

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1590

By: Vaughn

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Section 3, as amended by Section 2, Chapter 356, O.S.L. 1994 (10 O.S. Supp. 1996, Section 3), which relates to providing for adoption of certain children by certain acts; providing exception; providing for certain status; prohibiting dispute of certain presumptions; amending 12 O.S. 1991, Section 1277.2, as renumbered by Section 35, Chapter 356, O.S.L. 1994 (43 O.S. Supp. 1996, Section 109.2), which relates to determination of paternity; providing for authority of the court; providing exception; clarifying and conforming language; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 3, as amended by Section 2, Chapter 356, O.S.L. 1994 (10 O.S. Supp. 1996, Section 3), is amended to read as follows:

Section 3. A. The presumption of paternity created pursuant to Section 2 of this title may be disputed only by the husband or wife,

the putative father or their descendants. Paternity may be established pursuant to Section 70 of this title.

B. If a child is born during the course of the marriage and is reared by the husband and wife as a member of their family without disputing the child's legitimacy for a period of at least two (2) years, the presumption cannot be disputed by anyone.

C. If a putative father of a child born out of wedlock believes that he is the biological father of the child, publicly acknowledges the child as his own, receives the child as such into his family and otherwise treats the child as if he is the biological father of the child, he thereby adopts the child as such. The status thus created is that of a child adopted by regular procedure of court. If the child is reared by the putative father as a member of his family without a dispute of the child's legitimacy for a period of at least two (2) years, the presumption of paternity created by Section 2 of this title cannot be disputed by anyone.

SECTION 2. AMENDATORY 12 O.S. 1991, Section 1277.2, as renumbered by Section 35, Chapter 356, O.S.L. 1994 (43 O.S. Supp. 1996, Section 109.2), is amended to read as follows:

Section 109.2 ~~In an action for a divorce, legal separation or annulment where there are children born to the parties~~ Except as otherwise provided by Section 3 of Title 10 of the Oklahoma Statutes, in any action concerning the custody of a minor unmarried child or the determination of child support, the court may determine if the parties to the action are the parents of the children, ~~although the court finds that the parties are not married; and if.~~ If the parties to the action are the parents of the children, the court may determine which party should have custody of said children, ~~and it~~ may award child support to the parent to whom it awards custody, and may make an appropriate order for payment of costs and attorney's fees.

SECTION 3. This act shall become effective November 1, 1997.

46-1-6197

KSM