

October 11, 2016

Suggestions from Commissioner Harry Tindall regarding the Revised Uniform Parentage Act draft for the October 28-29, 2016 committee meeting

REVISED UNIFORM PARENTAGE ACT

SECTION 102. DEFINITIONS. In this [act]:

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~~(6) “De facto parent” means an individual with an un rebutted presumption of parentage established under Section 204(a)(6) of this [act].~~

(6) “De facto parent” means an individual who has established that he or she:

(A) resided with the child for a significant period of time;

(B) engaged in consistent caretaking of the child;

(C) accepted full and permanent responsibilities as a parent of the child without expectation of financial compensation; and

(D) established a bonded and dependent relationship with the child, and the other parent understood, acknowledged, or accepted the formation of that relationship or behaved as though the individual is a parent of the child.

SECTION 204. PRESUMPTION OF PARENTAGE.

(a) An individual is presumed to be the parent of a child if:

(1) the individual and the woman who gave birth to the child are married to each other and the child is born during the marriage, except as provided by a valid gestational surrogacy agreement under [[Article] 8 or]other law of this state;

(2) the individual and the woman who gave birth to the child were married to each other and the child is born within 300 days after the marriage is terminated by death, annulment,

1 declaration of invalidity, divorce, or dissolution[, or after a decree of separation], except as
2 provided by a valid gestational surrogacy agreement under [[Article] 8 or]other law of this state;

3 (3) before the birth of the child, the individual and the woman who gave birth to
4 the child married each other in apparent compliance with law, even if the attempted marriage is
5 or could be declared invalid, and the child is born during the invalid marriage or within 300 days
6 after its termination by death, annulment, declaration of invalidity, divorce, or dissolution[, or
7 after a decree of separation], except as provided by a valid gestational surrogacy agreement
8 under [[Article] 8 or] other law of this state;

9 (4) after the birth of the child, the individual and the woman who gave birth to the
10 child married each other in apparent compliance with law, whether or not the marriage is or
11 could be declared invalid, and the individual voluntarily asserted parentage of the child, except
12 as provided by a valid gestational surrogacy contract under [[Article] 8 or]other law of this state;

13 (5) for the first two years of the child’s life, the individual resided in the same
14 household with the child and openly held out the child as the individual’s own child. A period of
15 temporary absence is counted as part of the period.

16 ~~(6) the individual:~~

17 ~~(i) resided with the child for a significant period of time;~~

18 ~~(ii) engaged in consistent caretaking of the child;~~

19 ~~(iii) accepted full and permanent responsibilities as a parent of the child~~

20 ~~without expectation of financial compensation; and~~

21 ~~(iv) established a bonded and dependent relationship with the child, and~~

22 ~~the other parent understood, acknowledged, or accepted the formation of that relationship or~~

23 ~~behaved as though the individual is a parent of the child.~~

1 (b) A presumption of parentage established under this section may be rebutted, and other
2 competing ~~presumptions~~ claims of parentage may be resolved, only by an adjudication under
3 [Article] 6.

4 **SECTION 612. ADJUDICATING PARENTAGE OF A CHILD WITH ONE OR**
5 **~~MORE PRESUMED PARENTS~~ INDIVIDUALS CLAIMING PARENTAGE.** The
6 following rules apply in a proceeding to adjudicate the parentage of a child where there is one or
7 more ~~presumed parents~~ individuals and where the child has no adjudicated or acknowledged
8 parent and no parent under [Article] 7 [or [Article] 8], other than the woman who gave birth.