§1882. Challenge to presumption of parentage

1. Two-year limitation. Except as provided in subsection 2, a proceeding to challenge the parentage of an individual whose parentage is presumed under section 1881 must be commenced not later than 2 years after the birth of the child; otherwise the presumption cannot be rebutted. If such a proceeding is commenced within 2 years by a presumed parent, by the woman who gave birth to the child or by a 3rd party with a claim of parentage, the following apply.

A. If the presumed parent is also identified under section 1904 as a genetic parent of the child, the court shall adjudicate the presumed parent to be a parent of the child. [PL 2021, c. 610, §3 (NEW).]

B. If the presumed parent is not identified under section 1904 as a genetic parent of the child and the genetic parent is not a donor under section 1922, the court shall adjudicate the parentage of the child in accordance with the factors in section 1912, subsection 2, consistent with section 1901, subsection 2, section 1915, subsection 2 and this chapter. Challenges regarding the parentage of a child conceived through assisted reproduction must be resolved under subchapter 7. [PL 2021, c. 610, §3 (NEW).]

[PL 2021, c. 610, §3 (AMD).]

2. Later than 2 years. A proceeding to challenge the parentage of an individual whose parentage is presumed under section 1881 may not be commenced, and the presumption of parentage under section 1881 cannot be rebutted, more than 2 years after the birth of the child except in the following situations.

A. A presumed parent under section 1881, subsection 1 who is not the genetic parent of a child and who could not reasonably have known about the birth of the child may commence a proceeding under this subsection within 2 years after learning of the child's birth. [PL 2015, c. 296, Pt. A, §1 (NEW); PL 2015, c. 296, Pt. D, §1 (AFF).]

B. An alleged genetic parent who did not know of the potential genetic parentage of a child, and who could not reasonably have known on account of material misrepresentation or concealment, may commence a proceeding under this subsection within 2 years after discovering the potential genetic parentage. If the individual is adjudicated to be the genetic parent of the child, the court may not disestablish a presumed parent and, consistent with section 1853, subsection 2, the court shall determine parental rights and responsibilities of the parents in accordance with section 1653. [PL 2015, c. 296, Pt. A, §1 (NEW); PL 2015, c. 296, Pt. D, §1 (AFF).]

C. The woman who gave birth or a presumed parent under section 1881, subsection 3 disputing the validity of the presumption may commence a proceeding under this subsection at any time. [PL 2021, c. 610, §3 (AMD).]

[PL 2021, c. 610, §3 (AMD).]

SECTION HISTORY

PL 2015, c. 296, Pt. A, §1 (NEW). PL 2015, c. 296, Pt. D, §1 (AFF). PL 2021, c. 610, §3 (AMD).

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