

## *Terms*

**Affidavit:** A document that is signed and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer the oath.

**Jurisdiction:** Jurisdiction is the power and authority of a court to hear and determine a judicial proceeding.

**Parent:** A parents is either the natural mother or father of a child, or the mother or father through adoption. The legal parent-child relationship exists regardless of whether the parents are married.

**Paternity:** Paternity is the relationship of a natural father to his child.

**Paternity suit:** A court action to determine whether a person is the father of a child born out of wedlock, usually for the purpose of enforcing child support.

**Putative father:** A putative father is the alleged or reputed father of a child born out of wedlock.

## *Jurisdiction*

In matters relating to the determinations of paternity, the Southern Ute Tribal Children's Court has jurisdiction over any child residing or found on the reservation and over all persons having the care, custody or control of that child.

## *Presumption of Paternity*

If a man is married to the mother of the child at the time of the child's conception or birth, he is presumed to be the father.

## *Acknowledgement of Paternity*

A man is considered to have acknowledged a child as his own by:

1. Causing his name to be placed on the birth certificate of the child  
**OR**
2. Paying medical or hospital bills relating to the birth of the child  
**OR**
3. Paying support for the child  
**OR**
4. Declaring parentage through court procedures.

## *Paternity Proceedings*

Proceedings to name the father of a child may be brought by:

1. The mother of a child  
**OR**
2. The putative father  
**OR**
3. The child's guardian or representative  
**OR**
4. A representative of an agency that has been making child support payments (such as a social services agency).

## *Declaration of Parentage*

Any of the parties listed above wishing to name the father of a child should file a "declaration of parentage" with the Southern Ute Tribal Court.

A paternity suit may not be brought after a child is **five** years old, unless the father has previously acknowledged his paternity.

The declaration should be in the form of an affidavit and should include:

1. The child's name, birth date and place of birth

**AND**

2. Each parent's name, age, place of birth, occupation and tribal membership, if any

**AND**

3. A statement attesting to the truth of the alleged parentage

**AND**

4. A request that the Court make a determination of parentage.

### ***Paternity Hearing***

Within thirty days after a declaration of parentage is filed, the Court will set a hearing to determine whether the named party is the father of the child. At the hearing, the Court will admit evidence, such as blood tests, that proves or disproves parentage.

The Court will dismiss the action if it finds the named party is not the father of the child. If the Court finds that the named party is the father to the child, all the rights and responsibilities of parenthood will then become his.

Consequently, the Court may order payment of child support at the hearing.

# ***DECLARING PATERNITY***

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