

1 **25-812. Voluntary acknowledgment of paternity; action to overcome paternity**
2 A. This state or the parent of a child born out of wedlock may **BEGIN THE PROCESS TO**
3 establish the paternity of a child by filing one of the following with the clerk of the superior court, the
4 department of economic security or the department of health services:
5 1. A notarized or witnessed statement that contains the social security numbers of both parents
6 and that is signed by both parents acknowledging paternity or two separate substantially similar
7 notarized or witnessed statements acknowledging paternity. If the voluntary acknowledgment is filed
8 with the court, the filing party must redact any social security numbers and file them separately
9 pursuant to section 25-501, subsection G. ~~If another man is presumed to be the child's father pursuant~~
10 ~~to section 25-814, an acknowledgment of paternity is valid only with the presumed father's written~~
11 ~~consent or as prescribed pursuant to section 25-814.~~ **IF ANOTHER MAN OTHER THAN THE**
12 **HUSBAND OF THE MOTHER AT ANY TIME IN THE TEN MONTHS IMMEDIATELY**
13 **PRECEDING THE BIRTH IS TO ACKNOWLEDGE PATERNITY, A SIGNED WRITTEN**
14 **CONSENT FROM THE THEN HUSBAND MUST ALSO BE SUBMITTED.** A statement that is
15 witnessed by an employee of the department of economic security or the department of health services
16 or by an employee of a hospital must contain the printed name and residential or business address of the
17 witness. A statement that is witnessed by any other person must contain the printed name and
18 residential address of the witness. If the acknowledgment of paternity is witnessed, the witness must be
19 an adult who is not related to either parent by blood or by marriage.
20 2. An agreement by the parents to be bound by the results of genetic testing including any
21 genetic test previously accepted by a court of competent jurisdiction, or any combination of genetic
22 testing agreed to by the parties, and an affidavit from a certified laboratory that the tested father has not
23 been excluded.
24 **BD. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION,** A voluntary
25 acknowledgment of paternity executed pursuant to subsection A, paragraph 1 of this section may be
26 filed with the department of economic security, which shall provide a copy to the department of health
27 services. A voluntary acknowledgment of paternity made **FILED WITH THE DEPARTMENT OF**
28 **ECONOMIC SECURITY** pursuant to this section ~~is a determination of~~ **IS THEREBY EFFECTED**
29 **AND SHALL ESTABLISH THE** paternity **OF THE CHILD** and has the same force and effect as a
30 superior court judgment.
31 **CB.** On filing a document required in subsection A of this section with the clerk of the superior
32 court **A VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY IS THEREBY EFFECTED. THE,**
33 ~~the~~ clerk or authorized court personnel shall issue an order establishing paternity, which may amend the
34 name of the child or children, if requested by the parents. The clerk shall transmit a copy of the order of
35 paternity to the department of health services and the department of economic security.
36 **DC.** On entry of an order by the clerk of the superior court, the paternity determination has
37 the same force and effect as a judgment of the superior court. In a non-title IV-D case, the clerk shall
38 transmit a copy of an order granted under this subsection to the state title IV-D agency. The case filing
39 fee prescribed by section 12-284 shall not be charged to any person who, in the same county, initiates or
40 responds to a proceeding to establish child support or to obtain an order for custody or parenting time
41 within ninety days after an order establishing paternity is issued under subsection B of this section.
42 E. Pursuant to rule 85(c) of the Arizona rules of family law procedure, the mother, father or
43 child, or a party to the proceeding on a rule 85(c) motion, may challenge a voluntary acknowledgment of
44 paternity established in this state at any time ~~after the sixty-day period~~ only on the basis of fraud, duress
45 or material mistake of fact, with the burden of proof on the challenger and under which the legal
46 responsibilities, including child support obligations of any signatory arising from the acknowledgment
47 shall not be suspended during the challenge except for good cause shown. The court shall order the
48 mother, her child or children and the alleged father to submit to genetic testing and shall direct that
49 appropriate testing procedures determine the inherited characteristics, including blood and tissue type.
50 If the court finds by clear and convincing evidence that the genetic tests demonstrate that the established
51 father is not the biological father of the child, the court shall vacate the determination of paternity and
52 terminate the obligation of that party to pay ongoing child support. An order vacating the
53 determination of paternity operates prospectively only and does not alter the obligation to pay child
54 support arrearages or, unless otherwise ordered by the court, any other amount previously ordered to
55 be paid pursuant to section 25-809.

1 F. Before signing a voluntary acknowledgment of paternity pursuant to this section, the parties
2 shall be provided notice of the alternatives to, the legal consequences of and the rights and
3 responsibilities that arise from signing the acknowledgment.

4 G. The department of economic security shall notify the department of health services of all
5 paternity determinations and rescissions.

6 ~~H. The mother or the father may rescind the acknowledgment of paternity within the earlier of:~~

7 ~~1. Sixty days after the last signature is affixed to the notarized acknowledgment of paternity~~
8 ~~that is filed with the department of economic security, the department of health services or the clerk of~~
9 ~~the court.~~

10 ~~2. The date of a proceeding relating to the child, including a child support proceeding in which~~
11 ~~the mother or father is a party.~~

12 ~~I. A rescission authorized pursuant to subsection H of this section must be in writing and a copy~~
13 ~~of each rescission of paternity shall be filed with the department of economic security. The department~~
14 ~~of economic security shall mail a copy of the rescission of paternity to the other parent and to the~~
15 ~~department of health services.~~

16 **HJ.** Voluntary acknowledgments of paternity and rescissions of paternity filed pursuant to this
17 section shall contain data elements in accordance with the requirements of the United States secretary of
18 health and human services.

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- 1 **25-814. Presumption ESTABLISHMENT of paternity**
2 ~~A. A man is presumed to be the father of the child if~~ **A MAN IS ESTABLISHED AS THE**
3 **FATHER OF THE CHILD AND THEREBY THE CHILD'S PATERNITY HAS BEEN**
4 **ESTABLISHED IF ANY OF THE FOLLOWING CONDITIONS HAVE BEEN MET:**
5 **1. EXCEPT AS PROVIDED FOR UNDER SUBSECTION C, He and the mother of the child**
6 **were married at any time in the ten months immediately preceding the birth or the child is born within**
7 **ten months after the marriage is terminated by death, annulment, declaration of invalidity or dissolution**
8 **of marriage or after the court enters a decree of legal separation.**
9 **2. Genetic testing affirms at least a ninety-five per cent probability of paternity.**
10 **3. A birth certificate is signed by the mother and father of a child born out of wedlock.**
11 ~~4. A notarized or witnessed statement is signed by both parents acknowledging paternity or~~
12 ~~separate substantially similar notarized or witnessed statements are signed by both parents~~
13 ~~acknowledging paternity.~~ **HE AND THE MOTHER HAVE ACKNOWLEDGED HIS PATERNITY**
14 **PURSUANT TO SECTION 25-812, AND THAT ACKNOWLEDGEMENT HAS BEEN EFFECTED**
15 **PURSUANT TO SECTION 25-812 SUBSECTION B OR D.**
16 **5. IF HIS PATERNITY HAS BEEN ESTABLISHED IN ANOTHER STATE BY A COURT**
17 **OR ADMINISTRATIVE ORDER OR VOLUNTARY ACKNOWLEDGEMENT, THE**
18 **DETERMINATION OF PATERNITY HAS THE SAME FORCE AND EFFECT IN THIS STATE AS**
19 **IF THE DETERMINATION OF PATERNITY WAS GRANTED BY A COURT IN THIS STATE.**
20 **6. A COURT DECREE FINDS THAT HE IS THE FATHER BASED ON A**
21 **PREPONDERANCE OF THE EVIDENCE INCLUDING, BUT NOT LIMITED TO, GENETIC**
22 **TESTING AFFIRMING AT LEAST NINETY FIVE PER CENT PROBABILITY OF PATERNITY.**
23 **7. IF HE IS LISTED AS THE FATER ON THE ADOPTION ORDER OF THE CHILD.**
24 ~~B. If another man is presumed to be the child's father under subsection A, paragraph 1, an~~
25 ~~acknowledgment of paternity may be effected only with the written consent of the presumed father or~~
26 ~~after the presumption is rebutted. If the presumed father has died or cannot reasonably be located,~~
27 ~~paternity may be established without written consent.~~
28 ~~C. Any presumption under this section shall be rebutted by clear and convincing evidence. If~~
29 ~~two or more presumptions apply, the presumption that the court determines, on the facts, is based on~~
30 ~~weightier considerations of policy and logic will control.~~ **THE CONDITION SET FORTH IN**
31 **SUBSECTION A PARAGRAPH 1 WILL NOT APPLY IF A court decree establishing ESTABLISHES**
32 **paternity of the child by another man rebuts the presumption OR IF ANOTHER MAN IS LISTED AS**
33 **THE FATHER IN AN ACKNOWLEDGEMENT OF PATERNITY AS DESCRIBED IN SECTION 25-**
34 **812 AND EFFECTED AS DESCRIBED IN SECTION 25-812 SUBSECTION B OR D.**
35 **D. AS PROVIDED BY SECTION 36-334, THE LISTING OF THE FATHER'S NAME ON**
36 **THE CHILD'S ARIZONA BIRTH CERTIFIATE IS PROOF THAT PATERNITY HAS**
37 **BEEN ESTABLISHED FOR THE CHILD.**
38 **E. PATERNITY THAT IS ESTABLISHED IN ANY OF MANNER ABOVE IS VALID FOR**
39 **PETITIONING FOR CHILD SUPPORT AND CHILD CUSTODY ESTABLISHMENT**
40 **WITH OUT ANY FURTHER HEARINGS OR DECREES.**
41 **F. PATERNITY THAT IS ESTABLISHED IN ANY MANNER ABOVE MAY BE**
42 **CONTESTED IN A COURT HEARING.**
43
44 **25-815. Paternity; full faith and credit**
45 ~~If paternity has been established in another state by a court or administrative order or~~
46 ~~voluntary acknowledgment, the determination of paternity has the same foree and effect in this~~
47 ~~state as if the determination of paternity was granted by a court in this state.~~
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