signed and is otherwise in compliance with the law of the other State.

SECTION 312. FORMS FOR ACKNOWLEDGMENT AND DENIAL OF PATERNITY.

(a) To facilitate compliance with this [article], the [agency maintaining birth records] shall prescribe forms for the acknowledgment and the denial of paternity.

(b) A valid acknowledgment or denial of paternity is not affected by a later modification of the prescribed form.

SECTION 313. RELEASE OF INFORMATION. The [agency maintaining birth records] may release information relating to the acknowledgment or denial of paternity to a signatory of the acknowledgment or denial and to courts and [appropriate state or federal agencies] of this or another State.

SECTION 314. ADOPTION OF RULES. The [agency maintaining birth records] may adopt rules to implement this [article].

ARTICLE 4
REGISTRY OF PATERNITY

PART 1
GENERAL PROVISIONS

SECTION 401. ESTABLISHMENT OF REGISTRY. A registry of paternity is established in the [agency maintaining the registry].

SECTION 402. REGISTRATION FOR NOTIFICATION.

(a) Except as otherwise provided in subsection (b) or Section 405, a man who desires to be notified of a proceeding for adoption of, or termination of parental rights regarding, a child that he may have fathered must register in the registry of paternity before the birth of the child or no later than 30 days after the birth.

(b) A man is not required to register if:

(1) a father-child relationship between the man and the child has been established under this [Act] or other law[; or

(2) the man commences a proceeding to adjudicate his paternity before the court has terminated his parental rights].

(c) A registrant shall promptly notify the registry in a record of any change in the information registered. The [agency maintaining the registry] shall incorporate all new information received into its records but need not affirmatively seek to obtain current information for incorporation in the registry.

SECTION 403. NOTICE OF PROCEEDING. Notice of a proceeding for the adoption of, or termination of parental rights regarding, a child must be given to a registrant who has timely registered. Notice must be given in a manner prescribed for service of process in a civil action.

SECTION 404. TERMINATION OF PARENTAL RIGHTS: CHILD LESS THAN ONE YEAR OF AGE. The parental rights of a man who may be the father of a child may be terminated without notice if:

- (1) the child has not attained one year of age at the time of the termination of parental rights;
- (2) the man did not register timely with the [agency maintaining the registry]; and
- (3) the man is not exempt from registration under Section 402.

SECTION 405. TERMINATION OF PARENTAL RIGHTS: CHILD AT LEAST ONE YEAR OF AGE.

(a) If a child has attained one year of age, notice of a proceeding for adoption of, or termination of parental rights regarding, the child must be given to a man who may be the child's father, whether or not he has registered with the [agency maintaining the registry].

(b) Notice must be given in a manner prescribed for service of process in a civil action.

PART 2 OPERATION OF REGISTRY

SECTION 411. REQUIRED FORM. The [agency maintaining the registry] shall prepare a form for registering with the agency. The form must be signed by the registrant. The form must contain a notice to the registrant that he signs the form under penalty of perjury. The form must also provide notice to the registrant that:

- (1) a timely registration entitles the registrant to notice of a proceeding for adoption of the child or termination of the registrant's parental rights;
- (2) a timely registration does not commence a proceeding to establish paternity;
- (3) the information disclosed on the form may be used against the registrant to establish paternity;

(4) services to assist in establishing paternity are available to him through the support-enforcement agency;

(5) he should also register in another State if conception or birth of the child occurred in the other State;

(6) information on registries of other States is available from [appropriate state agency or agencies]; and

(7) procedures exist to revoke the registration of a claim of paternity.

SECTION 412. FURNISHING OF INFORMATION; CONFIDENTIALITY.

(a) The [agency maintaining the registry] need not seek to locate the mother of a child who is the subject of a registration, but, if the mother's address has been provided, the [agency maintaining the registry] shall send a copy of the notice of the registration to her at that address.

(b) Information contained in the registry is confidential and may be released on request only to:

(1) a court or other person designated by the court;

(2) the mother of the child who is the subject of the registration;

(3) an agency authorized by other law to receive the information;

(4) a licensed child-placing agency;

(5) a support-enforcement agency;

(6) a party or the party's attorney of record in a proceeding under this [Act] or in a proceeding for adoption of, or for termination of parental rights regarding, a child who is the subject of the registration; and

(7) the registry of paternity in another State.

SECTION 413. PENALTY FOR RELEASING INFORMATION. An individual commits a [appropriate level misdemeanor] if the individual intentionally releases information from the registry to another individual or agency not authorized to receive the information under Section 412.

SECTION 414. REVOCATION OF REGISTRATION. A registrant may revoke his registration at any time by sending to the registry a written revocation signed by him and witnessed or notarized.

SECTION 415. UNTIMELY REGISTRATION. If a man registers more than 30 days after the birth of the child, the [agency] shall notify the registrant that on its face his registration was not filed timely.

SECTION 416. FEES FOR REGISTRY.

(a) A fee may not be charged for filing a registration or a revocation of registration.

(b) [Except as otherwise provided in subsection (c), the] [The] [agency maintaining the registry] may charge a reasonable fee for making a search of the registry and for furnishing a certificate.

[(c) A support-enforcement agency [is] [and other appropriate agencies, if any, are] not required to pay a fee authorized by subsection (b).]

PART 3
SEARCH OF REGISTRIES

SECTION 421. SEARCH OF APPROPRIATE REGISTRY.

(a) If a father-child relationship has not been established under this [Act] for a child under one year of age, [a petitioner] for adoption of, or termination of parental rights regarding the child, the [petitioner] must obtain a certificate of search of the registry of paternity.

(b) If the [petitioner] for adoption of, or termination of parental rights regarding, a child has reason to believe that the conception or birth of the child may have occurred in another State, the [petitioner] must also obtain a certificate of search from the registry of paternity, if any, in that State.

SECTION 422. CERTIFICATE OF SEARCH OF REGISTRY.

(a) The [agency maintaining registry] shall furnish a certificate of search of the registry on request of an individual, court, or agency identified in Section 412.

(b) A certificate provided by the [agency maintaining the registry] must be signed on behalf of the [agency] and state that:

(1) a search has been made of the registry; and

(2) a registration containing the information required to identify the registrant:

(A) has been found and is attached to the certificate of search; or

(B) has not been found.

(c) A [petitioner] must file the certificate of search with the court before a proceeding for adoption of, or termination of parental rights regarding, a child may be concluded.

SECTION 423. ADMISSIBILITY OF REGISTERED INFORMATION. A certificate of search of the registry of paternity in this or another State is admissible in a proceeding for adoption of, or termination of parental rights regarding, a child and, if relevant, in other legal proceedings.

ARTICLE 5
GENETIC TESTING

SECTION 501. SCOPE OF ARTICLE. This [article] governs genetic testing of an individual only to determine parentage, whether the individual:

- (1) voluntarily submits to testing; or
- (2) is tested pursuant to an order of the court or a support-enforcement agency.

SECTION 502. ORDER FOR TESTING.

(a) Except as otherwise provided in this [article] and [Article] 6, the court shall order the child and other designated individuals to submit to genetic testing if the request for testing is supported by the sworn statement of a party to the proceeding:

(1) alleging paternity and stating facts establishing a reasonable probability of the requisite sexual contact between the individuals; or

(2) denying paternity and stating facts establishing a possibility that sexual contact between the individuals, if any, did not result in the conception of the child.

(b) A support-enforcement agency may order genetic testing only if there is no presumed, acknowledged, or adjudicated father.

(c) If a request for genetic testing of a child is made before birth, the court or support-enforcement agency may not order in-utero testing.

(d) If two or more men are subject to court-ordered genetic testing, the testing may be ordered concurrently or sequentially.

SECTION 503. REQUIREMENTS FOR GENETIC TESTING.

(a) Genetic testing must be of a type reasonably relied upon by experts in the field of genetic testing and performed in a testing laboratory accredited by

- (1) the American Association of Blood Banks, or a successor to its functions;
- (2) the American Society for Histocompatibility and Immunogenetics, or a successor to its functions; or

(3) an accrediting body designated by the U.S. Secretary of Health and Human Services.

(b) A specimen used in genetic testing may consist of one or more samples or a combination of samples, of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each individual undergoing genetic testing.

(c) Based on the ethnic or racial group of an individual, the testing laboratory shall determine the databases from which to select frequencies for use in the calculations. If there is disagreement as to the testing laboratory's choice, the following rules apply:

(1) The individual objecting may require the testing laboratory, within 30 days after receipt of the report of the test, to recalculate the probability of paternity using an ethnic or racial group different from that used by the laboratory.

(2) The individual objecting to the testing laboratory's initial choice shall:

(A) if the frequencies are not available to the testing laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

(B) engage another testing laboratory to perform the calculations.

(3) The testing laboratory may use its own statistical estimate if there is a question regarding which ethnic or racial group is appropriate. If available, the testing laboratory shall calculate the frequencies using statistics for any other ethnic or racial group requested.

(d) If, after recalculation using a different ethnic or racial group, genetic testing does not rebuttably identify a man as the father of a child under Section 505, an individual who has been tested may be required to submit to additional genetic testing.

SECTION 504. REPORT OF GENETIC TESTING.

(a) The report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report made under the requirements of this [Article] is self-authenticating.

(b) Documentation from the testing laboratory of the following information is sufficient to establish a reliable chain of custody that allows the results of genetic testing to be admissible without testimony:

(1) the names and photographs of the individuals whose specimens have been taken;

(2) the names of the individuals who collected the specimens;

(3) the places and dates the specimens were collected;

(4) the names of the individuals who received the specimens in the testing laboratory; and

(5) the dates the specimens were received.

SECTION 505. GENETIC TESTING RESULTS; REBUTTAL.

(a) Under this[Act], a man is rebuttably identified as the father of a child if the genetic testing complies with this [article] and the results disclose that:

(1) the man has at least a 99% probability of paternity, using a prior probability of 0.50, as calculated by using the combined paternity index obtained in the testing; and

(2) a combined paternity index of at least 100 to 1.

(b) A man identified under subsection (a) as the father of the child may rebut the genetic testing results only by other genetic testing satisfying the requirements of this [article] which:

(1) excludes the man as a genetic father of the child; or

(2) identifies another man as the father of the child.

(c) Except as otherwise provided in Section 510, if more than one man is identified by genetic testing as the possible father of the child, the court shall order them to submit to further genetic testing to identify the genetic father.

SECTION 506. COSTS OF GENETIC TESTING.

(a) Subject to assessment of costs under [Article] 6, the cost of initial genetic testing must be advanced:

(1) by a support-enforcement agency in a proceeding in which the support-enforcement agency is providing services;

(2) by the individual who made the request;

(3) as agreed by the parties; or

(4) as ordered by the court.

(b) In cases in which the cost is advanced by the support-enforcement agency, the agency may seek reimbursement from a man who is rebuttably identified as the father.

SECTION 507. ADDITIONAL GENETIC TESTING. The court or the support-enforcement agency shall order additional genetic testing upon the request of a party who contests the result of the original testing. If the previous genetic testing identified a man as the father of the child under Section 505, the court or agency may not order additional testing unless the party provides advance payment for the testing.

SECTION 508. GENETIC TESTING WHEN NOT ALL INDIVIDUALS AVAILABLE.

(a) If a genetic-testing specimen is not available from a man who may be the father of a child, for good cause and under circumstances the court considers to be just a court may order the following individuals to submit specimens for genetic-testing:

(1) the parents of the man;

(2) brothers and sisters of the man;

(3) other children of the man and their mothers; and

(4) other relatives of the man necessary to complete genetic testing.

(b) If a specimen from the mother of a child is not available for genetic testing, the court may order genetic testing to proceed without a specimen from the mother.

(c) Issuance of an order under this section requires a finding that a need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

SECTION 509. DECEASED INDIVIDUAL. For good cause shown, the court may order genetic testing of a deceased individual.

SECTION 510. IDENTICAL BROTHERS.

(a) The court may order genetic testing of a brother of a man identified as the father of a child if the man is commonly believed to have an identical brother and evidence suggests that the brother may be the genetic father of the child.

(b) If genetic testing excludes none of the brothers as the genetic father, and each brother satisfies the requirements as the identified father of the child under Section 505 without consideration of another identical brother being identified as the father of the child, the court may rely on nongenetic evidence to adjudicate which brother is the father of the child.

SECTION 511. CONFIDENTIALITY OF GENETIC TESTING.

(a) Release of the report of genetic testing for parentage is controlled by [applicable state law].

(b) An individual commits a [appropriate level misdemeanor] if the individual intentionally releases an identifiable specimen of another individual for any purpose other than that relevant to the proceeding regarding parentage without a court order or the written permission of the individual who furnished the specimen.

ARTICLE 6
PROCEEDING TO ADJUDICATE PARENTAGE

PART 1
NATURE OF PROCEEDING

SECTION 601. PROCEEDING AUTHORIZED. A civil proceeding may be maintained to adjudicate the parentage of a child. The proceeding is governed by the [rules of civil procedure].

SECTION 602. STANDING TO MAINTAIN PROCEEDING. Subject to [Article] 3 and Sections 607 and 609, a proceeding to adjudicate parentage may be maintained by:

- (1) the child;
- (2) the mother of the child;
- (3) a man whose paternity of the child is to be adjudicated;
- (4) the support-enforcement agency [or other authorized governmental agency authorized by other law];
- (5) an authorized adoption agency or licensed child-placing agency; [or]
- (6) a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor[; or
- (7) an intended parent under [Article] 8].

SECTION 603. PARTIES TO PROCEEDING. The following individuals must be joined as parties in a proceeding to adjudicate parentage:

- (1) the mother of the child; and
- (2) a man whose paternity of the child is to be adjudicated.

SECTION 604. PERSONAL JURISDICTION.

(a) An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.

(b) A court of this State having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in [Section 201 of the Uniform Interstate Family Support Act] are fulfilled.

(c) Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.

SECTION 605. VENUE. Venue for a proceeding to adjudicate parentage is in the [county] of this State in which:

- (1) the child resides or is found;
- (2) the [respondent] resides or is found if the child does not reside in this State; or
- (3) a proceeding for probate of the presumed or alleged father's estate has been commenced.

SECTION 606. NO LIMITATION: CHILD HAVING NO PRESUMED, ACKNOWLEDGED, OR ADJUDICATED FATHER. A proceeding to adjudicate the parentage of a child having no presumed, acknowledged, or adjudicated father may be commenced at any time, even after:

- (1) the child becomes an adult; or
- (2) an earlier proceeding to adjudicate paternity has been dismissed based on the application of a statute of limitation then in effect.

SECTION 607. LIMITATION: CHILD HAVING PRESUMED FATHER.

(a) Except as otherwise provided in subsection (b), a proceeding brought by a presumed father, the mother, or another individual to adjudicate the parentage of a child

having a presumed father must be commenced not later than two years after the birth of the child.

(b) A proceeding seeking to disprove the father-child relationship between a child and the child's presumed father may be maintained at any time if the court determines that:

- (1) the presumed father and the mother of the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception; and
- (2) the presumed father never openly treated the child as his own.

SECTION 608. AUTHORITY TO DENY GENETIC TESTING.

(a) In a proceeding to adjudicate parentage under circumstances described in Section 607, a court may deny genetic testing of the mother, the child, and the presumed father if the court determines that:

- (1) the conduct of the mother or the presumed father estops that party from denying parentage; and
- (2) it would be inequitable to disprove the father-child relationship between the child and the presumed father.

(b) In determining whether to deny genetic testing under this section, the court shall consider the best interest of the child, including the following factors:

- (1) the length of time between the proceeding to adjudicate parentage and the time that the presumed father was placed on notice that he might not be the genetic father;
- (2) the length of time during which the presumed father has assumed the role of father of the child;
- (3) the facts surrounding the presumed father's discovery of his possible nonpaternity;
- (4) the nature of the father-child relationship;
- (5) the age of the child;
- (6) the harm to the child which may result if presumed paternity is successfully disproved;
- (7) the relationship of the child to any alleged father;

(8) the extent to which the passage of time reduces the chances of establishing the paternity of another man and a child-support obligation in favor of the child; and

(9) other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed father or the chance of other harm to the child.

(c) In a proceeding involving the application of this section, the child must be represented by a guardian ad litem.

(d) A denial of genetic testing must be based on clear and convincing evidence.

(e) If the court denies genetic testing, it shall issue an order adjudicating the presumed father to be the father of the child.

SECTION 609. LIMITATION: CHILD HAVING ACKNOWLEDGED OR ADJUDICATED FATHER.

(a) If a child has an acknowledged father, a signatory to the acknowledgment or denial of paternity must commence any proceeding seeking to rescind or challenge the paternity of that child only within the time allowed under Section 307 or 308.

(b) If a child has an acknowledged father or an adjudicated father, an individual, other than the child, who is neither a signatory to the acknowledgment nor a party to the adjudication and who seeks an adjudication of paternity of the child must commence a proceeding not later than two years after the effective date of the acknowledgment or adjudication.

SECTION 610. JOINDER OF PROCEEDINGS.

(a) Except as provided in subsection (b), a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, divorce or annulment, [legal separation or separate maintenance,] probate or administration of an estate, or other appropriate proceeding.

(b) A [respondent] may not join the proceedings described in subsection (a) with a proceeding to adjudicate parentage brought under the provisions of [the Uniform Interstate Family Support Act].

SECTION 611. PROCEEDING BEFORE BIRTH. Although a proceeding to determine parentage may be commenced before the birth of the child, the proceeding may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:

- (1) service of process;
- (2) discovery; and
- (3) except as prohibited by Section 502, collection of specimens for genetic testing.

SECTION 612. CHILD AS PARTY; REPRESENTATION.

(a) A minor child is a permissible party, but is not a necessary party to a proceeding under this [article].

(b) If the child is a party, or if the court finds that the interests of a minor child or incapacitated child are not adequately represented, the court shall appoint an [attorney ad litem] to represent the child.

PART 2
SPECIAL RULES FOR PROCEEDING
TO ADJUDICATE PARENTAGE

SECTION 621. ADMISSIBILITY OF RESULTS OF GENETIC TESTING; EXPENSES.

(a) Except as otherwise provided in subsection (c), a record of a genetic-testing expert is admissible as evidence of the truth of the facts asserted in the report unless a

party objects to its admission within [14] days after its receipt by the objecting party and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:

(1) voluntarily or pursuant to an order of the court or a support-enforcement agency; or

(2) before or after the commencement of the proceeding.

(b) A party objecting to the results of genetic testing may call one or more genetic-testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.

(c) If a child has a presumed, acknowledged, or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed:

(1) with the consent of both the mother and the presumed, acknowledged, or adjudicated father; or

(2) pursuant to an order of the court under Section 502.

(d) Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child which are furnished to the adverse party not less than 10 days before the date of a hearing are admissible to establish:

(1) the amount of the charges billed; and

(2) that the charges were reasonable, necessary, and customary.

SECTION 622. CONSEQUENCES OF DECLINING GENETIC TESTING.

(a) An order for genetic testing is enforceable by contempt.

(b) If an individual whose paternity is being determined declines to submit to genetic testing as ordered by the court, the court may on that basis adjudicate parentage contrary to the position of that individual.

(c) Genetic testing of the mother of a child is not a condition precedent to testing the child and a man whose paternity is being determined. If the mother is unavailable or

declines to submit to genetic testing, the court may order the testing of the child and every man whose paternity is being adjudicated.

SECTION 623. ADMISSION OF PATERNITY AUTHORIZED.

(a) A [respondent] in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.

(b) If the court finds that the admission of paternity was made pursuant to this section and finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.

SECTION 624. TEMPORARY ORDER.

(a) In a proceeding under this [article], the court shall issue a temporary order for support of a child if the individual ordered to pay support:

(1) is a presumed father of the child;

(2) is petitioning to have his paternity adjudicated or has admitted paternity in pleadings filed with the court;

(3) is identified as the father through genetic testing under Section 505;

(4) has declined to submit to genetic testing;

(5) is shown by clear and convincing evidence to be the father of the child; or

(6) is the mother of the child.

(b) A temporary order may include provisions for custody and visitation as provided by other law of this State.

**PART 3
HEARINGS AND ADJUDICATION**

SECTION 631. RULES FOR ADJUDICATION OF PARENTAGE. The court shall apply the following rules to adjudicate the paternity of a child:

(1) The paternity of a child having a presumed, acknowledged, or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man to be the father of the child.

(2) Unless the results of genetic testing are admitted to rebut other results of genetic testing, the man identified as the father of the child under Section 505 must be adjudicated the father of the child.

(3) If the court finds that genetic testing under Section 505 neither identifies nor excludes a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing, along with other evidence, are admissible to adjudicate the issue of paternity.

(4) Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man excluded as the father of a child by genetic testing must be adjudicated not to be the father of the child.

SECTION 632. JURY PROHIBITED. The court, without a jury, shall adjudicate parentage of a child.

SECTION 633. HEARINGS; INSPECTION OF RECORDS.

(a) On request of a party and for good cause shown, the court may close a proceeding under this [article].

(b) A final order in a proceeding under this [article] is available for public inspection. Other papers and records are available only with the consent of the parties or on order of the court for good cause.

SECTION 634. ORDER ON DEFAULT. The court shall issue an order adjudicating the paternity of a man who:

(1) after service of process, is in default; and

(2) is found by the court to be the father of a child.

SECTION 635. DISMISSAL ORDER. The court may issue an order dismissing a proceeding commenced under this [Act] for want of prosecution only without prejudice. An order of dismissal for want of prosecution with prejudice is void and may be challenged in another judicial or an administrative proceeding.

SECTION 636. ORDER ADJUDICATING PARENTAGE.

(a) The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.

(b) An order adjudicating parentage must identify the child by name and date of birth.

(c) Except as otherwise provided in subsection (d), the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this [article]. The court may award attorney's fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name.

(d) The court may not assess fees, costs, or expenses against the support-enforcement agency of this State or another State, except as provided by other law.

(e) On request of a party and for good cause shown, the court may order that the name of the child be changed.

(f) If the order of the court is at variance with the child's birth certificate, the court shall order [agency maintaining birth records] to issue an amended birth certificate.

SECTION 637. BINDING EFFECT OF DETERMINATION OF PARENTAGE.

(a) Except as otherwise provided in subsection (b), a determination of parentage is binding on:

(1) all signatories to an acknowledgement or denial of paternity as provided in [Article] 3; and

(2) all parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of [Section 201 of the Uniform Interstate Family Support Act].

(b) A child is not bound by a determination of parentage under this [Act] unless:

(1) the acknowledgment of paternity is consistent with the results of the genetic testing;

(2) the adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or

(3) the child was represented in the proceeding determining parentage by an [attorney ad litem].

(c) In a proceeding to dissolve a marriage, the court is deemed to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of [Section 201 of the Uniform Interstate Family Support Act], and the final order:

(1) expressly identifies a child as a “child of the marriage,” “issue of the marriage,” or similar words indicating that the husband is the father of the child; or

(2) provides for support of the child by the husband unless paternity is specifically disclaimed in the order.

(d) Except as otherwise provided in subsection (b), a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.

(e) A party to an adjudication of paternity may challenge the adjudication only under law of this State relating to appeal, vacation of judgments, and other judicial review.

ARTICLE 7
CHILD OF ASSISTED REPRODUCTION

SECTION 701. SCOPE OF ARTICLE. This [article] does not apply to the birth of a child conceived by means of sexual intercourse[, or as result of a gestational agreement as provided in [Article] 8].

SECTION 702. PARENTAL STATUS OF DONOR. A donor is not a parent of a child conceived by means of assisted reproduction.

SECTION 703. HUSBAND'S PATERNITY OF CHILD OF ASSISTED REPRODUCTION. If a husband provides sperm for, or consents to, assisted reproduction by his wife as provided in Section 704, he is the father of a resulting child born to his wife.

SECTION 704. CONSENT TO ASSISTED REPRODUCTION.

(a) A consent to assisted reproduction by a married woman must be in a record signed by the woman and her husband. This requirement does not apply to the donation of eggs for assisted reproduction by another woman.

(b) Failure of the husband to sign a consent required by subsection (a), before or after birth of the child, does not preclude a finding that the husband is the father of a child born to his wife if the wife and husband openly treated the child as their own.

SECTION 705. LIMITATION ON HUSBAND'S DISPUTE OF PATERNITY.

(a) Except as otherwise provided in subsection (b), the husband of a wife who gives birth to a child by means of assisted reproduction may not challenge his paternity of the child unless:

(1) within two years after learning of the birth of the child he commences a proceeding to adjudicate his paternity; and

(2) the court finds that he did not consent to the assisted reproduction, before or after birth of the child.

(b) A proceeding to adjudicate paternity may be maintained at any time if the court determines that:

(1) the husband did not provide sperm for, or before or after the birth of the child consent to, assisted reproduction by his wife;

(2) the husband and the mother of the child have not cohabited since the probable time of assisted reproduction; and

(3) the husband never openly treated the child as his own.

(c) The limitation provided in this section applies to a marriage declared invalid after assisted reproduction.

SECTION 706. EFFECT OF DISSOLUTION OF MARRIAGE.

(a) If a marriage is dissolved before placement of eggs, sperm, or an embryo, the former spouse is not a parent of the resulting child unless the former spouse consented in a record that if assisted reproduction were to occur after a divorce, the former spouse would be a parent of the child.

(b) The consent of the former spouse to assisted reproduction may be revoked by that individual in a record at any time before placement of eggs, sperm, or embryos.

SECTION 707. PARENTAL STATUS OF DECEASED SPOUSE. If a spouse dies before placement of eggs, sperm, or an embryo, the deceased spouse is not a parent of the resulting child unless the deceased spouse consented in a record that if assisted reproduction were to occur after death, the deceased spouse would be a parent of the child.

**[ARTICLE 8
GESTATIONAL AGREEMENT**

SECTION 801. GESTATIONAL AGREEMENT AUTHORIZED.

(a) A prospective gestational mother, her husband if she is married, a donor or the donors, and the intended parents may enter into a written agreement providing that:

(1) the prospective gestational mother agrees to pregnancy by means of assisted reproduction;

(2) the prospective gestational mother, her husband if she is married, and the donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(3) the intended parents become the parents of the child.

(b) The intended parents must be married, and both spouses must be parties to the gestational agreement.

(c) A gestational agreement is enforceable only if validated as provided in Section 803.

(d) A gestational agreement does not apply to the birth of a child conceived by means of sexual intercourse.

SECTION 802. REQUIREMENTS OF PETITION.

(a) The intended parents and the prospective gestational mother may file a petition in the [appropriate court] to validate a gestational agreement.

(b) A petition to validate a gestational agreement may not be maintained unless either the mother or intended parents have been residents of this State for at least 90 days.

(c) The prospective gestational mother's husband, if she is married, must join in the petition.

(d) A copy of the gestational agreement must be attached to the petition.

SECTION 803. HEARING TO VALIDATE GESTATIONAL AGREEMENT.

(a) If the requirements of subsection (b) are satisfied, a court may issue an order validating the gestational agreement and declaring that the intended parents will be the parents of a child born during the term of the of the agreement.

(b) The court may issue an order under subsection (a) only on finding that:

(1) the residence requirements of Section 802 have been satisfied and the parties have submitted to jurisdiction of the court under the jurisdictional standards of this [Act];

(2) medical evidence shows that the intended mother is unable to bear a child or is unable to do so without unreasonable risk to her physical or mental health or to the unborn child;

(3) unless waived by the court, the [relevant child-welfare agency] has made a home study of the intended parents and the intended parents meet the standards of fitness applicable to adoptive parents;

(4) all parties have voluntarily entered into the agreement and understand its terms;

(5) the prospective gestational mother has had at least one pregnancy and delivery and her bearing another child will not pose an unreasonable health risk to the unborn child or to the physical or mental health of the prospective gestational mother;

(6) adequate provision has been made for all reasonable health-care expense associated with the gestational agreement until the birth of the child, including responsibility for those expenses if the agreement is terminated; and

(7) the consideration, if any, paid to the prospective gestational mother is reasonable.

(c) Whether to validate a gestational agreement is within the discretion of the court, subject only to review for abuse of discretion.

SECTION 804. INSPECTION OF RECORDS. The proceedings, records, and identities of the individuals to a gestational agreement under this [article] are subject to

inspection under the confidentiality standards applicable to adoptions as provided under other law of this State.

SECTION 805. EXCLUSIVE, CONTINUING JURISDICTION. Subject to the jurisdictional standards of [Section 201 of the Uniform Child Custody Jurisdiction and Enforcement Act], the court conducting a proceeding under this [article] has exclusive, continuing jurisdiction of all matters arising out of the gestational agreement until a child born to the gestational mother during the period governed by the agreement attains the age of 180 days.

SECTION 806. TERMINATION OF GESTATIONAL AGREEMENT.

(a) After issuance of an order under this [article], but before the prospective gestational mother becomes pregnant by means of assisted reproduction, the prospective gestational mother, her husband, or either of the intended parents may terminate the gestational agreement only by giving written notice of termination to all other parties.

(b) The court for good cause shown also may terminate the gestational agreement.

(c) An individual who terminates an agreement shall file notice of the termination with the court. On receipt of the notice, the court shall vacate the order issued under this [article]. An individual who does not notify the court of the termination of the agreement is subject to appropriate sanctions.

(d) Neither a prospective gestational mother nor her husband, if any, is liable to the intended parents for terminating an agreement pursuant to this section.

SECTION 807. PARENTAGE UNDER VALIDATED GESTATIONAL AGREEMENT.

(a) Upon birth of a child to a gestational mother, the intended parents shall file notice with the court that a child has been born to the gestational mother within 300 days after assisted reproduction. Thereupon, the court shall issue an order;

(1) confirming that the intended parents are the parents of the child ;

(2) if necessary, ordering that the child be surrendered to the intended parents;
and

(3) directing the [agency maintaining birth records] to issue a birth certificate naming the intended parents as parents of the child.

(b) If the parentage of a child born to the gestational mother is in dispute as not the result of an assisted reproduction, the court shall order genetic testing to determine the parentage of the child.

SECTION 808. GESTATIONAL AGREEMENT: MISCELLANEOUS PROVISIONS.

(a) A gestational agreement may provide for payment of consideration.

(b) A gestational agreement may not limit the right of the gestational mother to make decisions to safeguard her health or that of the embryo or fetus.

(c) After the issuance of an order under this [article], subsequent marriage of the gestational mother does not affect the validity of a gestational agreement, and her husband's consent to the agreement is not required, nor is her husband a presumed father of the resulting child.

SECTION 809. EFFECT OF NONVALIDATED GESTATIONAL AGREEMENT.

(a) A gestational agreement, whether in a record or not, which is not validated by a court is not enforceable.

(b) If a birth results under a gestational agreement that is not judicially validated as provided in this [article], the parent-child relationship is determined as provided in [Article] 2.

(c) The individuals who are parties to a nonvalidated gestational agreement as intended parents may be held liable for support of the resulting child, even if the agreement is otherwise unenforceable. The liability under this subsection includes assessing all expenses and fees as provided in Section 636.]

ARTICLE 9
MISCELLANEOUS PROVISIONS

SECTION 901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among States that enact it.

SECTION 902. SEVERABILITY CLAUSE. If any provision of this [Act] or its application to an individual or circumstance is held invalid, the invalidity does not affect other provisions or applications of this [Act] which can be given effect without the invalid provision or application, and to this end the provisions of this [Act] are severable.

SECTION 903. TIME OF TAKING EFFECT. This [Act] takes effect on

_____.

SECTION 904. [REPEAL]. The following acts and parts of acts are repealed:

- (1) [Uniform Act on Paternity, 1960]
- (2) [Uniform Parentage Act, 1973]
- (3) [Uniform Putative and Unknown Fathers Act, 1988]
- (4) [Uniform Status of Children of Assisted Conception Act, 1988]
- (5) [other inconsistent statutes]

SECTION 905. TRANSITIONAL PROVISION. A proceeding to adjudicate parentage which was commenced before the effective date of this [Act] is governed by the law in effect at the time the proceeding was commenced.