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AN ACT
RELATING TO FAMILY LAW; ENACTING THE NEW MEXICO UNIFORM
PARENTAGE ACT; PROVIDING FOR ESTABLISHMENT OF THE
PARENT-CHILD RELATIONSHIP, DETERMINATION OF PATERNITY AND
GENETIC TESTING; PROVIDING PENALTIES; AMENDING, REPEALING AND
ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

ARTICLE 1

GENERAL PROVISIONS AND DEFINITIONS

Section 1-101. SHORT TITLE.--Sections 1-101 through
9-903 of this act may be cited as the "New Mexico Uniform
Parentage Act".

Section 1-102. DEFINITIONS.--As used in the New Mexico
Uniform Parentage Act:

A. "acknowledged father" means a man who has
established a father-child relationship pursuant to Article 3
of the New Mexico Uniform Parentage Act;

B. "adjudicated father" means a man who has been
adjudicated by a court of competent jurisdiction to be the
father of a child;

C. "alleged father" means a man who alleges
himself to be, or is alleged to be, the genetic father or a
possible genetic father of a child, but whose paternity has
not been determined. "Alleged father" does not include:

1 (1) a presumed father;

2 (2) a man whose parental rights have been
3 terminated or declared not to exist; or

4 (3) a male donor;

5 D. "assisted reproduction" means a method of
6 causing pregnancy other than sexual intercourse. "Assisted
7 reproduction" includes:

8 (1) intrauterine insemination;

9 (2) donation of eggs;

10 (3) donation of embryos;

11 (4) in-vitro fertilization and transfer of
12 embryos; and

13 (5) intracytoplasmic sperm injection;

14 E. "bureau" means the vital records and health
15 statistics bureau of the department of health;

16 F. "child" means a person of any age whose
17 parentage may be determined pursuant to the New Mexico
18 Uniform Parentage Act;

19 G. "commence" means to file the initial pleading
20 seeking an adjudication of parentage in district court;

21 H. "determination of parentage" means the
22 establishment of the parent-child relationship by the signing
23 of a valid acknowledgment of paternity pursuant to Article 3
24 of the New Mexico Uniform Parentage Act or adjudication by
25 the court;

1 I. "donor" means a person who produces eggs or
2 sperm used for assisted reproduction, whether or not for
3 consideration. "Donor" does not include:

4 (1) a husband who provides sperm, or a wife
5 who provides eggs, to be used for assisted reproduction by
6 the wife;

7 (2) a woman who gives birth to a child by
8 means of assisted reproduction; or

9 (3) a parent pursuant to Article 7 of the
10 New Mexico Uniform Parentage Act;

11 J. "ethnic or racial group" means, for purposes of
12 genetic testing, a recognized group that a person identifies
13 as all or part of the person's ancestry or that is so
14 identified by other information;

15 K. "genetic testing" means an analysis of genetic
16 markers to exclude or identify a man as the father or a woman
17 as the mother of a child. "Genetic testing" includes an
18 analysis of one or a combination of the following:

19 (1) deoxyribonucleic acid; and

20 (2) blood-group antigens, red-cell antigens,
21 human-leukocyte antigens, serum enzymes, serum proteins or
22 red-cell enzymes;

23 L. "man" means a male person of any age;

24 M. "parent" means a person who has established a
25 parent-child relationship pursuant to Section 2-201 of the

1 New Mexico Uniform Parentage Act;

2 N. "parent-child relationship" means the legal
3 relationship between a child and a parent of the child,
4 including the mother-child relationship and the father-child
5 relationship;

6 O. "paternity index" means the likelihood of
7 paternity calculated by computing the ratio between:

8 (1) the likelihood that the tested man is
9 the father, based on the genetic markers of the tested man,
10 mother and child, conditioned on the hypothesis that the
11 tested man is the father of the child; and

12 (2) the likelihood that the tested man is
13 not the father, based on the genetic markers of the tested
14 man, mother and child, conditioned on the hypothesis that the
15 tested man is not the father of the child and that the father
16 is of the same ethnic or racial group as the tested man;

17 P. "presumed father" means a man who, by operation
18 of law pursuant to Section 2-204 of the New Mexico Uniform
19 Parentage Act, is recognized as the father of a child until
20 that status is rebutted or confirmed in a judicial
21 proceeding;

22 Q. "probability of paternity" means the measure,
23 for the ethnic or racial group to which the alleged father
24 belongs, of the probability that the man in question is the
25 father of the child, compared with a random, unrelated man of

1 the same ethnic or racial group, expressed as a percentage
2 incorporating the paternity index and a prior probability;

3 R. "record" means information that is inscribed on
4 a tangible medium or that is stored in an electronic or other
5 medium and is retrievable in perceivable form;

6 S. "signatory" means a person who signs or
7 otherwise authenticates a record and is bound by its terms;

8 T. "state" means a state of the United States, the
9 District of Columbia, Puerto Rico, the United States Virgin
10 Islands or any territory or insular possession subject to the
11 jurisdiction of the United States; and

12 U. "support-enforcement agency" means the human
13 services department designated pursuant to Section 27-2-27
14 NMSA 1978 as the single state agency for the enforcement of
15 child and spousal support obligations pursuant to Title IV D
16 of the federal Social Security Act and any other public
17 official or agency authorized to seek:

18 (1) enforcement of support orders or laws
19 relating to the duty of support;

20 (2) establishment or modification of child
21 support;

22 (3) determination of parentage; or

23 (4) location of child-support obligors and
24 their income and assets.

25 Section 1-103. SCOPE OF ACT--CHOICE OF LAW.--

1 A. The New Mexico Uniform Parentage Act applies to
2 determination of parentage in New Mexico.

3 B. The district court shall apply the law of New
4 Mexico to adjudicate the parent-child relationship. The
5 applicable law does not depend on:

6 (1) the place of birth of the child; or

7 (2) the past or present residence of the
8 child.

9 C. The New Mexico Uniform Parentage Act does not
10 create, enlarge, modify or diminish parental rights or duties
11 pursuant to the Children's Code or other law of New Mexico.
12 The definition or use of terms in the New Mexico Uniform
13 Parentage Act shall not be used to interpret, by analogy or
14 otherwise, the same or other terms in the Adoption Act or
15 other law of New Mexico.

16 Section 1-104. JURISDICTION.--The district court has
17 jurisdiction to adjudicate parentage pursuant to the New
18 Mexico Uniform Parentage Act. The provisions of the New
19 Mexico Uniform Parentage Act shall not be used to expand
20 personal jurisdiction of the district court over nonresident
21 persons in cases subject to the Uniform Interstate Family
22 Support Act.

23 Section 1-105. PROTECTION OF PARTICIPANTS.--Proceedings
24 pursuant to the New Mexico Uniform Parentage Act are subject
25 to other laws of New Mexico governing the health, safety,

1 privacy and liberty of a child or other person who could be
2 jeopardized by disclosure of identifying information,
3 including address, telephone number, place of employment,
4 social security number and the child's daycare facility and
5 school.

6 Section 1-106. DETERMINATION OF MATERNITY.--Provisions
7 of the New Mexico Uniform Parentage Act relating to
8 determination of paternity apply to determinations of
9 maternity insofar as possible.

10 ARTICLE 2

11 PARENT-CHILD RELATIONSHIP

12 Section 2-201. ESTABLISHMENT OF PARENT-CHILD
13 RELATIONSHIP.--

14 A. The mother-child relationship is established
15 between a woman and a child by:

16 (1) the woman's having given birth to the
17 child;

18 (2) an adjudication of the woman's
19 maternity; or

20 (3) adoption of the child by the woman.

21 B. The father-child relationship is established
22 between a man and a child by:

23 (1) an un rebutted presumption of the man's
24 paternity of the child pursuant to Section 2-204 of the New
25 Mexico Uniform Parentage Act;

1 (2) an effective acknowledgment of paternity
2 by the man pursuant to Article 3 of the New Mexico Uniform
3 Parentage Act, unless the acknowledgment has been rescinded
4 or successfully challenged;

5 (3) an adjudication of the man's paternity;

6 (4) adoption of the child by the man; or

7 (5) the man's having consented to assisted
8 reproduction by a woman pursuant to Article 7 of the New
9 Mexico Uniform Parentage Act that resulted in the birth of
10 the child.

11 Section 2-202. NO DISCRIMINATION BASED ON MARITAL
12 STATUS.--A child born to parents who are not married to each
13 other has the same rights pursuant to the law as a child born
14 to parents who are married to each other.

15 Section 2-203. CONSEQUENCES OF ESTABLISHMENT OF
16 PARENTAGE.--Unless parental rights are terminated or
17 extinguished by relinquishment and decree of adoption
18 pursuant to the Children's Code, a parent-child relationship
19 established pursuant to the New Mexico Uniform Parentage Act
20 applies for all purposes, except determinations of parental
21 rights pursuant to the Children's Code or as otherwise
22 provided by other law of New Mexico.

23 Section 2-204. PRESUMPTION OF PATERNITY.--

24 A. A man is presumed to be the father of a child
25 if:

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

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

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

16 (4) after the birth of the child, he and the
17 mother of the child married each other in apparent compliance
18 with law, whether or not the marriage is or could be declared
19 invalid, and he voluntarily asserted his paternity of the
20 child, and:

21 (a) the assertion is in an
22 acknowledgement of paternity on a form provided by the bureau
23 that is filed with the bureau;

24 (b) he agreed to be and is named as the
25 child's father on the child's birth certificate; or

1 (c) he promised in a record to support
2 the child as his own; or

3 (5) for the first two years of the child's
4 life, he resided in the same household with the child and
5 openly held out the child as his own.

6 B. A presumption of paternity established pursuant
7 to this section may be rebutted only by an adjudication
8 pursuant to Article 6 of the New Mexico Uniform Parentage
9 Act. Rebuttal of a presumption of paternity pursuant to the
10 New Mexico Uniform Parentage Act does not apply to a
11 presumption of paternity established pursuant to the Adoption
12 Act.

13 ARTICLE 3

14 VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

15 Section 3-301. ACKNOWLEDGMENT OF PATERNITY.--The mother
16 of a child and a man claiming to be the genetic father of the
17 child may sign an acknowledgment of paternity with intent to
18 establish the man's paternity.

19 Section 3-302. EXECUTION OF ACKNOWLEDGMENT OF
20 PATERNITY.--

21 A. An acknowledgment of paternity shall:

22 (1) be on a form provided by the bureau;

23 (2) be signed or otherwise authenticated

24 under penalty of perjury by the mother and by the man seeking
25 to establish his paternity;

1 (3) state that the child whose paternity is
2 being acknowledged:

3 (a) does not have a presumed father or
4 has a presumed father whose full name is stated; and

5 (b) does not have another acknowledged
6 or adjudicated father;

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

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

15 B. An acknowledgment of paternity is void if it:

16 (1) states that another man is a presumed
17 father, unless a denial of paternity signed or otherwise
18 authenticated by the presumed father is filed with the
19 bureau;

20 (2) states that another man is an
21 acknowledged or adjudicated father; or

22 (3) falsely denies the existence of a
23 presumed, acknowledged or adjudicated father of the child.

24 C. A presumed father may sign or otherwise
25 authenticate an acknowledgment of paternity.

1 Section 3-303. DENIAL OF PATERNITY.--A presumed father
2 may sign a denial of his paternity. The denial is valid only
3 if:

4 A. an acknowledgment of paternity signed or
5 otherwise authenticated by another man is filed pursuant to
6 Section 3-305 of the New Mexico Uniform Parentage Act;

7 B. the denial is on a form provided by the bureau
8 and is signed or otherwise authenticated under penalty of
9 perjury; and

10 C. the presumed father has not previously:

11 (1) acknowledged his paternity, unless the
12 previous acknowledgment has been rescinded pursuant to
13 Section 3-307 of the New Mexico Uniform Parentage Act or
14 successfully challenged pursuant to Section 3-308 of the New
15 Mexico Uniform Parentage Act; or

16 (2) been adjudicated to be the father of the
17 child.

18 Section 3-304. RULES FOR ACKNOWLEDGMENT AND DENIAL OF
19 PATERNITY.--

20 A. An acknowledgment of paternity and a denial of
21 paternity may be contained in a single document or may be
22 signed in counterparts, and may be filed separately or
23 simultaneously. If the acknowledgment and denial are both
24 necessary, neither is valid until both are filed.

25 B. An acknowledgment of paternity or a denial of

1 paternity may be signed before or after the birth of the
2 child.

3 C. Subject to Subsection A of this section, an
4 acknowledgment of paternity or denial of paternity takes
5 effect on the birth of the child or the filing of the
6 document with the bureau, whichever occurs later.

7 D. An acknowledgment of paternity or denial of
8 paternity signed by a minor is valid if it is otherwise in
9 compliance with the New Mexico Uniform Parentage Act.

10 Section 3-305. EFFECT OF ACKNOWLEDGMENT OR DENIAL OF
11 PATERNITY.--

12 A. Except as otherwise provided in Sections 3-307
13 and 3-308 of the New Mexico Uniform Parentage Act, a valid
14 acknowledgment of paternity filed with the bureau is
15 equivalent to an adjudication of paternity of a child.

16 B. Except as otherwise provided in Sections 3-307
17 and 3-308 of the New Mexico Uniform Parentage Act, a valid
18 denial of paternity by a presumed father filed with the
19 bureau in conjunction with a valid acknowledgment of
20 paternity is equivalent to an adjudication of the
21 nonpaternity of the presumed father.

22 Section 3-306. NO FILING FEE.--The bureau shall not
23 charge for filing an acknowledgment of paternity or denial of
24 paternity.

25 Section 3-307. PROCEEDING FOR RESCISSION.--A signatory

1 may rescind an acknowledgment of paternity or denial of
2 paternity only by means of a judicial proceeding to rescind
3 the acknowledgment or denial of paternity. A proceeding to
4 rescind an acknowledgment of paternity or a denial of
5 paternity shall be brought no later than the earlier of:

6 A. sixty days after the effective date of the
7 acknowledgment or denial, as provided in Section 3-304 of the
8 New Mexico Uniform Parentage Act;

9 B. in the case of a signatory who was a minor at
10 the time of acknowledgment, the later of:

11 (1) sixty days after the eighteenth birthday
12 of the signatory; or

13 (2) sixty days after the effective date of
14 the acknowledgment or denial, as provided in Section 3-304 of
15 the New Mexico Uniform Parentage Act; or

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

20 Section 3-308. CHALLENGE AFTER EXPIRATION OF PERIOD FOR
21 RESCISSION.--

22 A. After the period for rescission pursuant to
23 Section 3-307 of the New Mexico Uniform Parentage Act has
24 expired, a signatory to an acknowledgment of paternity or
25 denial of paternity may commence a proceeding to challenge

1 the acknowledgment or denial only:

2 (1) on the basis of fraud, duress or
3 material mistake of fact; and

4 (2) within two years after the
5 acknowledgment or denial is filed with the bureau or two
6 years after the eighteenth birthday of the signatory,
7 whichever is later.

8 B. A party challenging an acknowledgment of
9 paternity or denial of paternity has the burden of proof.

10 Section 3-309. PROCEDURE FOR RESCISSION OR CHALLENGE.--

11 A. Every signatory to an acknowledgment of
12 paternity and any related denial of paternity shall be made a
13 party to a proceeding to rescind or challenge the
14 acknowledgment or denial.

15 B. For the purpose of rescission of or challenge
16 to an acknowledgment of paternity or denial of paternity, a
17 signatory submits to the personal jurisdiction of the
18 district courts of this state by signing the acknowledgment
19 or denial, effective upon the filing of the document with the
20 bureau.

21 C. Except for good cause shown, during the
22 pendency of a proceeding to rescind or challenge an
23 acknowledgment of paternity or denial of paternity, the
24 district court shall not suspend the legal responsibilities
25 of a signatory arising from the acknowledgment, including the

1 duty to pay child support.

2 D. A proceeding to rescind or to challenge an
3 acknowledgment of paternity or denial of paternity shall be
4 conducted in the same manner as a proceeding to adjudicate
5 parentage pursuant to Article 6 of the New Mexico Uniform
6 Parentage Act.

7 E. At the conclusion of a proceeding to rescind or
8 challenge an acknowledgment of paternity or denial of
9 paternity, the court shall order the bureau to amend the
10 birth record of the child, if appropriate.

11 Section 3-310. RATIFICATION BARRED.--A court or
12 administrative agency conducting a judicial or administrative
13 proceeding shall not ratify an unchallenged acknowledgment of
14 paternity.

15 Section 3-311. FULL FAITH AND CREDIT--ACKNOWLEDGEMENT
16 OR DENIAL OF PATERNITY.--A court of this state shall give
17 full faith and credit to an acknowledgment of paternity or
18 denial of paternity effective in another state if the
19 acknowledgment or denial has been signed and is otherwise in
20 compliance with the law of the other state.

21 Section 3-312. FORMS FOR ACKNOWLEDGMENT AND DENIAL OF
22 PATERNITY.--

23 A. The bureau shall prescribe forms for the
24 acknowledgment of paternity and the denial of paternity.

25 B. A valid acknowledgment of paternity or denial

1 of paternity is not affected by a later modification of the
2 prescribed form.

3 Section 3-313. RELEASE OF INFORMATION.--The bureau may
4 release information relating to the acknowledgment of
5 paternity or denial of paternity to a signatory of the
6 acknowledgment or denial and to courts and to other agencies
7 as permitted pursuant to the provisions of Chapter 24,
8 Article 14 NMSA 1978.

9 Section 3-314. ADOPTION OF RULES.--The bureau may adopt
10 and promulgate rules and forms to implement the provisions of
11 this article.

12 ARTICLE 4

13 REGISTRY OF PATERNITY

14 Section 4-401. ESTABLISHMENT OF REGISTRY.--The putative
15 father registry established pursuant to the provisions of
16 Section 32A-5-20 NMSA 1978 is also the registry of paternity
17 established pursuant to the New Mexico Uniform Parentage Act.

18 ARTICLE 5

19 GENETIC TESTING

20 Section 5-501. SCOPE OF ARTICLE.--This article governs
21 genetic testing of a person to determine parentage, whether
22 the person:

23 A. voluntarily submits to testing; or

24 B. is tested pursuant to an order of the district
25 court or a support-enforcement agency.

1 Section 5-502. ORDER FOR TESTING.--

2 A. Except as otherwise provided in this article
3 and Article 6 of the New Mexico Uniform Parentage Act, the
4 district court shall order the child and other designated
5 persons to submit to genetic testing if the request for
6 testing is supported by the sworn statement of a party to the
7 proceeding:

8 (1) alleging paternity and stating facts
9 establishing a reasonable probability of the requisite sexual
10 contact between the persons; or

11 (2) denying paternity and stating facts
12 establishing a possibility that sexual contact between the
13 persons, if any, did not result in the conception of the
14 child.

15 B. A support-enforcement agency may order genetic
16 testing only if there is no presumed, acknowledged or
17 adjudicated father.

18 C. If a request for genetic testing of a child is
19 made before birth, the district court or support-enforcement
20 agency shall not order in-utero testing.

21 D. If two or more men are subject to court-ordered
22 genetic testing, the testing may be ordered concurrently or
23 sequentially.

24 Section 5-503. REQUIREMENTS FOR GENETIC TESTING.--

25 A. Genetic testing shall be of a type reasonably

1 relied upon by experts in the field of genetic testing and
2 performed in a testing laboratory accredited by:

3 (1) the American association of blood banks
4 or a successor to its functions;

5 (2) the American society for
6 histocompatibility and immunogenetics or a successor to its
7 functions; or

8 (3) an accrediting body designated by the
9 federal secretary of health and human services.

10 B. A specimen used in genetic testing may consist
11 of one 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 need not be of the
14 same kind for each person undergoing genetic testing.

15 C. Based on the ethnic or racial group of a
16 person, the testing laboratory shall determine the databases
17 from which to select frequencies for use in calculation of
18 the probability of paternity. If there is disagreement as to
19 the testing laboratory's choice, the following rules apply:

20 (1) the person objecting may require the
21 testing laboratory, within thirty days after receipt of the
22 report of the test, to recalculate the probability of
23 paternity using an ethnic or racial group different from that
24 used by the laboratory;

25 (2) the person objecting to the testing

1 laboratory's initial choice shall:

2 (a) if the frequencies are not
3 available to the testing laboratory for the ethnic or racial
4 group requested, provide the requested frequencies compiled
5 in a manner recognized by accrediting bodies; or

6 (b) engage another testing laboratory
7 to perform the calculations; and

8 (3) the testing laboratory may use its own
9 statistical estimate if there is a question regarding which
10 ethnic or racial group is appropriate. If available, the
11 testing laboratory shall calculate the frequencies using
12 statistics for any other ethnic or racial group requested.

13 D. If, after recalculation using a different
14 ethnic or racial group, genetic testing does not rebuttably
15 identify a man as the father of a child pursuant to Section
16 5-505 of the New Mexico Uniform Parentage Act, a person who
17 has been tested may be required to submit to additional
18 genetic testing.

19 E. The retention of material used for genetic
20 testing shall be governed by the provisions of Section
21 24-21-5 NMSA 1978.

22 Section 5-504. REPORT OF GENETIC TESTING.--

23 A. A report of genetic testing shall be in a
24 record and signed under penalty of perjury by a designee of
25 the testing laboratory. A report made pursuant to the

1 requirements of this article is self-authenticating.

2 B. Documentation from the testing laboratory of
3 the following information is sufficient to establish a
4 reliable chain of custody that allows the results of genetic
5 testing to be admissible without testimony:

6 (1) the names and photographs of the persons
7 whose specimens have been taken;

8 (2) the names of the persons who collected
9 the specimens;

10 (3) the places and dates the specimens were
11 collected;

12 (4) the names of the persons who received
13 the specimens in the testing laboratory;

14 (5) the dates the specimens were received;
15 and

16 (6) the accreditation of the testing
17 facility showing that it meets the requirements of Section
18 5-503 of the New Mexico Uniform Parentage Act.

19 Section 5-505. GENETIC TESTING RESULTS--REBUTTAL.--

20 A. Pursuant to the New Mexico Uniform Parentage
21 Act, a man is rebuttably identified as the father of a child
22 if the genetic testing complies with this article and the
23 results disclose that:

24 (1) the man has at least a ninety-nine
25 percent probability of paternity, using a prior probability

1 of zero point five zero, as calculated by using the combined
2 paternity index obtained in the testing; and

3 (2) a combined paternity index of at least
4 one hundred to one.

5 B. A man identified pursuant to Subsection A of
6 this section as the father of the child may rebut the genetic
7 testing results only by other genetic testing satisfying the
8 requirements of this article that:

9 (1) excludes the man as a genetic father of
10 the child; or

11 (2) identifies another man as the possible
12 father of the child.

13 C. Except as otherwise provided in Section 5-510
14 of the New Mexico Uniform Parentage Act, if more than one man
15 is identified by genetic testing as the possible father of
16 the child, the court shall order them to submit to further
17 genetic testing to identify the genetic father.

18 Section 5-506. COSTS OF GENETIC TESTING.--

19 A. Subject to assessment of costs pursuant to
20 Article 6 of the New Mexico Uniform Parentage Act, the cost
21 of initial genetic testing shall be advanced:

22 (1) by a support-enforcement agency in a
23 proceeding in which the support-enforcement agency is
24 providing services;

25 (2) by the person who made the request;

1 (3) as agreed by the parties; or

2 (4) as ordered by the district court.

3 B. In cases in which the cost is advanced by the
4 support-enforcement agency, the agency may seek reimbursement
5 from a man who is rebuttably identified as the father.

6 Section 5-507. ADDITIONAL GENETIC TESTING.--Prior to a
7 final adjudication, the district court or the
8 support-enforcement agency shall order additional genetic
9 testing upon the request of a party who contests the result
10 of the original testing. If the previous genetic testing
11 identified a man as the father of the child pursuant to
12 Section 5-505 of the New Mexico Uniform Parentage Act, the
13 court or agency shall not order additional testing unless the
14 party provides advance payment for the testing.

15 Section 5-508. GENETIC TESTING WHEN SPECIMENS NOT
16 AVAILABLE.--

17 A. Subject to Subsection B of this section, if a
18 genetic-testing specimen is not available from a man who may
19 be the father of a child, upon notice and after an
20 opportunity for a hearing, and for good cause and under
21 circumstances the court considers to be just, the court may
22 order the following persons to submit specimens for genetic
23 testing:

24 (1) the parents of the man;

25 (2) brothers and sisters of the man;

1 (3) other children of the man and their
2 mothers; and

3 (4) other relatives of the man necessary to
4 complete genetic testing.

5 B. Issuance of an order pursuant to this section
6 requires a finding that a need for genetic testing outweighs
7 the legitimate interests of the person sought to be tested.

8 Section 5-509. DECEASED PERSON.--For good cause shown,
9 the district court may order genetic testing of a deceased
10 person.

11 Section 5-510. IDENTICAL BROTHERS.--

12 A. The district court may order genetic testing of
13 a brother of a man identified as the father of a child if the
14 man is commonly believed to have an identical brother and
15 evidence suggests that the brother may be the genetic father
16 of the child.

17 B. If each brother satisfies the requirements as
18 the identified father of the child pursuant to Section 5-505
19 of the New Mexico Uniform Parentage Act without consideration
20 of another identical brother being identified as the father
21 of the child, the district court may rely on nongenetic
22 evidence to adjudicate which brother is the father of the
23 child.

24 Section 5-511. CONFIDENTIALITY OF GENETIC TESTING.--

25 A. Release of the report of genetic testing for

1 parentage may be released only to the parties tested or their
2 representatives, the support-enforcement agency and the
3 court.

4 B. A person who intentionally releases an
5 identifiable specimen of another person for any purpose other
6 than that relevant to the proceeding regarding parentage
7 without a court order or the written permission of the person
8 who furnished the specimen is guilty of a fourth degree
9 felony and shall be sentenced pursuant to the provisions of
10 Section 31-18-15 NMSA 1978.

11 ARTICLE 6

12 PROCEEDING TO ADJUDICATE PARENTAGE

13 PART 1 - NATURE OF PROCEEDING

14 Section 6-601. PROCEEDING AUTHORIZED.--A civil
15 proceeding may be maintained in the district court to
16 adjudicate the parentage of a child. The proceeding is
17 governed by the Rules of Civil Procedure for the District
18 Courts. The mother of the child and an alleged father or
19 presumed father are competent to testify. Any witness may be
20 compelled to testify.

21 Section 6-602. STANDING TO MAINTAIN PROCEEDING.--
22 Subject to Article 3 and Sections 6-607 and 6-609 of the New
23 Mexico Uniform Parentage Act, a proceeding to adjudicate
24 parentage may be maintained by:

25 A. the child;

- 1 B. the mother of the child;
- 2 C. a man whose paternity of the child is to be
- 3 adjudicated;
- 4 D. the support-enforcement agency;
- 5 E. an authorized adoption agency or licensed
- 6 child-placing agency; or
- 7 F. a representative authorized by law to act for a
- 8 person who would otherwise be entitled to maintain a
- 9 proceeding but who is deceased, incapacitated or a minor.

10 Section 6-603. PARTIES TO PROCEEDING.--The following
11 persons shall be joined as parties in a proceeding to
12 adjudicate parentage:

- 13 A. the mother of the child; and
- 14 B. a man whose paternity of the child is to be
- 15 adjudicated.

16 Section 6-604. PERSONAL JURISDICTION.--

17 A. A person shall not be adjudicated to be a
18 parent unless the district court has personal jurisdiction
19 over the person.

20 B. A district court of this state having
21 jurisdiction to adjudicate parentage may exercise personal
22 jurisdiction over a nonresident person, or the guardian or
23 conservator of the person, if the conditions prescribed in
24 Section 40-6A-201 NMSA 1978 are fulfilled.

25 C. Lack of jurisdiction over one person does not

1 preclude the district court from making an adjudication of
2 parentage binding on another person over whom the district
3 court has personal jurisdiction.

4 Section 6-605. VENUE.--Venue for a proceeding to
5 adjudicate parentage is in the county of this state in which:

6 A. the child resides or is found;

7 B. the respondent resides or is found if the child
8 does not reside in this state; or

9 C. a proceeding for probate or administration of
10 the presumed, acknowledged or alleged father's estate is
11 pending.

12 Section 6-606. NO LIMITATION--CHILD HAVING NO PRESUMED,
13 ACKNOWLEDGED OR ADJUDICATED FATHER.--

14 A. A proceeding to adjudicate the parentage of a
15 child having no presumed, acknowledged or adjudicated father
16 may be commenced by the child at any time, even after:

17 (1) the child becomes an adult; or

18 (2) an earlier proceeding to adjudicate
19 paternity has been dismissed based on the application of a
20 statute of limitation then in effect.

21 B. A proceeding to adjudicate child support
22 pursuant to Subsection A of this section is limited by
23 Sections 6-607 and 6-636 of the New Mexico Uniform Parentage
24 Act.

25 Section 6-607. LIMITATION--GENERAL.--

1 A. Any proceeding to adjudicate child support
2 shall be brought not later than three years after the child
3 has reached the age of majority.

4 B. Except as otherwise specifically provided in
5 another provision of the New Mexico Uniform Parentage Act,
6 any proceeding to adjudicate the parentage of a child shall
7 be commenced not later than three years after the child has
8 reached the age of majority.

9 Section 6-608. AUTHORITY TO DENY MOTION FOR GENETIC
10 TESTING.--

11 A. In a proceeding to adjudicate the parentage of
12 a child having a presumed father or to challenge the
13 paternity of a child having an acknowledged father, the
14 district court may deny a motion seeking an order for genetic
15 testing of the mother, the child and the presumed or
16 acknowledged father if the district court determines that:

17 (1) the conduct of the mother or the
18 presumed or acknowledged father estops that party from
19 denying parentage; and

20 (2) it would be inequitable to disprove the
21 father-child relationship between the child and the presumed
22 or acknowledged father.

23 B. In determining whether to deny a motion seeking
24 an order for genetic testing pursuant to this section, the
25 district court shall consider the best interest of the child,

1 including the following factors:

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

6 (2) the length of time during which the
7 presumed or acknowledged father has assumed the role of
8 father of the child;

9 (3) the facts surrounding the presumed or
10 acknowledged father's discovery of his possible nonpaternity;

11 (4) the nature of the relationship between
12 the child and the presumed or acknowledged father;

13 (5) the age of the child;

14 (6) the harm that may result to the child if
15 presumed or acknowledged paternity is successfully disproved;

16 (7) the nature of the relationship between
17 the child and any alleged father;

18 (8) the extent to which the passage of time
19 reduces the chances of establishing the paternity of another
20 man and a child-support obligation in favor of the child; and

21 (9) other factors that may affect the
22 equities arising from the disruption of the father-child
23 relationship between the child and the presumed or
24 acknowledged father or the chance of other harm to the child.

25 C. In a proceeding involving the application of

1 this section, a minor or incapacitated child shall be
2 represented by a guardian ad litem.

3 D. Denial of a motion seeking an order for genetic
4 testing shall be based on clear and convincing evidence.

5 E. If the district court denies a motion seeking
6 an order for genetic testing, it shall issue an order
7 adjudicating the presumed or acknowledged father to be the
8 father of the child.

9 Section 6-609. LIMITATION--CHILD HAVING ACKNOWLEDGED OR
10 ADJUDICATED FATHER.--

11 A. If a child has an acknowledged father, a
12 signatory to the acknowledgment of paternity or denial of
13 paternity may commence a proceeding seeking to rescind the
14 acknowledgment or denial or challenge the paternity of the
15 child only within the time allowed pursuant to Section 3-307
16 or 3-308 of the New Mexico Uniform Parentage Act.

17 B. If a child has an acknowledged father or an
18 adjudicated father, a person, other than the child, who is
19 neither a signatory to the acknowledgment of paternity nor a
20 party to the adjudication and who seeks an adjudication of
21 paternity of the child shall commence a proceeding not later
22 than two years after the effective date of the acknowledgment
23 or adjudication.

24 C. A proceeding pursuant to this section is
25 subject to the application of the principles of estoppel

1 established in Section 6-608 of the New Mexico Uniform
2 Parentage Act.

3 Section 6-610. JOINDER OF PROCEEDINGS.--

4 A. Except as otherwise provided in Subsection B of
5 this section, a proceeding to adjudicate parentage may be
6 joined with a proceeding in the district court for adoption,
7 termination of parental rights, child custody or visitation,
8 child support, divorce, annulment, legal separation or
9 separate maintenance, probate or administration of an estate
10 or other appropriate proceeding.

11 B. A respondent shall not join a proceeding
12 described in Subsection A of this section with a proceeding
13 to adjudicate parentage brought pursuant to the Uniform
14 Interstate Family Support Act.

15 Section 6-611. PROCEEDING BEFORE BIRTH.--A proceeding
16 to determine parentage may be commenced before the birth of
17 the child, but shall not be concluded until after the birth
18 of the child. The following actions may be taken before the
19 birth of the child:

20 A. service of process;

21 B. discovery; and

22 C. except as prohibited by Section 5-502 of the
23 New Mexico Uniform Parentage Act, collection of specimens for
24 genetic testing.

25 Section 6-612. CHILD AS PARTY--REPRESENTATION.--

1 A. A minor child is a permissible party, but is
2 not a necessary party to a proceeding pursuant to this
3 article.

4 B. The district court shall appoint a guardian ad
5 litem to represent a minor or incapacitated child if the
6 child is a party or the district court finds that the
7 interests of the child are not adequately represented.

8 PART 2 - SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

9 Section 6-621. ADMISSIBILITY OF RESULTS OF GENETIC
10 TESTING--EXPENSES.--

11 A. Except as otherwise provided in Subsection C of
12 this section, a record of a genetic-testing expert is
13 admissible as evidence of the truth of the facts asserted in
14 the report unless a party objects, in a writing delivered to
15 the adverse party, to the record's admission within fourteen
16 days after its receipt by the objecting party. The objecting
17 party shall cite specific grounds for exclusion. The
18 admissibility of the report is not affected by whether the
19 testing was performed:

20 (1) voluntarily or pursuant to an order of
21 the district court or a support-enforcement agency; or

22 (2) before or after the commencement of the
23 proceeding.

24 B. A party objecting to the results of genetic
25 testing may call one or more genetic-testing experts to

1 testify in person or by telephone, videoconference,
2 deposition or another method approved by the district court.
3 Unless otherwise ordered by the district court, the party
4 offering the testimony bears the expense for the expert
5 testifying.

6 C. If a child has a presumed, acknowledged or
7 adjudicated father, the results of genetic testing are
8 inadmissible to adjudicate parentage unless performed:

9 (1) with the consent of both the mother and
10 the presumed, acknowledged or adjudicated father; or

11 (2) pursuant to an order of the district
12 court pursuant to Section 5-502 of the New Mexico Uniform
13 Parentage Act.

14 D. Copies of bills for genetic testing, for child
15 birth and for prenatal and postnatal health care for the
16 mother and child that are furnished to the adverse party not
17 less than ten days before the date of a hearing are
18 admissible to establish:

19 (1) the amount of the charges billed; and

20 (2) that the charges were reasonable,
21 necessary and customary.

22 Section 6-622. CONSEQUENCES OF DECLINING GENETIC
23 TESTING.--

24 A. An order for genetic testing is enforceable by
25 contempt.

1 B. If a person whose paternity is being determined
2 declines to submit to genetic testing ordered by the district
3 court, the district court for that reason may adjudicate
4 parentage contrary to the position of the person who
5 declines.

6 C. Genetic testing of the mother of a child is not
7 a condition precedent to testing the child and a man whose
8 paternity is being determined. If the mother is unavailable
9 or declines to submit to genetic testing, the district court
10 may order the testing of the child and every man whose
11 paternity is being adjudicated.

12 Section 6-623. ADMISSION OF PATERNITY AUTHORIZED.--

13 A. A respondent in a proceeding to adjudicate
14 parentage may admit to the paternity of a child by filing a
15 pleading to that effect or by admitting paternity under
16 penalty of perjury when making an appearance or during a
17 hearing.

18 B. If the district court finds that the admission
19 of paternity satisfies the requirements of this section and
20 finds that there is no reason to question the admission, the
21 district court shall issue an order adjudicating the child to
22 be the child of the man admitting paternity.

23 Section 6-624. TEMPORARY ORDER.--

24 A. In a proceeding pursuant to this article, the
25 district court shall issue a temporary order for support of a

1 child if the order is appropriate and the person ordered to
2 pay support is:

- 3 (1) a presumed father of the child;
- 4 (2) petitioning to have his paternity
5 adjudicated;
- 6 (3) identified as the father through genetic
7 testing pursuant to Section 5-505 of the New Mexico Uniform
8 Parentage Act;
- 9 (4) an alleged father who has declined to
10 submit to genetic testing;
- 11 (5) shown by clear and convincing evidence
12 to be the father of the child; or
- 13 (6) the mother of the child.

14 B. A temporary order may include provisions for
15 custody and visitation as provided by other law of this
16 state. A temporary order of support is subject to Section
17 6-636 of the New Mexico Uniform Parentage Act.

18 Section 6-625. PRETRIAL PROCEEDINGS.--As soon as
19 practicable after an action to declare the existence or
20 nonexistence of a father-child relationship has been brought,
21 and unless judgment by default has been entered, an informal
22 hearing shall be held. The court may order that the hearing
23 be held before a master. The public shall be barred from the
24 hearing. A record of the proceeding or any portion of the
25 proceeding shall be kept if any party requests or the court

1 so orders. The rules of evidence shall not apply.

2 Section 6-626. PRETRIAL RECOMMENDATIONS.--

3 A. On the basis of the information produced at the
4 pretrial hearing, the judge, hearing officer or master
5 conducting the hearing shall evaluate the probability of
6 determining the existence or nonexistence of a father-child
7 relationship in a trial. On the basis of the evaluation, an
8 appropriate recommendation for settlement shall be made to
9 the parties. Based upon the evaluation, the judge, hearing
10 officer or master may enter an order for temporary support
11 consistent with the child-support guidelines as provided in
12 Section 40-4-11.1 NMSA 1978.

13 B. If the parties accept a recommendation made in
14 accordance with Subsection A of this section, judgment shall
15 be entered accordingly.

16 C. If a party refuses to accept a recommendation
17 made in accordance with Subsection A of this section and
18 genetic testing has not been taken, the court shall require
19 the parties to submit to genetic testing, if practicable.
20 Thereafter, the judge, hearing officer or master shall make
21 an appropriate final recommendation. If a party refuses to
22 accept the final recommendation, the action shall be set for
23 trial and a party's acceptance or rejection of the
24 recommendation shall be treated as any other offer of
25 settlement with respect to its admissibility as evidence in

1 subsequent proceedings.

2 D. The child's guardian may accept or refuse to
3 accept a recommendation under this section.

4 E. The informal hearing may be terminated and the
5 action set for trial if the judge, hearing officer or master
6 conducting the hearing finds it unlikely that all parties
7 would accept a recommendation that the judge, hearing officer
8 or master might make under Subsection A or C of this section.

9 PART 3 - HEARINGS AND ADJUDICATION

10 Section 6-631. RULES FOR ADJUDICATION OF PATERNITY.--

11 The district court shall apply the following rules to
12 adjudicate the paternity of a child:

13 A. the paternity of a child having a presumed,
14 acknowledged or adjudicated father may be disproved only by
15 admissible results of genetic testing excluding that man as
16 the father of the child or identifying another man as the
17 father of the child;

18 B. unless the results of genetic testing are
19 admitted to rebut other results of genetic testing, a man
20 identified as the father of a child pursuant to Section 5-505
21 of the New Mexico Uniform Parentage Act shall be adjudicated
22 the father of the child;

23 C. if the district court finds that genetic
24 testing pursuant to Section 5-505 of the New Mexico Uniform
25 Parentage Act neither identifies nor excludes a man as the

1 father of a child, the district court shall not dismiss the
2 proceeding. In that event, the results of genetic testing
3 and other evidence are admissible to adjudicate the issue of
4 paternity; and

5 D. unless the results of genetic testing are
6 admitted to rebut other results of genetic testing, a man
7 excluded as the father of a child by genetic testing shall be
8 adjudicated not to be the father of the child.

9 Section 6-632. JURY PROHIBITED.--The district court,
10 without a jury, shall adjudicate paternity of a child.

11 Section 6-633. HEARINGS--INSPECTION OF RECORDS.--

12 A. On request of a party and for good cause shown,
13 the district court may close a proceeding to the public and
14 except for a final order, may declare the proceeding to be
15 confidential and seal the file.

16 B. A final order in a proceeding pursuant to this
17 article is available for public inspection. Other papers and
18 records are available only with the consent of the parties or
19 on order of the district court for good cause.

20 C. The provisions of this section are subject to
21 any rules established by the supreme court of New Mexico.

22 Section 6-634. ORDER ON DEFAULT.--The district court
23 shall issue an order adjudicating the paternity of a man who:

24 A. after service of process, is in default; and

25 B. is found by the district court to be the father

1 of a child.

2 Section 6-635. DISMISSAL FOR WANT OF PROSECUTION.--The
3 district court may issue an order dismissing a proceeding
4 commenced pursuant to the New Mexico Uniform Parentage Act
5 for want of prosecution only without prejudice. An order of
6 dismissal for want of prosecution purportedly with prejudice
7 is void and has only the effect of a dismissal without
8 prejudice.

9 Section 6-636. ORDER ADJUDICATING PARENTAGE.--

10 A. The district court shall issue an order
11 adjudicating whether a man alleged or claiming to be the
12 father is the parent of the child.

13 B. An order adjudicating parentage shall identify
14 the child by name and date of birth.

15 C. Except as otherwise provided in Subsection D of
16 this section, the district court may assess filing fees,
17 reasonable fees of counsel, experts and the child's guardian
18 ad litem, fees for genetic testing, other costs, necessary
19 travel and other reasonable expenses incurred in a proceeding
20 pursuant to this article. The district court may award
21 attorney fees, which may be paid directly to the attorney,
22 who may enforce the order in the attorney's own name. The
23 district court may order these fees, costs and expenses to be
24 paid by any party in proportions and at times as determined
25 by the court, but not exceeding twelve years unless there is

1 a substantial showing that paternity could not have been
2 established and an action for child support could not have
3 been brought within twelve years of the child's birth. The
4 court may order the proportion of any indigent party to be
5 paid from court funds.

6 D. The district court shall not assess fees, costs
7 or expenses against the support-enforcement agency of this
8 state or another state, except as provided by other law.

9 E. On request of a party and for good cause shown,
10 the district court may order that the name of the child be
11 changed.

12 F. If the order of the district court is at
13 variance with the child's birth certificate, the district
14 court shall order the bureau to issue an amended birth
15 certificate.

16 G. The judgment or order may contain any other
17 provision directed against or on behalf of the appropriate
18 party to the proceeding concerning the duty of past and
19 future support, the custody and guardianship of the child,
20 visitation with the child, the furnishing of bond or other
21 security for the payment of the judgment or any other matter
22 within the jurisdiction of the court. The judgment or order
23 may direct the father to pay the reasonable expenses of the
24 mother's pregnancy, birth and confinement. The court shall
25 order child support retroactive to the date of the child's

1 birth, but not to exceed twelve years unless there is a
2 substantial showing that paternity could not have been
3 established and an action for child support could not have
4 been brought within twelve years of the child's birth
5 pursuant to the provisions of Sections 40-4-11 through
6 40-4-11.3 NMSA 1978; provided that, in deciding whether or
7 how long to order retroactive support, the court shall
8 consider:

9 (1) whether the alleged or presumed father
10 has absconded or could not be located; and

11 (2) whether equitable defenses are
12 applicable.

13 H. Support judgments or orders ordinarily shall be
14 for periodic payments, which may vary in amount. In the best
15 interest of the child, a lump-sum payment or the purchase of
16 an annuity may be ordered in lieu of periodic payments of
17 support; provided, however, nothing in this section shall
18 deprive a state agency of its right to reimbursement from an
19 appropriate party should the child be a past or future
20 recipient of public assistance.

21 I. In determining the amount to be paid by a
22 parent for support of the child, a court, child support
23 hearing officer or master shall make such determination in
24 accordance with the provisions of the child support
25 guidelines pursuant to Section 40-4-11.1 NMSA 1978.

1 Section 6-637. BINDING EFFECT OF DETERMINATION OF
2 PARENTAGE.--

3 A. Except as otherwise provided in Subsection B of
4 this section, a determination of parentage is binding on:

5 (1) all signatories to an acknowledgment or
6 denial of paternity as provided in Article 3 of the New
7 Mexico Uniform Parentage Act; and

8 (2) all parties to an adjudication by a
9 district court acting under circumstances that satisfy the
10 jurisdictional requirements of Section 40-6A-201 NMSA 1978.

11 B. A child is not bound by a determination of
12 parentage pursuant to the New Mexico Uniform Parentage Act
13 unless:

14 (1) the determination was based on an
15 unrescinded acknowledgment of paternity and the
16 acknowledgment is consistent with the results of genetic
17 testing;

18 (2) the adjudication of parentage was based
19 on a finding consistent with the results of genetic testing
20 and the consistency is declared in the determination or is
21 otherwise shown;

22 (3) the child was a party or was represented
23 in the proceeding determining parentage by a guardian ad
24 litem; or

25 (4) there was a final order in the

1 proceeding that satisfies the requirements of Paragraph (1),
2 (2) or (3) of Subsection C of this section.

3 C. In a proceeding to dissolve a marriage, the
4 district court is deemed to have made an adjudication of the
5 parentage of a child if the district court acts under
6 circumstances that satisfy the jurisdictional requirements of
7 Section 40-6A-201 NMSA 1978, and the final order:

8 (1) expressly identifies a child as a "child
9 of the marriage", "issue of the marriage", "child of the
10 parties" or similar words indicating that the husband is the
11 father of the child;

12 (2) provides for support of the child by the
13 husband unless paternity is specifically disclaimed in the
14 order; or

15 (3) contains a stipulation or admission that
16 the parties are the parents of the child.

17 D. Except as otherwise provided in Subsection B of
18 this section, a determination of parentage may be a defense
19 in a subsequent proceeding seeking to adjudicate parentage by
20 a person who was not a party to the earlier proceeding.

21 E. A party to an adjudication of paternity may
22 challenge the adjudication only pursuant to the laws of New
23 Mexico relating to appeal, vacation of judgments or other
24 judicial review.

1 PARENTAGE.--A court of this state shall give full faith and
2 credit to a determination of parentage made by a court of
3 another state.

4 Section 6-639. ENFORCEMENT OF JUDGMENT OR ORDER.--

5 A. If existence of the parental relationship is
6 declared, or paternity or a duty of support has been
7 acknowledged or adjudicated under the New Mexico Uniform
8 Parentage Act or under prior law, the obligation of the
9 noncustodial parent may be enforced in the same or other
10 proceedings by any interested party.

11 B. The court shall order child support payments to
12 be made in accordance with Section 40-4A-4.1 NMSA 1978.

13 C. Willful failure to obey the judgment or order
14 of the court is a civil contempt of the court. All remedies
15 for the enforcement of judgments apply.

16 Section 6-640. MODIFICATION OF JUDGMENT OR ORDER.--The
17 court has continuing jurisdiction to modify or revoke a
18 judgment or order for future support, except as otherwise
19 specifically provided by the Uniform Interstate Family
20 Support Act.

21 Section 6-641. RIGHT TO COUNSEL--FREE TRANSCRIPT ON
22 APPEAL.--

23 A. At the pretrial hearing and in further
24 proceedings, any party may be represented by counsel. The
25 court shall appoint counsel for any party who is unable to

1 obtain counsel for financial reasons if, in the court's
2 discretion, appointment of counsel is required in the
3 interest of justice.

4 B. If a party is financially unable to pay the
5 cost of a transcript, the court shall furnish on request a
6 transcript for purposes of appeal.

7 Section 6-642. HEARINGS AND RECORDS--CONFIDENTIALITY.--
8 Notwithstanding any other laws concerning public hearings and
9 records, any hearing or trial held under the provisions of
10 the New Mexico Uniform Parentage Act may be held in closed
11 court without admittance of any person other than those
12 necessary to the action or proceeding. The court may order
13 that certain papers and records pertaining to the action or
14 proceeding, whether part of the permanent record of the court
15 or any other file maintained by the state or elsewhere, are
16 subject to inspection only upon consent of the court;
17 provided, however, that nothing in this section shall
18 infringe upon the right of the parties to an action or
19 proceeding to inspect the court record. The provisions of
20 this section are subject to any rules established by the New
21 Mexico supreme court.

22 Section 6-643. BIRTH RECORDS.--

23 A. Upon order of a court of this state or upon
24 request of a court of another state, the bureau shall prepare
25 a certificate of birth consistent with the findings of the

1 court and shall substitute the certificate for the original
2 certificate of birth.

3 B. The fact that the father-child relationship was
4 declared after the child's birth shall not be ascertainable
5 from the certificate prepared pursuant to Subsection A of
6 this section, but the actual place and date of birth shall be
7 shown.

8 C. The evidence upon which the certificate
9 prepared pursuant to Subsection A of this section was made
10 and the original birth certificate shall be kept in a sealed
11 and confidential file and be subject to inspection only upon
12 order of the court and consent of all interested parties, or
13 in exceptional cases only upon an order of the court for good
14 cause shown.

15 ARTICLE 7

16 CHILD OF ASSISTED REPRODUCTION

17 Section 7-701. SCOPE OF ARTICLE.--This article does not
18 apply to the birth of a child conceived by means of sexual
19 intercourse.

20 Section 7-702. PARENTAL STATUS OF DONOR.--Donors of
21 eggs, sperm or embryos are not the parents of a child
22 conceived by means of assisted reproduction.

23 Section 7-703. PARENTAGE OF CHILD OF ASSISTED
24 REPRODUCTION.--A person who provides eggs, sperm or embryos
25 for or consents to assisted reproduction as provided in

1 Section 7-704 of the New Mexico Uniform Parentage Act with
2 the intent to be the parent of a child is a parent of the
3 resulting child.

4 Section 7-704. CONSENT TO ASSISTED REPRODUCTION.--

5 A. The intended parent or parents shall consent to
6 the assisted reproduction in a record signed by them before
7 the placement of the eggs, sperm or embryos. Donors shall
8 also consent to an assisted reproduction before retrieval of
9 the donors' eggs or sperm.

10 B. Failure of a parent to sign a consent required
11 by Subsection A of this section does not preclude a finding
12 of parentage if the parent, during the first two years of the
13 child's life, resided in the same household with the child
14 and openly held out the child as the parent's own.

15 C. All papers relating to the assisted
16 reproduction, whether part of a court, medical or any other
17 file, are subject to inspection only upon an order of the
18 district court or with the consent, in a signed record, of:

19 (1) the donor or donors; and

20 (2) the parent or parents who consented to
21 the assisted reproduction pursuant to Subsection A of this
22 section or a child who was born as a result of the assisted
23 reproduction pursuant to Subsection A of this section if the
24 child is eighteen years of age or older.

25 Section 7-705. LIMITATION ON HUSBAND'S DISPUTE OF

1 PATERNITY.--

2 A. Except as otherwise provided in Subsection B of
3 this section, the husband of a wife who gives birth to a
4 child by means of assisted reproduction shall not challenge
5 his paternity of the child unless:

6 (1) within two years after learning of the
7 birth of the child, he commences a proceeding to adjudicate
8 his paternity; and

9 (2) the district court finds that he did not
10 consent to the assisted reproduction, before or after birth
11 of the child.

12 B. A proceeding to adjudicate paternity may be
13 maintained at any time if the district court determines that:

14 (1) the husband did not provide sperm for
15 or, before or after the birth of the child, consent to
16 assisted reproduction by his wife;

17 (2) the husband and the mother of the child
18 have not cohabited since the probable time of assisted
19 reproduction; and

20 (3) the husband never openly held out the
21 child as his own.

22 C. The limitation provided in this section applies
23 to a marriage dissolved or declared invalid after assisted
24 reproduction.

1 WITHDRAWAL OF CONSENT.--

2 A. If a marriage is dissolved before placement of
3 eggs, sperm or embryos, the former spouse is not a parent of
4 the resulting child unless the former spouse consented in a
5 signed record that if assisted reproduction were to occur
6 after a divorce the former spouse would be a parent of the
7 child.

8 B. Unless otherwise agreed in a signed record, the
9 consent of a woman or a man to assisted reproduction may be
10 withdrawn by that person in a signed record delivered to the
11 other person at any time before placement of eggs, sperm or
12 embryos if the placement has not occurred within one year
13 after the consent. A person who withdraws consent pursuant
14 to this section is not a parent of the resulting child.

15 Section 7-707. PARENTAL STATUS OF DECEASED PERSON.--If
16 a person who consented in a record to be a parent by assisted
17 reproduction dies before placement of eggs, sperm or embryos,
18 the deceased person is not a parent of the resulting child
19 unless the deceased spouse consented in a signed record that
20 if assisted reproduction were to occur after death, the
21 deceased person would be a parent of the child.

22 ARTICLE 8

23 GESTATIONAL AGREEMENTS

24 Section 8-801. GESTATIONAL AGREEMENTS NOT AUTHORIZED OR
25 PROHIBITED.--

1 A. The New Mexico Uniform Parentage Act does not
2 authorize or prohibit an agreement between a woman and the
3 intended parents:

4 (1) in which the woman relinquishes all
5 rights as the parent of a child to be conceived by means of
6 assisted reproduction; and

7 (2) that provides that the intended parents
8 become the parents of the child.

9 B. If a birth results pursuant to a gestational
10 agreement pursuant to Subsection A of this section and the
11 agreement is unenforceable under other law of New Mexico, the
12 parent-child relationship shall be determined pursuant to
13 Article 2 of the New Mexico Uniform Parentage Act.

14 ARTICLE 9

15 MISCELLANEOUS PROVISIONS

16 Section 9-901. UNIFORMITY OF APPLICATION AND
17 CONSTRUCTION.--In applying and construing the Uniform
18 Parentage Act, consideration shall be given to the need to
19 promote uniformity of the law with respect to its subject
20 matter among states that enact it.

21 Section 9-902. SEVERABILITY.--If any provision of the
22 New Mexico Uniform Parentage Act or its application to a
23 person or circumstance is held invalid, the invalidity does
24 not affect other provisions or applications of the New Mexico
25 Uniform Parentage Act that can be given effect without the

1 invalid provision or application, and to this end, the
2 provisions of the New Mexico Uniform Parentage Act are
3 severable.

4 Section 9-903. TRANSITIONAL PROVISION.--A proceeding to
5 adjudicate parentage that was commenced before the effective
6 date of the New Mexico Uniform Parentage Act is governed by
7 the law in effect at the time the proceeding was commenced.

8 Section 10. Section 24-14-2 NMSA 1978 (being Laws 1961,
9 Chapter 44, Section 2, as amended) is amended to read:

10 "24-14-2. DEFINITIONS.--As used in the Vital Statistics
11 Act:

12 A. "vital statistics" means the data derived from
13 certificates and reports of birth, death, spontaneous fetal
14 death and induced abortion and related reports;

15 B. "system of vital statistics" includes the
16 registration, collection, preservation, amendment and
17 certification of vital records and related activities,
18 including the tabulation, analysis and publication of
19 statistical data derived from these records;

20 C. "filing" means the presentation of a
21 certificate, report or other record of a birth, death,
22 spontaneous fetal death or adoption for registration by the
23 bureau;

24 D. "registration" means the acceptance by the
25 bureau and the incorporation in its official records of

1 certificates, reports or other records provided for in the
2 Vital Statistics Act of births, deaths, spontaneous fetal
3 deaths, adoptions and legitimations;

4 E. "live birth" means the complete expulsion or
5 extraction from its mother of a product of human conception,
6 irrespective of the duration of pregnancy, which after the
7 expulsion or extraction breathes or shows any other evidence
8 of life such as beating of the heart, pulsation of the
9 umbilical cord or definite movement of voluntary muscles,
10 whether or not the umbilical cord has been cut or the
11 placenta is attached;

12 F. "spontaneous fetal death" means death prior to
13 the complete expulsion or extraction from its mother of a
14 product of human conception, irrespective of the duration of
15 pregnancy, results in other than a live birth and that is not
16 an induced abortion; and death is indicated by the fact that,
17 after the expulsion or extraction, the fetus does not breathe
18 or show any other evidence of life, such as beating of the
19 heart, pulsation of the umbilical cord or definite movement
20 of voluntary muscles;

21 G. "dead body" means a human body, or parts of
22 such body or bones thereof other than skeletal remains that
23 can be classified as artifacts, dead within the meaning of
24 Section 12-2-4 NMSA 1978;

25 H. "final disposition" means the burial,

1 interment, cremation, entombment, pulverization or other
2 authorized disposition of a dead body or fetus;

3 I. "department" means the department of health;

4 J. "court" means a court of competent
5 jurisdiction;

6 K. "state registrar" means the designated employee
7 of the bureau;

8 L. "vital records" means certificates of birth and
9 death;

10 M. "induced abortion" means the purposeful
11 interruption of pregnancy with the intention other than to
12 produce a live-born infant;

13 N. "physician" means a person authorized or
14 licensed to practice medicine or osteopathy pursuant to the
15 laws of this state;

16 O. "institution" means any establishment, public
17 or private:

18 (1) that provides in-patient medical,
19 surgical or diagnostic care or treatment;

20 (2) that provides nursing, custodial or
21 domiciliary care; or

22 (3) to which persons are committed by law;
23 and

24 P. "bureau" means the vital records and health
25 statistics bureau of the department."

1 Section 11. Section 24-14-3 NMSA 1978 (being Laws 1961,
2 Chapter 44, Section 3, as amended) is amended to read:

3 "24-14-3. VITAL RECORDS AND HEALTH STATISTICS BUREAU--
4 STATE SYSTEM.--There is established in the department a
5 "vital records and health statistics bureau" for the purpose
6 of installing, maintaining and operating a system of vital
7 statistics throughout this state and carrying out all
8 regulations relating to vital records and health statistics
9 established by the department."

10 Section 12. Section 24-14-4 NMSA 1978 (being Laws 1961,
11 Chapter 44, Section 4, as amended) is amended to read:

12 "24-14-4. STATE REGISTRAR--APPOINTMENT.--The secretary
13 of the department shall appoint the state registrar in
14 accordance with the provisions of the Personnel Act."

15 Section 13. Section 24-14-5 NMSA 1978 (being Laws 1961,
16 Chapter 44, Section 5, as amended) is amended to read:

17 "24-14-5. DUTIES OF STATE REGISTRAR.--

18 A. The state registrar shall:

19 (1) administer and enforce the Vital
20 Statistics Act and regulations issued pursuant to it and
21 issue instructions for the efficient administration of the
22 system of vital records and health statistics;

23 (2) direct and supervise the system of vital
24 records and health statistics and be custodian of its
25 records;

1 (3) direct, supervise and control the
2 activities of all public employees, other than hospital
3 employees, when they are engaged in activities pertaining to
4 the operation of the system of vital records and health
5 statistics;

6 (4) prescribe, with the approval of the
7 department and after consultation with medical records
8 professionals in the state, furnish and distribute such forms
9 as are required by the Vital Statistics Act;

10 (5) prepare and publish reports of vital
11 records and health statistics of this state and such other
12 reports as may be required by the department;

13 (6) conduct training programs to promote
14 uniformity of policy and procedures throughout the state; and

15 (7) provide to local health agencies copies
16 of or data derived from certificates and reports required
17 under the Vital Statistics Act as determined necessary for
18 local health planning and program activities. The copies or
19 data shall remain the property of the bureau, and the uses
20 that may be made of them shall be prescribed by the state
21 registrar.

22 B. The state registrar may establish or designate
23 offices in the state to aid in the efficient administration
24 of the system of vital records and health statistics and may
25 delegate such functions and duties vested in the state

1 registrar to employees of the bureau and to employees of any
2 office of the state or political subdivision designated to
3 aid in administering the Vital Statistics Act."

4 Section 14. Section 24-14-12 NMSA 1978 (being Laws
5 1961, Chapter 44, Section 12, as amended) is amended to read:

6 "24-14-12. FORM AND CONTENTS OF CERTIFICATES AND
7 REPORTS.--

8 A. In order to promote and maintain uniformity in
9 the system of vital records and health statistics, the forms
10 of certificates, reports and other returns required by the
11 Vital Statistics Act or by regulations adopted pursuant to
12 that act shall include as a minimum the items recommended by
13 the federal agency responsible for national vital records and
14 health statistics, subject to the approval of modifications
15 by the department.

16 B. Each certificate, report and other document
17 required to be registered under the Vital Statistics Act
18 shall be on a form or in a format prescribed by the state
19 registrar.

20 C. All vital records shall contain the date
21 received for registration.

22 D. Information required in certificates or reports
23 required or authorized by the Vital Statistics Act may be
24 filed and registered by photographic, electronic or other
25 means as prescribed by the state registrar; provided that

1 certificates shall be filed and registered by either physical
2 or photographic means."

3 Section 15. Section 24-14-13 NMSA 1978 (being Laws
4 1961, Chapter 44, Section 13, as amended) is amended to read:

5 "24-14-13. BIRTH REGISTRATION.--

6 A. A certificate of birth for each live birth that
7 occurs in this state shall be filed with the bureau or as
8 otherwise directed by the state registrar within ten days
9 after the birth and shall be registered if it has been
10 completed and filed in accordance with this section. When a
11 birth, however, occurs on a moving conveyance, a birth
12 certificate shall be registered in this state and the place
13 where the child is first removed shall be considered the
14 place of birth.

15 B. When a birth occurs in an institution, the
16 person in charge of the institution or the person's
17 designated representative shall obtain the personal data,
18 prepare the certificate of birth, secure the signatures
19 required and file it as directed in this section. The
20 physician or other person in attendance shall certify the
21 medical information required by the certificate of birth
22 within ten working days after the birth in accordance with
23 policies established by the institution where the birth
24 occurred. The person in charge of the institution or the
25 person's designee shall complete and sign the certificate of

1 birth.

2 C. When a birth occurs outside an institution, the
3 certificate of birth shall be prepared and filed by one of
4 the following in the indicated order of priority:

5 (1) the physician in attendance at or
6 immediately after the birth;

7 (2) any other person in attendance at or
8 immediately after the birth; or

9 (3) the father, the mother or, in the
10 absence of the father and the inability of the mother, the
11 person in charge of the premises where the birth occurred.

12 D. If the mother was married at the time of either
13 conception or birth, the name of the husband shall be entered
14 on the certificate of birth as the father of the child,
15 unless paternity has been determined pursuant to Subsection F
16 or G of this section or by a court, in which case the name of
17 the father as determined pursuant to Subsection F or G of
18 this section or by the court shall be entered.

19 E. If the mother was not married at the time of
20 either conception or birth, but the mother and father have
21 signed under penalty of perjury an acknowledgment of
22 paternity on a form provided by the bureau pursuant to the
23 New Mexico Uniform Parentage Act, the father's name, date of
24 birth and social security number shall be entered on the
25 acknowledgment of paternity. The name of the father shall

1 not be entered on the certificate of birth without such a
2 written acknowledgment of paternity signed under penalty of
3 perjury by the mother and the person to be named as the
4 father, unless a determination of paternity has been made by
5 a court, in which case the name of the father as determined
6 by the court shall be entered.

7 F. At or before the birth of a child to an
8 unmarried woman, the person in charge of the institution, a
9 designated representative, the attending physician or midwife
10 shall:

11 (1) provide an opportunity for the child's
12 mother and father to sign under penalty of perjury an
13 acknowledgment of paternity on a form provided by the bureau
14 pursuant to the New Mexico Uniform Parentage Act. The
15 completed acknowledgment of paternity shall be filed with the
16 bureau. The acknowledgment shall contain or have attached to
17 it:

18 (a) a statement by the mother
19 consenting to the assertion of paternity;

20 (b) a statement by the father that he
21 is the father of the child;

22 (c) written information, furnished by
23 the human services department, explaining the implications of
24 signing, including legal parental rights and
25 responsibilities; and

1 (d) the social security numbers of both
2 parents; and

3 (2) provide written information, furnished
4 by the human services department, to the mother and father,
5 regarding the benefits of having the child's paternity
6 established and of the availability of paternity
7 establishment services and child support enforcement
8 services.

9 G. If a married mother claims that her husband is
10 not the father of the child, the husband signs under penalty
11 of perjury a denial of paternity on a form provided by the
12 bureau pursuant to the New Mexico Uniform Parentage Act and
13 the non-husband agrees that he is the father, an
14 acknowledgment of paternity may be signed under penalty of
15 perjury by the mother and the non-husband. Upon filing the
16 acknowledgment of paternity and the denial of paternity with
17 the bureau, the name of the non-husband shall be entered on
18 the certificate of birth as the father.

19 H. Pursuant to an interagency agreement for proper
20 reimbursement, the bureau shall make available to the human
21 services department the birth certificate, the mother's and
22 father's social security numbers and paternity
23 acknowledgments or denials. The human services department
24 shall use these records only in conjunction with its duties
25 as the state IV-D agency responsible for the child support

1 program under Title IV-D of the federal Social Security Act.

2 I. Each party shall be provided with copies of any
3 acknowledgment of paternity and any related denial of
4 paternity.

5 J. The forms of acknowledgment of paternity and
6 denial of paternity furnished by the bureau shall comply with
7 the requirements of the New Mexico Uniform Parentage Act and
8 shall be provided in English and in Spanish."

9 Section 16. Section 24-14-16 NMSA 1978 (being Laws
10 1961, Chapter 44, Section 16, as amended) is amended to read:

11 "24-14-16. JUDICIAL PROCEDURE TO ESTABLISH FACTS OF
12 BIRTH.--

13 A. If a delayed certificate of birth is rejected
14 under the provisions of Section 24-14-15 NMSA 1978, a
15 petition may be filed with a court for an order establishing
16 a record of the date and place of the birth and the parentage
17 of the person whose birth is to be registered.

18 B. The petition shall allege that:

19 (1) the person for whom a delayed
20 certificate of birth is sought was born in this state;

21 (2) no record of birth of the person can be
22 found in the bureau;

23 (3) diligent efforts by the petitioner have
24 failed to obtain the evidence required in accordance with

25 Section 24-14-15 NMSA 1978;

1 (4) the state registrar has refused to
2 register a delayed certificate of birth; and

3 (5) any other allegations as may be
4 required.

5 C. The petition shall be accompanied by a
6 statement of the registration official made in accordance
7 with Section 24-14-15 NMSA 1978 and all documentary evidence
8 that was submitted to the registration official in support of
9 the registration. The petition shall be sworn to by the
10 petitioner.

11 D. The court shall fix a time and place for
12 hearing the petition and shall give the registration official
13 who refused to register the petitioner's delayed certificate
14 of birth ten days' notice of the hearing. The official or
15 the official's authorized representative may appear and
16 testify in the proceeding.

17 E. If the court finds from the evidence presented
18 that the person for whom a delayed certificate of birth is
19 sought was born in this state, it shall make findings as to
20 the place and date of birth, parentage and other findings as
21 the case may require and shall issue an order to establish a
22 record of birth. This order shall include the birth data to
23 be registered, a description of the evidence presented in the
24 manner prescribed by Section 24-14-15 NMSA 1978 and the date
25 of the court's action.

1 F. The court shall determine the parent-child
2 relationship of the mother and father pursuant to the New
3 Mexico Uniform Parentage Act.

4 G. The clerk of the court shall forward each order
5 to the state registrar not later than the tenth day of the
6 calendar month following the month in which it was entered.
7 The order shall be registered by the state registrar and
8 shall constitute the record of birth from which copies may be
9 issued in accordance with Sections 24-14-28 and 24-14-29 NMSA
10 1978."

11 Section 17. Section 24-14-25 NMSA 1978 (being Laws
12 1961, Chapter 44, Section 23, as amended) is amended to read:

13 "24-14-25. CORRECTION AND AMENDMENT OF VITAL RECORDS.--

14 A. A certificate or report registered under the
15 Vital Statistics Act may be amended only in accordance with
16 that act and regulations adopted by the department pursuant
17 to that act to protect the integrity and accuracy of vital
18 records and health statistics.

19 B. Upon receipt of a certified copy of a court
20 order changing the name of a person born in this state and
21 upon request of the person or the person's parent, guardian
22 or legal representative, the state registrar shall amend the
23 original certificate of birth to reflect the new name.

24 C. Upon request and receipt of an acknowledgement
25 of paternity signed under penalty of perjury by both parents

1 of a child born to an unmarried mother or, in the case of a
2 married mother, upon receipt of an acknowledgment of
3 paternity signed under penalty of perjury by the mother and
4 the non-husband and of a denial of paternity signed under
5 penalty of perjury by the husband, the state registrar shall
6 amend a certificate of birth to show the paternity if
7 paternity is not shown on the birth certificate. The
8 certificate of birth shall not be marked "amended".

9 D. Upon receipt of a statement signed under
10 penalty of perjury by the person in charge of an institution
11 or from the attending physician indicating that the sex of an
12 individual born in this state has been changed by surgical
13 procedure, together with a certified copy of an order
14 changing the name of the person, the certificate of birth of
15 the individual shall be amended as prescribed by regulation.

16 E. When an applicant does not submit the minimum
17 documentation required in the regulations for amending a
18 vital record or when the state registrar has reasonable cause
19 to question the validity or adequacy of the applicant's
20 statements or statements made under penalty of perjury or the
21 documentary evidence and if the deficiencies are not
22 corrected, the state registrar shall not amend the vital
23 records and shall advise the applicant of the reason for this
24 action.

25 F. A certificate or report that is amended under

1 this section shall be marked "amended", except as otherwise
2 provided in Subsection C of this section. The date of the
3 amendment and a summary description of the evidence submitted
4 in support of the amendment shall be endorsed on or made a
5 part of the record. The department shall prescribe by
6 regulation the conditions under which additions or minor
7 corrections may be made to certificates or records within one
8 year after the date of the event without the certificate or
9 record being marked "amended".

10 Section 18. Section 32A-5-20 NMSA 1978 (being Laws
11 1993, Chapter 77, Section 147) is amended to read:

12 "32A-5-20. PUTATIVE FATHER REGISTRY--NOTICE--PENALTY.--

13 A. The purpose of the putative father registry is
14 to protect the parental rights of fathers who affirmatively
15 assume responsibility for children they may have fathered and
16 to expedite adoptions of children whose biological fathers
17 are unwilling to assume responsibility for their children by
18 registering with the putative father registry or otherwise
19 acknowledging their children. The registry does not relieve
20 the obligation of mothers to identify known fathers.

21 B. A putative father registry shall be established
22 by the department of health to record the names and addresses
23 of:

24 (1) any person adjudicated by a court of
25 this state to be the father of a child;

1 (2) any person who has filed with the
2 registry, before or after birth of a child out of wedlock, a
3 notice of intent to claim paternity of the child;

4 (3) any person who has filed with the
5 registry an instrument acknowledging paternity; or

6 (4) any person adjudicated by a court of
7 another state or territory of the United States to be the
8 father of an out-of-wedlock child, when a certified copy of
9 the court order has been filed with the registry.

10 C. A person filing a notice of intent to claim
11 paternity of a child or an acknowledgment of paternity shall
12 include in the notice the following:

13 (1) his name;

14 (2) his current address;

15 (3) the mother's name and any other
16 identifying information requested by the department of
17 health; and

18 (4) the child's name, if known, and any
19 other identifying information requested by the department of
20 health.

21 D. If the person filing the notice of intent to
22 claim paternity of a child or acknowledgment changes his
23 address, the person shall notify the department of health of
24 his new address in the manner prescribed by the department of
25 health.

1 E. A person who has filed a notice of intent to
2 claim paternity may at any time revoke a notice of intent to
3 claim paternity previously filed. Upon receipt by the
4 registry of the notice of revocation, the revoked notice of
5 intent to claim paternity shall be deemed a nullity nunc pro
6 tunc.

7 F. No registration fee shall be charged for
8 registering the intent to claim paternity of a child or
9 acknowledgment of paternity. The department of health may
10 charge a reasonable fee as prescribed by regulation for
11 processing searches of the putative father registry.

12 G. An unrevoked notice of intent to claim
13 paternity of a child may be introduced in evidence by any
14 party in any proceeding in which that fact may be relevant.

15 H. If a father-child relationship has not been
16 established pursuant to the New Mexico Uniform Parentage Act,
17 a petitioner for adoption of or termination of parental
18 rights regarding a child shall obtain a certificate of search
19 of the putative father registry.

20 I. If a petitioner for adoption of or termination
21 of parental rights regarding a child has reason to believe
22 that the conception or birth of the child may have occurred
23 in another state, the petitioner shall also obtain a
24 certificate of search from the putative father registry, if
25 any, in that state.

1 J. The department of health shall furnish to the
2 requester a certificate of search of the registry on request
3 of any court, a state agency, the department, the
4 petitioner's attorney or the mother of the child. The
5 information shall not be disclosed to any other person,
6 except upon order of the court for good cause shown. The
7 requester shall furnish the department with a stamped,
8 self-addressed reply envelope.

9 K. A certificate provided by the department of
10 health shall be signed on behalf of the department of health
11 and state that:

12 (1) a search has been made of the registry;
13 and

14 (2) a registration containing the
15 information required to identify the registrant:

16 (a) has been found and is attached to
17 the certificate of search; or

18 (b) has not been found.

19 L. A petitioner shall file the certificate of
20 search with the district court before a proceeding for
21 adoption of or termination of parental rights regarding a
22 child may be concluded.

23 M. Subject to any rules established by the New
24 Mexico supreme court, a certificate of search of the registry
25 of paternity in this or another state is admissible in a

1 proceeding for adoption of or termination of parental rights
2 regarding a child and, if relevant, in other legal
3 proceedings.

4 N. The department of health may promulgate any
5 regulations or forms necessary to implement the provisions of
6 this section.

7 O. Any person who intentionally and unlawfully
8 releases information from the putative father registry to the
9 public or makes any other unlawful use of the information in
10 violation of the provisions of this section is guilty of a
11 petty misdemeanor and shall be sentenced pursuant to the
12 provisions of Section 31-19-1 NMSA 1978."

13 Section 19. REPEAL.--Sections 40-11-1 through 40-11-23
14 NMSA 1978 (being Laws 1986, Chapter 47, Sections 1 through
15 23, as amended) are repealed.

16 Section 20. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is January 1, 2010. _____

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