§1868. Challenge to acknowledgment

1. Challenge by signatory. After the period for rescission under section 1867 has expired, a signatory of an acknowledgment of parentage or denial of parentage may commence a proceeding to challenge the acknowledgment or denial only:

A. On the basis of fraud, duress, coercion, threat of harm or material mistake of fact; and [PL 2021, c. 141, §13 (AMD).]

B. Within 2 years after the acknowledgment or denial is filed with the State Registrar of Vital Statistics. [PL 2015, c. 296, Pt. A, §1 (NEW); PL 2015, c. 296, Pt. D, §1 (AFF).]

[PL 2021, c. 141, §13 (AMD).]

2. Challenge by person not a signatory. If an acknowledgment of parentage has been made in accordance with this subchapter, a person who is neither the child nor a signatory to the acknowledgment of parentage and who seeks to challenge the validity of the acknowledgment and adjudicate parentage must commence a proceeding not later than 2 years after the effective date of the acknowledgment, as provided in section 1864, unless the person did not know and could not reasonably have known of the person's potential parentage on account of material misrepresentation or concealment, in which case the proceeding must be commenced no later than 2 years after discovery.
[PL 2021, c. 141, §13 (AMD).]

3. Burden of proof. A party challenging an acknowledgment of parentage or denial of parentage pursuant to this section has the burden of proof.
[PL 2021, c. 141, §13 (AMD).]

4. Consolidation. A court proceeding in which the validity of an acknowledgment of parentage is challenged may be consolidated with any other pending court actions regarding the child.
[PL 2021, c. 141, §13 (NEW).]

SECTION HISTORY

RR 2015, c. 1, §13 (COR). PL 2015, c. 296, Pt. A, §1 (NEW). PL 2015, c. 296, Pt. D, §1 (AFF). PL 2021, c. 141, §13 (AMD).

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