

SHORT TITLE:

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 122

By: Smith

AS INTRODUCED

An Act relating to family support; amending 10 O.S. 1991, Section 89, as amended by Section 5, Chapter 356, O.S.L. 1994 (10 O.S. Supp. 1994, Section 89), which relates to paternity actions; clarifying which law governs determination of jurisdiction of certain actions; amending Section 48, Chapter 160, O.S.L. 1994 (43 O.S. Supp. 1994, Section 601-701), which relates to proceedings to determine parentage; clarifying which law governs certain actions; repealing 43 O.S. 1991, Section 104, which relates to jurisdiction of certain actions for alimony or child support when a party is not a resident of this state; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 89, as amended by Section 5, Chapter 356, O.S.L. 1994 (10 O.S. Supp. 1994, Section 89), is amended to read as follows:

Section 89. A. The mother, putative father, guardian or custodian of the child, the Department of Human Services, a public or private agency or authority chargeable with the support of the child, or the child may bring an action in a civil proceeding in district court or by an administrative action through the Department of Human Services, to determine paternity and the amount of child support due and owing for the maintenance of the child.

B. Venue of an action to determine the paternity of a child pursuant to this section shall be, at the option of the plaintiff, in either the county where the putative father, mother, or child resides. If the mother or child or both the mother and child reside out-of-state, venue of an action to determine the paternity of a child pursuant to this section, at the option of the plaintiff, may be in the county where the putative father resides.

C. A court may exercise personal jurisdiction over a person, whether or not a resident of this state, who is the subject of a paternity action. When ~~the~~ a person who is subject to the jurisdiction of the court is outside the state, ~~he~~ the person may be served outside of the state by any method that is authorized by the statutes of this state. In an action brought in this state to determine paternity and which also seeks a support order, jurisdiction shall be determined pursuant to the Uniform Interstate Family Support Act, Section 601-101 et seq. of Title 43 of the Oklahoma Statutes.

D. The petition shall be verified as true by the affidavit of the plaintiff. A summons may be issued thereon and shall be served or publication made as in other civil cases.

E. The practice, pleading, and proceedings in such action shall conform to the rules prescribed by the code of civil procedure as far as the same may be applicable.

F. If the defendant fails to answer the petition of the plaintiff or appear for show cause hearing, then the court shall proceed to determine issues of paternity, support, custody and visitation in the same manner as provided for in actions for divorce.

G. Attorneys for the Department of Human Services may appear or initiate an action brought under this section on behalf of:

1. A recipient of Aid to Families with Dependent Children; or

2. A person not receiving Aid to Families with Dependent Children, including but not limited to the putative father, upon the request of such person and proper application pursuant to rules and regulations adopted by the Department. A reasonable fee and costs may be assessed for the services by the Department.

H. In a proceeding brought under subsection G of this section by the Department of Human Services, the court may, and unless it is not in the best interests of the child, shall, limit the issues in that proceeding to issues of paternity and support, unless issues of custody and visitation are specifically and affirmatively pled by the father.

SECTION 2. AMENDATORY Section 48, Chapter 160, O.S.L. 1994 (43 O.S. Supp. 1994, Section 601-701), is amended to read as follows:

Section 601-701. A. A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under ~~this act or a law substantially similar to this act~~ the Uniform Interstate Family Support Act, the Uniform Reciprocal Enforcement of Support Act, ~~or~~ the Revised Uniform Reciprocal Enforcement of Support Act, or a substantially similar law to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

B. In a proceeding to determine parentage, a responding tribunal of this state shall apply the ~~Uniform Parentage Act~~, procedural and substantive law of this state, and the rules of this state on choice of law.

SECTION 3. REPEALER 43 O.S. 1991, Section 104, is hereby repealed.

SECTION 4. 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.

45-1-0825

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