

§ 15-8-3. Presumption of paternity.

Rhode Island Statutes

Title 15. Domestic Relations

Chapter 15-8. Uniform Law on Paternity

Current through Public Law 555 of the 2014 Legislative Session

§ 15-8-3. Presumption of paternity

- (a) A man is presumed to be the natural father of a child if:
- (1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred (300) days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court;
 - (2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:
 - (i) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within three hundred (300) days after its termination by death, annulment, declaration of invalidity, or divorce; or
 - (ii) If the attempted marriage is invalid without a court order, the child is born within three hundred (300) days after the termination of cohabitation;
 - (3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage could be declared invalid, and:
 - (i) He has acknowledged his paternity of the child in writing filed with the clerk of the family court;
 - (ii) With his consent, he is named as the child's father on the child's birth certificate; or
 - (iii) He is obligated to support the child under a written voluntary promise or by court order;
 - (4) He acknowledges his paternity of the child in a writing filed with the clerk of the family court, who shall promptly inform the mother of the filing of the

acknowledgement, and she does not dispute the acknowledgement, within a reasonable time after being informed, in a writing filed with the clerk of the family court. If another man is presumed under this section to be the child's father, acknowledgement may be effected only with the written consent of the presumed father or after the presumption has been rebutted. The written acknowledgement of paternity shall be admissible as evidence of paternity;

- (5) He has submitted to blood testing and the results establish a conclusive presumption in accordance with § 15-8-11(e) ; or
 - (6) A sworn acknowledgment of paternity of a child born out of wedlock is signed by both parents on forms prescribed in accordance with § 23-3-9 , either at the department of human services or division of taxation within the department of administration, and is forwarded to the state registrar of vital records for the purpose of amending the birth certificate. Before signing the sworn acknowledgment of paternity, the parents shall be given written notice of their respective rights and responsibilities. The sworn acknowledgment of paternity becomes a conclusive presumption if there is no court challenge to this acknowledgement within sixty (60) days of the signing of this acknowledgment. The only defenses which may be raised to the signing of this acknowledgment after the sixty (60) day period are fraud, duress or mistake of fact.
- (b) Except for a conclusive presumption under subdivisions (a)(5) and (a)(6) of this section, a presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two (2) or more presumptions arise which conflict with each other, the presumption, which on its facts, is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Cite as R.I. Gen. Laws § 15-8-3

History. P.L. 1979, ch. 185, § 2; P.L. 1994, ch. 236, §1; P.L. 1996, ch. 129, §3; P.L. 1996, ch. 131, §3; P.L. 1996, ch. 132, §3; P.L. 1996, ch. 133, §3; P.L. 1997, ch. 170, §2.