

ENGROSSED HOUSE
BILL NO. 2975

By: Roach and Breckinridge
of the House

and

Henry of the Senate

An Act relating to adoption; amending 63 O.S. 1991, Section 1-311, as last amended by Section 3, Chapter 273, O.S.L. 1995, and Section 9, Chapter 356, O.S.L. 1994, as amended by Section 4, Chapter 273, O.S.L. 1995 (63 O.S. Supp. 1995, Sections 1-311 and 1-311.3), which relate to birth certificates and paternity affidavits; prohibiting requirement for filing of paternity affidavit when consent to adoption has been given; conforming and updating language; providing for supplementary birth certificates upon receipt of adoption decree regardless of receipt of affidavit acknowledging paternity; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-311, as last amended by Section 3, Chapter 273, O.S.L. 1995 (63 O.S. Supp. 1995, Section 1-311), is amended to read as follows:

Section 1-311. A. A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar of the district in which the birth occurs, within seven (7) days after ~~such~~ the birth. ~~Provided; provided,~~ that when a birth occurs

on a moving conveyance, a birth certificate shall be filed in the district in which the child was first removed from the conveyance.

B. When a birth occurs in an institution, the person in charge of the institution or ~~his~~ a designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file ~~it~~ the certificate with the local registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five (5) days after the birth.

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

1. The physician in attendance at or immediately after the birth;

2. Any other person in attendance at or immediately after the birth; or

3. The father, the mother, or, in the absence or inability of the father ~~and the inability of the~~ or mother, the person in charge of the premises where the birth occurred and present at the birth.

D. 1. If the mother was married at the time of conception and birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

2. If the mother was not married at the time of conception and birth, the name of the father shall be entered on the certificate of birth if:

- a. a determination of paternity has been made by an administrative action through the Department of Human Services or a court of competent jurisdiction, in which case the name of the father shall be entered, or

- b. the mother and father have signed an affidavit acknowledging paternity pursuant to Section 1-311.3 of this title and filed it with the State Registrar of Vital Statistics.

E. Either of the parents of the child shall sign the certificate of live birth to attest to the accuracy of the personal data entered thereon, in time to permit its filing within the seven (7) days prescribed in this section.

SECTION 2. AMENDATORY Section 9, Chapter 356, O.S.L. 1994, as amended by Section 4, Chapter 273, O.S.L. 1995 (63 O.S. Supp. 1995, Section 1-311.3), is amended to read as follows:

Section 1-311.3 A. ~~Upon~~ Unless an adoption decree has been presented, and consent to adoption has been given as otherwise provided by law, upon the birth of a child to an unmarried woman, the person required by Section 1-311 of ~~Title 63 of the Oklahoma Statutes~~ this title to prepare and file a birth certificate shall:

1. Provide written materials to the child's mother and/or natural father including an affidavit acknowledging paternity on a form prescribed by the Department of Human Services. The completed affidavit shall be filed with the local registrar. The affidavit shall contain:

- a. a statement by the mother consenting to the assertion of paternity and stating ~~that this is~~ the name of the father,
- b. a statement by the father that he is the natural father of the child, and
- c. the social security numbers of both parents;

2. Provide written information, furnished by the Department of Human Services, to the mother:

- a. explaining that the completed, notarized affidavit shall be filed with the local registrar,

- b. regarding the benefits of having her child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services, and
- c. explaining the implications of signing, including parental rights and responsibilities; and

3. Provide the original affidavit acknowledging paternity to the Office of the State Registrar of Vital Statistics ~~and copies.~~ Copies of the original affidavit acknowledging paternity shall be provided to the Department of Human Services Child Support Enforcement Division and to the mother and acknowledged father of the child. The Department of Human Services shall provide access to the affidavits acknowledging paternity via electronic means to the paternity registry created pursuant to Section 55.1 of Title 10 of the Oklahoma Statutes.

B. The Department of Human Services shall make ~~such~~ the affidavits acknowledging paternity available at each county office of the Department and at the Office of the State Registrar of Vital Statistics and at the office of each local registrar.

C. Upon receipt by the State Registrar of Vital Statistics of a certified copy of an order or decree of adoption, the State Registrar shall prepare a supplementary birth certificate as directed by Section 60.18 of this title regardless of whether an affidavit acknowledging paternity has been prepared or filed with the Office of the State Registrar of Vital Statistics pursuant to this section.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 6th day of March, 1996.

Speaker

of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President

of the Senate