

SENATE FILE NO. SF0029

Title 14 revisions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to juveniles; amending provisions relating  
2 to the Uniform Parentage Act, paternity establishment,  
3 genetic testing, assisted reproduction; specifying  
4 applicability of paternity proceedings prior to the  
5 effective date of the act; and providing for an effective  
6 date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 14-2-121 through 14-2-128, 14-2-401  
11 through 14-2-404, 14-2-501 through 14-2-514, 14-2-601  
12 through 14-2-610, 14-2-701 through 14-2-723 and 14-2-801  
13 through 14-2-807 are created to read:

14

15

ARTICLE 1

16

GENERAL PROVISIONS

17

1           **14-2-121. Short title.**

2

3 This act shall be known and may be cited as the Wyoming  
4 Parentage Act.

5

6           **14-2-122. Definitions.**

7

8           (a) As used in this act:

9

10                   (i) "Acknowledged father" means a man who has  
11 established a father-child relationship under article 5 of  
12 this act;

13

14                   (ii) "Adjudicated father" means a man who has  
15 been adjudicated by a court of competent jurisdiction to be  
16 the father of a child;

17

18                   (iii) "Alleged father" means a man who alleges  
19 himself to be, or is alleged to be, the genetic father or a  
20 possible genetic father of a child, but whose paternity has  
21 not been determined. The term does not include:

22

23                           (A) A presumed father;

24

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

3

4                   (C) A male donor.

5

6                   (iv) "Assisted reproduction" means a method of  
7 causing pregnancy other than through sexual intercourse.  
8 The term includes:

9

10                   (A) Intrauterine insemination;

11

12                   (B) Donation of eggs;

13

14                   (C) Donation of embryos;

15

16                   (D) In-vitro fertilization and transfer of  
17 embryos; and

18

19                   (E) Intracytoplasmic sperm injection.

20

21                   (v) "Child" means an individual of any age whose  
22 parentage may be determined under this act;

23

1           (vi) "Commence" means to file the initial  
2 pleading seeking an adjudication of parentage in a district  
3 court of this state;

4  
5           (vii) "Determination of parentage" means the  
6 establishment of the parent-child relationship by the  
7 signing of a valid acknowledgment of paternity under  
8 article 5 of this act or by adjudication by the court;

9  
10           (viii) "Donor" means an individual who produces  
11 eggs or sperm used for assisted reproduction, whether or  
12 not for consideration. The term does not include:

13  
14           (A) A husband who provides sperm, or a wife  
15 who provides eggs, to be used for assisted reproduction by  
16 the wife;

17  
18           (B) A woman who gives birth to a child by  
19 means of assisted reproduction;

20  
21           (C) A parent under article 8 of this  
22 chapter.

23

1           (ix) "Ethnic or racial group" means, for purposes  
2 of genetic testing, a recognized group that an individual  
3 identifies as all or part of the individual's ancestry or  
4 that is so identified by other information;

5

6           (x) "Genetic testing" means an analysis of  
7 genetic markers to exclude or identify a man as the father  
8 or a woman as the mother of a child. The term includes an  
9 analysis of one (1) or a combination of the following:

10

11                   (A) Deoxyribonucleic acid; and

12

13                   (B) Blood-group antigens, red-cell antigens,  
14 human-leukocyte antigens, serum enzymes, serum proteins or  
15 red-cell enzymes.

16

17           (xi) "Intended parents" means individuals who  
18 enter into an agreement providing that they will be the  
19 parents of a child born to a gestational mother by means of  
20 assisted reproduction, whether or not either of them has a  
21 genetic relationship with the child;

22

23           (xii) "Man" means a male individual of any age;

24

1           (xiii) "Parent" means an individual who has  
2 established a parent-child relationship under W.S.  
3 14-2-401;

4  
5           (xiv) "Parent-child relationship" means the legal  
6 relationship between a child and a parent of the child. The  
7 term includes the mother-child relationship and the father-  
8 child relationship;

9  
10           (xv) "Paternity index" means the likelihood of  
11 paternity calculated by computing the ratio between:

12  
13           (A) The likelihood that the tested man is  
14 the father, based on the genetic markers of the tested man,  
15 mother and child, conditioned on the hypothesis that the  
16 tested man is the father of the child; and

17  
18           (B) The likelihood that the tested man is  
19 not the father, based on the genetic markers of the tested  
20 man, mother and child, conditioned on the hypothesis that  
21 the tested man is not the father of the child and that the  
22 father is of the same ethnic or racial group as the tested  
23 man.

24

1           (xvi) "Presumed father" means a man who, by  
2 operation of law under W.S. 14-2-404, is recognized as the  
3 father of a child until that status is rebutted or  
4 confirmed in a judicial proceeding;

5  
6           (xvii) "Probability of paternity" means the  
7 measure, for the ethnic or racial group to which the  
8 alleged father belongs, of the probability that the man in  
9 question is the father of the child, compared with a  
10 random, unrelated man of the same ethnic or racial group,  
11 expressed as a percentage incorporating the paternity index  
12 and a prior probability;

13  
14           (xviii) "Record" means information that is  
15 inscribed on a tangible medium or that is stored in an  
16 electronic or other medium and is retrievable in  
17 perceivable form;

18  
19           (xix) "Signatory" means an individual who  
20 authenticates a record and is bound by its terms;

21  
22           (xx) "State" means a state of the United States,  
23 the District of Columbia, Puerto Rico, the United States

1 Virgin Islands or any territory or insular possession  
2 subject to the jurisdiction of the United States;

3

4 (xxi) "Title IV-D" means Title IV-D of the  
5 federal Social Security Act;

6

7 (xxii) "This act" means W.S. 14-2-121 through  
8 14-2-128 and 14-2-401 through 14-2-807.

9

10 **14-2-123. Scope of act; choice of law.**

11

12 (a) This act governs every determination of parentage  
13 in this state.

14

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

18

19 (i) The place of birth of the child; or

20

21 (ii) The past or present residence of the child.

22

23 (c) This act does not create, enlarge or diminish  
24 parental rights or duties under other law of this state.



1

2 (d) This act does not authorize or prohibit an  
3 agreement between a woman and intended parents in which the  
4 woman relinquishes all rights as a parent of a child  
5 conceived by means of assisted reproduction, and which  
6 provides that the intended parents become the parents of  
7 the child. If a birth results under such an agreement and  
8 the agreement is unenforceable under Wyoming law, the  
9 parent-child relationship is determined as provided in  
10 article 4 of this act.

11

12 **14-2-124. Court of this state.**

13

14 The district court is authorized to adjudicate parentage  
15 under this act.

16

17 **14-2-125. Protection of participants.**

18

19 Proceedings under this act are subject to other law of this  
20 state governing the health, safety, privacy and liberty of  
21 a child or other individual who could be jeopardized by  
22 disclosure of identifying information, including address,  
23 telephone number, place of employment, social security  
24 number and the child's day-care facility and school.

1

2           **14-2-126. Determination of maternity.**

3

4 Provisions of this act relating to determination of  
5 paternity apply to determinations of maternity.

6

7           **14-2-127. Severability clause.**

8

9 If any provision of this act or its application to an  
10 individual or circumstance is held invalid, the invalidity  
11 does not affect other provisions or applications of this  
12 act which can be given effect without the invalid provision  
13 or application, and to this end the provisions of this act  
14 are severable.

15

16           **14-2-128. Free transcript for appeal.**

17

18 If a party is financially unable to pay the cost of a  
19 transcript, the court shall furnish on request a transcript  
20 for purposes of appeal under this act.

21

22

## ARTICLE 4

23

## PARENT-CHILD RELATIONSHIP

24

1           **14-2-401. Establishment of parent-child relationship.**

2

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

5

6           (i) The woman's having given birth to the child;

7

8           (ii) An adjudication of the woman's maternity;

9 or

10

11           (iii) Adoption of the child by the woman.

12

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

15

16           (i) An un rebutted presumption of the man's  
17 paternity of the child under W.S. 14-2-404;

18

19           (ii) An effective acknowledgment of paternity by  
20 the man under article 5 of this act, unless the  
21 acknowledgment has been rescinded or successfully  
22 challenged;

23

24           (iii) An adjudication of the man's paternity;

1

2

(iv) Adoption of the child by the man; or

3

4

5

(v) The man's having consented to assisted reproduction by his wife under article 8 of this act which resulted in the birth of the child.

6

7

8

**14-2-402. No discrimination based on marital status.**

9

10 A child born to parents who are not married to each other  
11 has the same rights under the law as a child born to  
12 parents who are married to each other.

13

14

**14-2-403. Consequences of establishment of parentage.**

15

16 Unless parental rights are terminated, a parent-child  
17 relationship established under this act applies for all  
18 purposes, except as otherwise specifically provided by  
19 other law of this state.

20

21

22

**14-2-404. Presumption of paternity in context of  
marriage.**

23

24

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

1

2 (i) He and the mother of the child are married  
3 to each other and the child is born during the marriage;

4

5 (ii) He and the mother of the child were married  
6 to each other and the child is born within three hundred  
7 (300) days after the marriage is terminated by death,  
8 annulment, declaration of invalidity, divorce or after the  
9 entry of a decree of separation;

10

11 (iii) Before the birth of the child, he and the  
12 mother of the child married each other in apparent  
13 compliance with law, even if the attempted marriage is or  
14 could be declared invalid, and the child is born during the  
15 invalid marriage or within three hundred (300) days after  
16 its termination by death, annulment, declaration of  
17 invalidity, divorce or after the entry of a decree of  
18 separation;

19

20 (iv) After the birth of the child, he and the  
21 mother of the child married each other in apparent  
22 compliance with law, whether or not the marriage is or  
23 could be declared invalid, and he voluntarily asserted his  
24 paternity of the child, and:

1

2

(A) The assertion is in a record filed with  
the state office of vital records;

4

5

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

7

8

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

10

11

(v) For the first two (2) years of the child's  
life, he resided in the same household with the child as  
his own.

14

15

(b) A presumption of paternity established under this  
section may be rebutted only by an adjudication under  
article 7 of this act.

18

19

## ARTICLE 5

20

## VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

21

22

**14-2-501. Acknowledgment of paternity.**

23

1           (a) The mother of a child and a man claiming to be  
2 the genetic father of the child may sign an acknowledgment  
3 of paternity with intent to establish the man's paternity.

4

5           (b) An acknowledgment of paternity of a child born in  
6 Wyoming may be filed with the state office of vital  
7 records.

8

9           **14-2-502. Execution of acknowledgment of paternity.**

10

11           (a) An acknowledgment of paternity shall:

12

13                   (i) Be in a record;

14

15                   (ii) Be signed, or otherwise authenticated,  
16 under penalty for false swearing by the mother and by the  
17 man seeking to establish his paternity;

18

19                   (iii) State that the child whose paternity is  
20 being acknowledged:

21

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

24

1 (B) Does not have another acknowledged or  
2 adjudicated father.

3

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

8

9 (v) State that the signatories understand that  
10 the acknowledgment is the equivalent of a judicial  
11 adjudication of paternity of the child and that a challenge  
12 to the acknowledgment is permitted only under limited  
13 circumstances and is barred after two (2) years.

14

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

16

17 (i) States that another man is a presumed father,  
18 unless a denial of paternity signed or otherwise  
19 authenticated by the presumed father or a court order  
20 rebutting the presumption is filed with the state office of  
21 vital records;

22

23 (ii) States that another man is an acknowledged  
24 or adjudicated father; or



1

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

4

5 (c) A presumed father may sign or otherwise  
6 authenticate an acknowledgment of paternity.

7

8 **14-2-503. Denial of paternity.**

9

10 (a) A presumed father may sign a denial of his  
11 paternity. The denial is valid only if:

12

13 (i) An acknowledgment of paternity signed, or  
14 otherwise authenticated, by another man is filed pursuant  
15 to W.S. 14-2-505;

16

17 (ii) The denial is in a record, and is signed,  
18 or otherwise authenticated, under penalty of perjury; and

19

20 (iii) The presumed father has not previously:

21

22 (A) Acknowledged his paternity, unless the  
23 previous acknowledgment has been rescinded pursuant to W.S.

1 14-2-507 or successfully challenged pursuant to W.S.  
2 14-2-508; or

3

4 (B) Been adjudicated to be the father of  
5 the child.

6

7 **14-2-504. Rules for acknowledgment and denial of**  
8 **paternity.**

9

10 (a) An acknowledgment of paternity and a denial of  
11 paternity may be contained in a single document or may be  
12 signed in counterparts, and may be filed separately or  
13 simultaneously. If the acknowledgement and denial are both  
14 necessary, neither is valid until both are filed.

15

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

18

19 (c) Subject to subsection (a) of this section, an  
20 acknowledgment of paternity or denial of paternity takes  
21 effect on the birth of the child or the filing of the  
22 document with the state office of vital records, whichever  
23 occurs later.

24

1           (d) An acknowledgment of paternity or denial of  
2 paternity signed by a minor is valid if it is otherwise in  
3 compliance with this act.

4

5           **14-2-505. Effect of acknowledgment or denial of**  
6 **paternity.**

7

8           (a) Except as otherwise provided in W.S. 14-2-507 and  
9 14-2-508, a valid acknowledgment of paternity filed with  
10 the state office of vital records is equivalent to an  
11 adjudication of paternity of a child and confers upon the  
12 acknowledged father all of the rights and duties of a  
13 parent.

14

15           (b) Except as otherwise provided in W.S. 14-2-507 and  
16 14-2-508, a valid denial of paternity by a presumed father  
17 filed with the state office of vital records in conjunction  
18 with a valid acknowledgment of paternity is equivalent to  
19 an adjudication of the nonpaternity of the presumed father  
20 and discharges the presumed father from all rights and  
21 duties of a parent.

22

23           **14-2-506. No filing fee.**

24

1 The state office of vital records shall not charge for  
2 filing an acknowledgment of paternity or denial of  
3 paternity.

4

5 **14-2-507. Proceeding for rescission.**

6

7 (a) A signatory may rescind an acknowledgment of  
8 paternity or denial of paternity by commencing a proceeding  
9 to rescind before the earlier of:

10

11 (i) Sixty (60) days after the effective date of  
12 the acknowledgment or denial, as provided in W.S. 14-2-504;  
13 or

14

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

19

20 **14-2-508. Challenge after expiration of period for**  
21 **rescission.**

22

23 (a) After the period for rescission under W.S.  
24 14-2-507 has expired, a signatory of an acknowledgment of

1 paternity or denial of paternity may commence a proceeding  
2 to challenge the acknowledgment or denial only:

3

4 (i) On the basis of fraud, duress or material  
5 mistake of fact; and

6

7 (ii) Within two (2) years after the  
8 acknowledgment or denial is filed with the state office of  
9 vital records.

10

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

13

14 **14-2-509. Procedure for rescission or challenge.**

15

16 (a) Every signatory to an acknowledgment of paternity  
17 and any related denial of paternity shall be made a party  
18 to a proceeding to rescind or challenge the acknowledgment  
19 or denial.

20

21 (b) For the purpose of rescission of, or challenge  
22 to, an acknowledgment of paternity or denial of paternity,  
23 a signatory submits to personal jurisdiction of this state  
24 by signing the acknowledgment or denial, effective upon the

1 filing of the document with the state office of vital  
2 records.

3

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

10

11 (d) A proceeding to rescind or to challenge an  
12 acknowledgment of paternity or denial of paternity shall be  
13 conducted in the same manner as a proceeding to adjudicate  
14 parentage under article 7 of this act.

15

16 (e) At the conclusion of a proceeding to rescind or  
17 challenge an acknowledgment of paternity or denial of  
18 paternity, the court shall order the state office of vital  
19 records to amend the birth record of the child, if  
20 appropriate.

21

22 **14-2-510. Ratification barred.**

23

1 A court or administrative agency conducting a judicial or  
2 administrative proceeding is not required or permitted to  
3 ratify an unchallenged acknowledgment of paternity.

4

5 **14-2-511. Full faith and credit.**

6

7 A court of this state shall give full faith and credit to  
8 an acknowledgment of paternity or denial of paternity  
9 effective in another state if the acknowledgment or denial  
10 has been signed and is otherwise in compliance with the law  
11 of the other state.

12

13 **14-2-512. Forms for acknowledgment and denial of**  
14 **paternity.**

15

16 (a) To facilitate compliance with this article, the  
17 state office of vital records shall prescribe forms for the  
18 acknowledgment of paternity and the denial of paternity.

19

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

23

1           (c) Every hospital or birthing center located in the  
2 state shall provide to any person who holds himself out to  
3 be the natural parent of a child born in the state an  
4 affidavit of paternity pursuant to this act. The facility  
5 providing the affidavit shall forward the completed  
6 affidavit to the state office of vital records. Upon  
7 request, the state office of vital records shall provide  
8 blank affidavits of paternity to any facility making the  
9 request under this subsection.

10

11           **14-2-513. Release of information.**

12

13 The state office of vital records may release information  
14 relating to the acknowledgment of paternity or denial of  
15 paternity to a signatory of the acknowledgment or denial,  
16 to courts and to the Title IV-D agency of this or another  
17 state.

18

19           **14-2-514. Adoption of rules.**

20

21 The state office of vital records may adopt rules to  
22 implement this article.

23

24

ARTICLE 6



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GENETIC TESTING

**14-2-601. Scope of article.**

(a) This article governs genetic testing of an individual to determine parentage, whether the individual:

(i) Voluntarily submits to testing; or

(ii) Is tested pursuant to an order of the court or a child support enforcement agency.

**14-2-602. Order for testing.**

(a) Except as otherwise provided in this article and article 8 of this act, 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:

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

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

5

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

9

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

13

14          (d) If two (2) or more men are subject to court-  
15 ordered genetic testing, the testing may be ordered  
16 concurrently or sequentially.

17

18           **14-2-603. Requirements for genetic testing.**

19

20          (a) Genetic testing shall be of a type reasonably  
21 relied upon by experts in the field of genetic testing and  
22 performed in a testing laboratory accredited by:

23

1           (i) The American Association of Blood Banks, or  
2 a successor to its functions;

3

4           (ii) The American Society for Histocompatibility  
5 and Immunogenetics, or a successor to its functions; or

6

7           (iii) An accrediting body designated by the  
8 United States secretary of health and human services.

9

10          (b) A specimen used in genetic testing may consist of  
11 one (1) or more samples, or a combination of samples, of  
12 blood, buccal cells, bone, hair, or other body tissue or  
13 fluid. The specimen used in the testing is not required to  
14 be of the same kind for each individual undergoing genetic  
15 testing.

16

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

23

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

6

7           (ii) The individual objecting to the testing  
8 laboratory's initial choice shall:

9

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

14

15           (B) Engage another testing laboratory to  
16 perform the calculations.

17

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

23

1 (d) If, after recalculation using a different ethnic  
2 or racial group, genetic testing does not rebuttably  
3 identify a man as the father of a child under W.S.  
4 14-2-605, an individual who has been tested may be required  
5 to submit to additional genetic testing.

6  
7 **14-2-604. Report of genetic testing.**

8  
9 (a) A report of genetic testing shall be in a record  
10 and signed under penalty of perjury by a designee of the  
11 testing laboratory. A report made under the requirements of  
12 this article is self-authenticating.

13  
14 (b) Documentation from the testing laboratory of the  
15 following information is sufficient to establish a reliable  
16 chain of custody that allows the results of genetic testing  
17 to be admissible without testimony:

18  
19 (i) The names and photographs of the individuals  
20 whose specimens have been taken;

21  
22 (ii) The names of the individuals who collected  
23 the specimens;

24

1           (iii) The places and dates the specimens were  
2 collected;

3

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

6

7           (v) The dates the specimens were received.

8

9           **14-2-605. Genetic testing results; rebuttal.**

10

11           (a) Under this act, a man is rebuttably identified as  
12 the father of a child if the genetic testing complies with  
13 this article and the results disclose that:

14

15           (i) The man has at least a ninety-nine percent  
16 (99%) probability of paternity, using a prior probability  
17 of one-half (1/2), as calculated by using the combined  
18 paternity index obtained in the testing; and

19

20           (ii) A combined paternity index of at least one  
21 hundred (100) to one (1).

22

23           (b) A man identified under subsection (a) of this  
24 section as the father of the child may rebut the genetic

1 testing results only by other genetic testing satisfying  
2 the requirements of this article which:

3

4 (i) Excludes the man as a genetic father of the  
5 child; or

6

7 (ii) Identifies another man as the possible  
8 father of the child.

9

10 (c) Except as otherwise provided in W.S. 14-2-610, if  
11 more than one (1) man is identified by genetic testing as  
12 the possible father of the child, the court shall order  
13 them to submit to further genetic testing to identify the  
14 genetic father.

15

16 **14-2-606. Costs of genetic testing.**

17

18 (a) Subject to assessment of costs under article 7 of  
19 this act, the cost of initial genetic testing shall be  
20 advanced:

21

22 (i) By a child support enforcement agency in a  
23 proceeding in which the agency is providing services;

24

1 (ii) By the individual who made the request;

2

3 (iii) As agreed by the parties; or

4

5 (iv) As ordered by the court.

6

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

11

12 **14-2-607. Additional genetic testing.**

13

14 The court or the child support enforcement agency shall  
15 order additional genetic testing upon the request of a  
16 party who contests the result of the original testing. If  
17 the previous genetic testing identified a man as the father  
18 of the child under W.S. 14-2-605, the court or agency may  
19 not order additional testing unless the party provides  
20 advance payment for the testing.

21

22 **14-2-608. Deceased individual.**

23



1 For good cause shown, the court may order genetic testing  
2 of a deceased individual.

3

4 **14-2-609. Identical brothers.**

5

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

11

12 (b) If each brother satisfies the requirements as the  
13 identified father of the child under W.S. 14-2-605 without  
14 consideration of another identical brother being identified  
15 as the father of the child, the court may rely on  
16 nongenetic evidence to adjudicate which brother is the  
17 father of the child.

18

19 **14-2-610. Confidentiality of genetic testing.**

20

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

23

1           (b) An individual who intentionally releases an  
2 identifiable specimen of another individual for any purpose  
3 other than that relevant to the proceeding regarding  
4 parentage without a court order or the written permission  
5 of the individual who furnished the specimen commits a  
6 misdemeanor and upon conviction shall be punished by a fine  
7 of not more than one thousand dollars (\$1,000.00),  
8 imprisonment for not more than one (1) year, or both fine  
9 and imprisonment.

10

11

## ARTICLE 7

12

## PROCEEDING TO ADJUDICATE PARENTAGE

13

14

**14-2-701. Proceeding authorized.**

15

16 A civil proceeding may be maintained to adjudicate the  
17 parentage of a child. The proceeding is governed by the  
18 Wyoming Rules of Civil Procedure.

19

20

**14-2-702. Standing to maintain proceeding.**

21

22

23

24

(a) Subject to article 5 of this act and W.S.  
14-2-707 and 14-2-709, a proceeding to adjudicate parentage  
may be maintained by:

1

2 (i) The child;

3

4 (ii) The mother of the child;

5

6 (iii) A man whose paternity of the child is to  
7 be adjudicated;

8

9 (iv) The child support enforcement agency;

10

11 (v) An authorized adoption agency or licensed  
12 child-placing agency; or

13

14 (vi) A representative authorized by law to act  
15 for an individual who would otherwise be entitled to  
16 maintain a proceeding but who is deceased, incapacitated or  
17 a minor.

18

19 **14-2-703. Parties to proceeding.**

20

21 (a) The following individuals shall be joined as  
22 parties in a proceeding to adjudicate parentage:

23

24 (i) The mother of the child; and

1

2 (ii) A man whose paternity of the child is to be  
3 adjudicated.

4

5 **14-2-704. Personal jurisdiction.**

6

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

10

11 (b) A court of this state having jurisdiction to  
12 adjudicate parentage may exercise personal jurisdiction  
13 over a nonresident individual, or the guardian or  
14 conservator of the individual, if the conditions prescribed  
15 in W.S. 20-4-142 are met.

16

17 (c) Lack of jurisdiction over one (1) individual does  
18 not preclude the court from making an adjudication of  
19 parentage binding on another individual over whom the court  
20 has personal jurisdiction.

21

22 **14-2-705. Venue.**

23

1 (a) Venue for a proceeding to adjudicate parentage is  
2 in the county of this state in which:

3

4 (i) The child resides or is found;

5

6 (ii) The respondent resides or is found if the  
7 child does not reside in this state; or

8

9 (iii) A proceeding for probate or administration  
10 of the presumed or alleged father's estate has been  
11 commenced.

12

13 **14-2-706. No limitation; child having no presumed,**  
14 **acknowledged or adjudicated father.**

15

16 (a) A proceeding to adjudicate the parentage of a  
17 child having no presumed, acknowledged or adjudicated  
18 father may be commenced at any time, even after:

19

20 (i) The child becomes an adult but only if the  
21 child initiates the proceeding; or

22

1           (ii) An earlier proceeding to adjudicate  
2 paternity has been dismissed based on the application of a  
3 statute of limitation then in effect.

4  
5           **14-2-707. Limitation; child having presumed father.**

6  
7           (a) Except as otherwise provided in subsection (b) of  
8 this section, a proceeding brought by a presumed father,  
9 the mother, or another individual to adjudicate the  
10 parentage of a child having a presumed father shall be  
11 commenced within a reasonable time after obtaining  
12 knowledge of relevant facts, but in no event later than  
13 five (5) years after the child's birth.

14  
15           (b) A proceeding seeking to disprove the father-child  
16 relationship between a child and the child's presumed  
17 father may be maintained at any time if the court  
18 determines that:

19  
20           (i) The presumed father and the mother of the  
21 child neither cohabited nor engaged in sexual intercourse  
22 with each other during the probable time of conception; and

23

1           (ii) The presumed father never openly held out  
2 the child as his own.

3

4           **14-2-708. Authority to deny motion for genetic**  
5 **testing.**

6

7           (a) In a proceeding to adjudicate the parentage of a  
8 child having a presumed father or to challenge the  
9 paternity of a child having an acknowledged father, the  
10 court may deny a motion seeking an order for genetic  
11 testing of the mother, the child and the presumed or  
12 acknowledged father if the court determines that:

13

14           (i) The conduct of the mother or the presumed or  
15 acknowledged father estops that party from denying  
16 parentage; and

17

18           (ii) It would be inequitable to disprove the  
19 father-child relationship between the child and the  
20 presumed or acknowledged father.

21

22           (b) In determining whether to deny a motion seeking  
23 an order for genetic testing under this section, the court

1 shall consider the best interest of the child, including  
2 the following factors:

3

4 (i) The length of time between the proceeding to  
5 adjudicate parentage and the time that the presumed or  
6 acknowledged father was placed on notice that he might not  
7 be the genetic father;

8

9 (ii) The length of time during which the  
10 presumed or acknowledged father has assumed the role of  
11 father of the child;

12

13 (iii) The facts surrounding the presumed or  
14 acknowledged father's discovery of his possible  
15 nonpaternity;

16

17 (iv) The nature of the relationship between the  
18 child and the presumed or acknowledged father;

19

20 (v) The age of the child;

21

22 (vi) The harm that may result to the child if  
23 presumed or acknowledged paternity is successfully  
24 disproved;



1

2 (vii) The nature of the relationship between the  
3 child and any alleged father;

4

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

9

10 (ix) Other factors that may affect the equities  
11 arising from the disruption of the father-child  
12 relationship between the child and the presumed or  
13 acknowledged father or the chance of other harm to the  
14 child.

15

16 (c) In a proceeding involving the application of this  
17 section, a minor or incapacitated child shall be  
18 represented by a guardian ad litem.

19

20 (d) Denial of a motion seeking an order for genetic  
21 testing shall be based on clear and convincing evidence.

22

1           (e) If the court denies a motion seeking an order for  
2 genetic testing, it shall issue an order adjudicating the  
3 presumed father to be the father of the child.

4

5           **14-2-709. Limitation; child having acknowledged or**  
6 **adjudicated father.**

7

8           (a) If a child has an acknowledged father, a  
9 signatory to the acknowledgment of paternity or denial of  
10 paternity may commence a proceeding seeking to rescind the  
11 acknowledgement or denial or challenge the paternity of the  
12 child only within the time allowed under W.S. 14-2-507 or  
13 14-2-508.

14

15           (b) If a child has an acknowledged father or an  
16 adjudicated father, an individual, other than the child,  
17 who is neither a signatory to the acknowledgment of  
18 paternity nor a party to the adjudication and who seeks an  
19 adjudication of paternity of the child shall commence a  
20 proceeding not later than two (2) years after the effective  
21 date of the acknowledgment or adjudication.

22

1 (c) A proceeding under this section is subject to the  
2 application of the principles of estoppel established under  
3 W.S. 14-2-708.

4  
5 **14-2-710. Joinder of proceedings.**

6  
7 (a) Except as otherwise provided in subsection (b) of  
8 this section, a proceeding to adjudicate parentage may be  
9 joined with a proceeding for adoption, termination of  
10 parental rights, child custody or visitation, child  
11 support, divorce, annulment, legal separation or separate  
12 maintenance, probate or administration of an estate or  
13 other appropriate proceeding.

14  
15 (b) A respondent may not join a proceeding described  
16 in subsection (a) of this section with a proceeding to  
17 adjudicate parentage brought under the Uniform Interstate  
18 Family Support Act.

19  
20 **14-2-711. Proceeding before birth.**

21  
22 (a) A proceeding to determine parentage may be  
23 commenced before the birth of the child, but may not be

1 concluded until after the birth of the child. The following  
2 actions may be taken before the birth of the child:

3

4 (i) Service of process;

5

6 (ii) Discovery; and

7

8 (iii) Except as prohibited by W.S. 14-2-602,  
9 collection of specimens for genetic testing.

10

11 **14-2-712. Child as party; representation.**

12

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

15

16 (b) The court shall appoint an attorney to represent  
17 the best interest of a minor or incapacitated child if the  
18 child is a party or the court finds that the interests of  
19 the child are not adequately represented.

20

21 **14-2-713. Admissibility of results of genetic**  
22 **testing; expenses.**

23

1           (a) Except as otherwise provided in subsection (c) of  
2 this section, a record of a genetic testing expert is  
3 admissible as evidence of the truth of the facts asserted  
4 in the report unless a party objects to its admission  
5 within fourteen (14) days after its receipt by the  
6 objecting party and cites specific grounds for exclusion.  
7 The admissibility of the report is not affected by whether  
8 the testing was performed:

9

10           (i) Voluntarily or pursuant to an order of the  
11 court or a child support enforcement agency; or

12

13           (ii) Before or after the commencement of the  
14 proceeding.

15

16           (b) A party objecting to the results of genetic  
17 testing may call one (1) or more genetic testing experts to  
18 testify in person or by telephone, videoconference,  
19 deposition or another method approved by the court. Unless  
20 otherwise ordered by the court, the party offering the  
21 testimony bears the expense for the expert testifying.

22

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

4  
5 (i) With the consent of both the mother and the  
6 presumed, acknowledged or adjudicated father; or

7  
8 (ii) Pursuant to an order of the court under  
9 W.S. 14-2-602.

10

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

16

17 (i) The amount of the charges billed; and

18

19 (ii) That the charges were reasonable, necessary  
20 and customary.

21

22 **14-2-714. Consequences of declining genetic testing.**

23

1           (a) A person who declines to comply with an order for  
2 genetic testing is guilty of contempt of court.

3

4           (b) If an individual whose paternity is being  
5 determined declines to submit to genetic testing ordered by  
6 the court, the court for that reason may adjudicate  
7 parentage contrary to the position of that individual.

8

9           (c) Genetic testing of the mother of a child is not a  
10 condition precedent to testing the child and a man whose  
11 paternity is being determined. If the mother is unavailable  
12 or declines to submit to genetic testing, the court may  
13 order the testing of the child and every man whose  
14 paternity is being adjudicated.

15

16           **14-2-715. Admission of paternity authorized.**

17

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

23

1 (b) If the court finds that the admission of  
2 paternity satisfies the requirements of this section and  
3 finds that there is no reason to question the admission,  
4 the court shall issue an order adjudicating the child to be  
5 the child of the man admitting paternity.

6

7 **14-2-716. Temporary order.**

8

9 (a) In a proceeding under this article, the court  
10 shall issue a temporary order for support of a child if the  
11 order is appropriate and the individual ordered to pay  
12 support is:

13

14 (i) A presumed father of the child;

15

16 (ii) Petitioning to have his paternity  
17 adjudicated;

18

19 (iii) Identified as the father through genetic  
20 testing under W.S. 14-2-605;

21

22 (iv) An alleged father who has declined to  
23 submit to genetic testing;

24



1           (v) Shown by clear and convincing evidence to be  
2 the father of the child; or

3

4           (vi) The mother of the child.

5

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

9

10           **14-2-717. Rules for adjudication of paternity.**

11

12           (a) The court shall apply the following rules to  
13 adjudicate the paternity of a child:

14

15           (i) The paternity of a child having a presumed,  
16 acknowledged or adjudicated father may be disproved only by  
17 admissible results of genetic testing excluding that man as  
18 the father of the child or identifying another man as the  
19 father of the child;

20

21           (ii) Unless the results of genetic testing are  
22 admitted to rebut other results of genetic testing, a man  
23 identified as the father of a child under W.S. 14-2-605  
24 shall be adjudicated the father of the child;

1

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23

(iii) If the court finds that genetic testing under W.S. 14-2-605 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, and other evidence, are admissible to adjudicate the issue of paternity;

(iv) 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 shall be adjudicated not to be the father of the child.

**14-2-718. Jury prohibited.**

The court, without a jury, shall adjudicate paternity of a child.

**14-2-719. Hearings; inspection of records.**

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

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

5

6           **14-2-720. Order on default.**

7

8           (a) The court shall issue an order adjudicating the  
9 paternity of a man who:

10

11                   (i) After service of process, is in default; and

12

13                   (ii) Is found by the court to be the father of a  
14 child.

15

16           **14-2-721. Dismissal for want of prosecution.**

17

18 The court may issue an order dismissing a proceeding  
19 commenced under this act for want of prosecution only  
20 without prejudice. An order of dismissal for want of  
21 prosecution purportedly with prejudice is void and has only  
22 the effect of a dismissal without prejudice.

23

24           **14-2-722. Order adjudicating parentage.**

1

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

5

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

8

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

16

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

20

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

23

1 (f) If the order of the court is at variance with the  
2 child's birth certificate, the court shall order the state  
3 office of vital records to issue an amended birth  
4 certificate.

5

6 **14-2-723. Binding effect of determination of**  
7 **parentage.**

8

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

11

12 (i) All signatories to an acknowledgement or  
13 denial of paternity as provided in article 5 of this act;  
14 and

15

16 (ii) All parties to an adjudication by a court  
17 acting under circumstances that satisfy the jurisdictional  
18 requirements of W.S. 20-4-142.

19

20 (b) A child is not bound by a determination of  
21 parentage under this act unless:

22

23 (i) The determination was based on an  
24 unrescinded acknowledgment of paternity and the

1 acknowledgement is consistent with the results of genetic  
2 testing;

3

4 (ii) The adjudication of parentage was based on  
5 a finding consistent with the results of genetic testing  
6 and the consistency is declared in the determination or is  
7 otherwise shown; or

8

9 (iii) The child was a party or was represented  
10 in the proceeding determining parentage by an attorney  
11 representing the child's best interest.

12

13 (c) In a proceeding to dissolve a marriage, the court  
14 is deemed to have made an adjudication of the parentage of  
15 a child if the court acts under circumstances that satisfy  
16 the jurisdictional requirements of W.S. 20-4-142, and the  
17 final order:

18

19 (i) Expressly identifies a child as a "child of  
20 the marriage," "issue of the marriage," or similar words  
21 indicating that the husband is the father of the child; or

22



1

2 A donor is not a parent of a child conceived by means of  
3 assisted reproduction.

4

5 **14-2-803. Paternity of child of assisted**  
6 **reproduction.**

7

8 A man who provides sperm for, or consents to, assisted  
9 reproduction by a woman as provided in W.S. 14-2-804, with  
10 the intent to be the parent of her child, is the parent of  
11 the resulting child.

12

13 **14-2-804. Consent to assisted reproduction.**

14

15 (a) Consent by a woman and a man who intends to be  
16 the parent of a child born to the woman by assisted  
17 reproduction shall be in a record signed by the woman and  
18 the man. This requirement shall not apply to a donor.

19

20 (b) Failure to sign a consent required by subsection  
21 (a) of this section, before or after birth of the child,  
22 does not preclude a finding of paternity if the woman and  
23 the man, during the first two (2) years of the child's life



1 resided together in the same household with the child and  
2 openly held out the child as their own.

3

4 **14-2-805. Limitation on husband's dispute of**  
5 **paternity.**

6

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

11

12 (i) Within two (2) years after learning of the  
13 birth of the child he commences a proceeding to adjudicate  
14 his paternity; and

15

16 (ii) The court finds that he did not consent to  
17 the assisted reproduction, before or after birth of the  
18 child.

19

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

22

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

4  
5           (ii) The husband and the mother of the child  
6 have not cohabited since the probable time of assisted  
7 reproduction; and

8  
9           (iii) The husband never openly held out the  
10 child as his own.

11  
12           (c) The limitation provided in this section applies  
13 to a marriage declared invalid after assisted reproduction.

14  
15           **14-2-806. Effect of dissolution of marriage or**  
16 **withdrawal of consent.**

17  
18           (a) If a marriage is dissolved before placement of  
19 eggs, sperm or embryos, the former spouse is not a parent  
20 of the resulting child unless the former spouse consented  
21 in a record that if assisted reproduction were to occur  
22 after a divorce, the former spouse would be a parent of the  
23 child.

24

1 (b) The consent of a woman or a man to assisted  
2 reproduction may be withdrawn by that individual in a  
3 record at any time before placement of eggs, sperm or  
4 embryos. An individual who withdraws consent under this  
5 section is not a parent of the resulting child.

6

7 **14-2-807. Parental status of deceased individual.**

8

9 If an individual who consented in a record to be a parent  
10 by assisted reproduction dies before placement of eggs,  
11 sperm or embryos, the deceased individual is not a parent  
12 of the resulting child unless the deceased individual  
13 consented in a record that if assisted reproduction were to  
14 occur after death, the deceased individual would be a  
15 parent of the child.

16

17 **Section 2.** W.S. 20-1-113, 20-2-201(a)(intro),  
18 20-4-142(a)(vii), 20-4-185(b), 20-6-104(a)(viii),  
19 26-15-135(a)(iii), 35-1-411 and 35-1-417(a)(ii), by  
20 amending and renumbering (c) as (b), by amending and  
21 renumbering (e) as (c), by renumbering (b) as (e) and (f)  
22 are amended to read:

23

24 **20-1-113. Legitimacy of children presumed.**

1

2 The legitimacy of all children conceived or born during the  
3 marriage is rebuttably presumed pursuant to W.S.  
4 ~~14-2-102(a)~~ 14-2-404.

5

6 **20-2-201. Disposition and maintenance of children in**  
7 **decree or order; access to records.**

8

9 (a) In granting a divorce, separation or annulment of  
10 a marriage or upon the establishment of paternity pursuant  
11 to W.S. ~~14-2-101~~ 14-2-121 through ~~14-2-120~~ 14-2-128 and  
12 14-2-401 through 14-2-907, the court may make by decree or  
13 order any disposition of the children that appears most  
14 expedient and in the best interests of the children. In  
15 determining the best interests of the child, the court  
16 shall consider, but is not limited to, the following  
17 factors:

18

19 **20-4-142. Basis for jurisdiction over nonresident.**

20

21 (a) In a proceeding to establish, enforce, or modify a  
22 support order or to determine parentage, a tribunal of this  
23 state may exercise personal jurisdiction over a nonresident  
24 individual or the individual's guardian or conservator if:

1

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24

(vii) The individual asserted parentage in this state pursuant to W.S. ~~14-2-101~~14-2-121 through ~~14-2-120~~14-2-128 and 14-2-401 through 14-2-907;

**20-4-185. Proceeding to determine parentage.**

(b) In a proceeding to determine parentage, a responding tribunal of this state shall apply the provisions of W.S. ~~14-2-101~~14-2-121 through ~~14-2-120~~14-2-128 and 14-2-401 through 14-2-907 and the rules of this state on choice of law.

**20-6-104. Child support enforcement services generally.**

(a) The services in intrastate and interstate situations provided under the child support enforcement program subject to or by appropriate orders of the court shall include:

(viii) The establishment of paternity for out of wedlock children pursuant to W.S. ~~14-2-101~~14-2-121 et seq.

1           **26-15-135. Coverage of children.**

2

3           (a) No insurance company, multi-employer trust or  
4 other provider of an individual, group or blanket health  
5 insurance product in this state shall:

6

7           (iii) Refuse to provide medical insurance  
8 coverage for an otherwise insurable child under the policy  
9 if the child for whom the claim is made is presumed to be  
10 the natural child of the insured under W.S. ~~14-2-102~~  
11 14-2-404 or ~~14-2-104~~ 14-2-822.

12

13           **35-1-411. Name of father on birth certificate.**

14

15           (a) If the mother was married either at the time of  
16 conception or birth of child, or between conception and  
17 birth, the name of the husband shall be entered on the  
18 certificate as the father of the child, unless:

19

20           (i) Paternity has been determined otherwise by a  
21 court of competent jurisdiction; ~~in which case the name of~~  
22 ~~the father as determined by the court shall be entered.~~ or

23

1           (ii) The husband signs an affidavit denying that  
2 he is the father and the mother and the person to be named  
3 as the father sign an affidavit of paternity under this  
4 section. Affidavits may be joint or individual or a  
5 combination thereof, and each signature shall be  
6 individually notarized. The name of the person signing the  
7 affidavit of paternity shall be entered as the father on  
8 the certificate of birth.

9  
10           (b) If the mother was not married either at the time  
11 of conception or birth of child, or between conception and  
12 birth, the name of the father shall not be entered on the  
13 certificate of birth without ~~the written consent of the~~  
14 ~~mother~~ an affidavit of paternity signed by the mother and  
15 the person to be named as father, unless a determination of  
16 the paternity has been made by a court of competent  
17 jurisdiction. ~~in which case the name of the father as~~  
18 ~~determined by the court shall be entered.~~

19  
20           (c) In any case in which paternity of a child ~~born~~  
21 ~~out of wedlock, the certificate shall be filed directly~~  
22 ~~with the state registrar of vital records. Either of the~~  
23 ~~parents of the child shall sign the certificate of live~~  
24 ~~birth to attest to the accuracy of the personal data~~

1 ~~entered thereon in time to permit its filing within the ten~~  
2 ~~(10) days prescribed above~~ is determined by a court of  
3 competent jurisdiction, the name of the father and surname  
4 of the child shall be entered on the certificate of birth  
5 in accordance with the finding and order of the court.

6  
7 (d) ~~If the mother was not married at the time of~~  
8 ~~conception or birth, the child's surname on the birth~~  
9 ~~certificate shall be the same as the legal surname of the~~  
10 ~~mother at the time of birth unless an affidavit of~~  
11 ~~acknowledgment of paternity signed by both parents is~~  
12 ~~received stating the surname of the child to be that of the~~  
13 ~~father.~~ If the father is not named on the certificate of  
14 birth, no other information about the father shall be  
15 entered on the certificate.

16  
17 **35-1-417. New certificate of birth following**  
18 **adoption; legitimation; court determination of paternity;**  
19 **and paternity acknowledgment.**

20  
21 (a) The state registrar of vital records shall  
22 establish a new certificate of birth for a person born in  
23 this state when he receives the following:



1           (ii) A request that a new certificate be  
2 established and such evidence as required by regulation  
3 proving such person has been legitimated, or that a court  
4 of competent jurisdiction has determined the paternity of  
5 the person, or that both parents have acknowledged the  
6 paternity of such person.

7  
8       ~~(e)~~(b) When a new certificate of birth is  
9 established, the actual ~~place~~city and county and date of  
10 birth shall be shown. It shall be substituted for the  
11 original certificate of birth. If a new certificate of  
12 birth is issued under this section, and in the case of  
13 adoptions, the original certificate of birth and evidence  
14 of adoption shall not be subject to inspection except upon  
15 order of a court of competent jurisdiction.

16  
17       ~~(e)~~(c) Upon receipt of ~~notice of an~~a decree of  
18 annulment of adoption, the original certificate of birth  
19 shall be restored to its place in the file and the new  
20 certificate and evidence shall not be subject to inspection  
21 except upon order of a court of competent jurisdiction.

22  
23       ~~(b)~~(e) The state registrar of vital records shall  
24 establish a new certificate of birth, on a form he

1 prescribes, for a person born in a foreign country upon  
2 receipt of a certified copy of the decree of adoption  
3 entered pursuant to W.S. 1-22-111(a)(iii) and a request for  
4 a new certificate by the court decreeing the adoption, the  
5 adoptive parents or the adopted person.

6  
7 (f) If no certificate of birth is on file for the  
8 person for whom a new certificate is to be established  
9 under this section, a delayed certificate of birth shall be  
10 filed with the state registrar of vital records as provided  
11 by this act, before a new certificate of birth is  
12 established. ~~The new certificate shall be prepared as  
13 provided by paragraph (a)(i) of this section. If a new  
14 certificate of birth is established by the state registrar  
15 of vital records, all copies of the original certificate of  
16 birth in the custody of any custodian in the state shall be  
17 sealed from inspection or forwarded to the state registrar  
18 as he directs.~~

19  
20 **Section 3.** W.S. 14-2-101 through 14-2-120 are  
21 repealed.

22  
23 **Section 4.** A proceeding to adjudicate parentage under  
24 W.S. 14-2-121 et seq. which was commenced prior to July 1,

1 2003 shall be governed by the law in effect at the time the  
2 proceeding was commenced.

3

4 **Section 5.** This act is effective July 1, 2003.

5

6

(END)