

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1441

By: Glover

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7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 1991,
9 Section 3, as amended by Section 2, Chapter 356,
10 O.S.L. 1994 (10 O.S. Supp. 1998, Section 3), which
11 relates to dispute of certain presumptions; removing
12 restrictions on authority to dispute certain
13 presumptions relating to paternity; authorizing
14 certain support; amending 10 O.S. 1991, Section 70,
15 as last amended by Section 1, Chapter 323, O.S.L.
16 1998 (10 O.S. Supp. 1998, Section 70), which relates
17 to court determination of paternity; providing for
18 dismissal of certain actions relating to payment of
19 child support, if a person is determined not to be
20 the father of a child; providing for removal of name
21 of person from birth certificate; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 10 O.S. 1991, Section 3, as
25 amended by Section 2, Chapter 356, O.S.L. 1994 (10 O.S. Supp. 1998,
26 Section 3), is amended to read as follows:

27 Section 3. A. The presumption of paternity created pursuant to
28 Section 2 of this title may be disputed only by the husband or wife,
29 the putative father or their descendants. Paternity may be
30 established pursuant to Section 70 of this title.

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

1 C. If the child is judicially determined not to be the
2 legitimate child of the husband, the husband is not bound to
3 maintain the wife's child unless he agrees to do so in writing.

4 SECTION 2. AMENDATORY 10 O.S. 1991, Section 70, as last
5 amended by Section 1, Chapter 323, O.S.L. 1998 (10 O.S. Supp. 1998,
6 Section 70), is amended to read as follows:

7 Section 70. A. Except as otherwise provided by law, a woman
8 who gives birth to a child is the natural mother of the child.

9 B. Paternity may be established by:

10 1. A notarized written statement of the father and mother
11 acknowledging paternity pursuant to Section 1-311.3 of Title 63 of
12 the Oklahoma Statutes. A statement acknowledging paternity shall
13 have the same legal effect as an order of paternity entered in a
14 court or administrative proceeding.

15 a. The statement may be rescinded by the mother or
16 acknowledging father within sixty (60) days after the
17 statement is signed by filing a signed rescission of
18 affidavit acknowledging paternity form with the Office
19 of the State Registrar of Vital Statistics.

20 b. If the mother was married at the time of conception or
21 birth, and her husband is not the natural father of
22 the child, and the time to dispute paternity pursuant
23 to Section 3 of this title has not expired, the
24 husband may sign a husband's denial of paternity form,
25 which must be filed along with the affidavit
26 acknowledging paternity.

27 c. The rescission of affidavit acknowledging paternity
28 and the husband's denial of paternity forms shall be
29 prescribed by the Department of Human Services and
30 made available at the same locations as the affidavit
31 acknowledging paternity provided for in Section 1-
32 311.3 of Title 63 of the Oklahoma Statutes;

1 2. Scientifically reliable genetic tests, including but not
2 limited to blood tests;

3 3. District or administrative court order; or

4 4. As otherwise provided by law.

5 C. 1. If at any time the person signing the acknowledgment of
6 paternity is determined not to be the father of the child, pursuant
7 to scientifically reliable genetic testing, upon request by such
8 person, the Department or the court shall dismiss any pending court
9 or administrative collection proceedings against the father and the
10 father will be released from any court-ordered or Department of
11 Human Services order of payments for the support and maintenance of
12 the child.

13 2. The State Registrar of Vital Statistics shall remove the
14 name of the person listed as the father from the birth certificate
15 upon notice from the Department that such person has been excluded
16 as the father of the child by genetic testing. Once paternity is
17 established, the State Registrar of Vital Statistics shall correct
18 its records and amend the birth certificate to reflect the father's
19 name.

20 D. Proceedings to establish paternity may be brought in the
21 appropriate district court or through the Department of Human
22 Services, Office of Administrative Hearings: Child Support.
23 Proceedings may be brought by the mother, father, guardian, or
24 custodian of the child, the Department of Human Services, the
25 district attorney, a public or private agency or authority
26 chargeable with the support of the child, or by the child. The
27 court, after determining paternity in a civil action, shall enter an
28 order providing for the support and maintenance of the child. The
29 social security numbers of both parents and the child shall be
30 included on the child support order summary form provided for in
31 Section 120 of Title 43 of the Oklahoma Statutes which shall be
32 filed with all orders establishing paternity. The district court

1 may further make provision for custody and visitation based upon the
2 best interests of the child.

3 ~~D.~~ E. An action to establish paternity shall be available to a
4 child if commenced within one (1) year after the child reaches the
5 age of eighteen (18).

6 SECTION 3. This act shall become effective November 1, 1999.

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