

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1499

By: Fields

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 1991,
9 Section 83, as last amended by Section 2, Chapter
10 323, O.S.L. 1998 (10 O.S. Supp. 1998, Section 83),
11 which relates to paternity and child support;
12 imposing liability for child support only after
13 determination of paternity for certain cases;
14 creating a putative father affidavit; providing for
15 form and contents; requiring certain procedures;
16 providing for confidentiality; providing for use and
17 destruction; authorizing certain payments; providing
18 for liability for certain payments; and providing an
19 effective date.

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

21 SECTION 1. AMENDATORY 10 O.S. 1991, Section 83, as last
22 amended by Section 2, Chapter 323, O.S.L. 1998 (10 O.S. Supp. 1998,
23 Section 83), is amended to read as follows:

24 Section 83. A. An individual who has been legally determined
25 to be the father of a child pursuant to Section 70 of this title, or
26 an individual who has been judicially or administratively determined
27 to be the father of a child is liable for the support and education
28 of the child to the same extent as the father of a child born in
29 wedlock.

30 B. 1. An action to enforce the obligation of support and
31 education may be brought by the mother or custodian or guardian of
32 the child, by the public authority chargeable with the support of
the child, or by the child.

2. An action to determine paternity and to enforce this
obligation may be brought any time before the eighteenth birthday of

1 the child. An action to establish paternity under this act shall be
2 available for any child for whom a paternity action was brought and
3 dismissed because of the application of a statute of limitations of
4 less than eighteen (18) years.

5 3. If paternity has been legally determined pursuant to Section
6 70 of this title, or judicially or administratively determined, an
7 action to enforce this obligation of support may be brought within
8 the time periods specified by paragraph 7 of Section 95 of Title 12
9 of the Oklahoma Statutes.

10 4. The father's obligation to support is terminated if the
11 child is adopted.

12 5. The court may order the payments made to the mother or
13 custodian or legal guardian of the child, or to some other person,
14 corporation or agency to administer under the supervision of the
15 court.

16 C. 1. An individual who has been legally determined to be the
17 father of a child pursuant to Section 70 of this title, or an
18 individual who has been judicially or administratively determined to
19 be the father of a child shall be ordered to pay all or a portion of
20 the costs of the birth and the reasonable expenses of providing for
21 the child, provided that except as otherwise specified by paragraph
22 2 of this subsection no liability for support ~~provided~~ before the
23 determination of paternity shall be imposed ~~for five (5) years~~
24 ~~preceding the filing of the action.~~

25 2. Effective November 1, 1999:

26 a. if the mother was not married at the time of
27 conception or birth and paternity has not been
28 established or acknowledged as specified in Section 1-
29 311 of Title 63 of the Oklahoma Statutes, the name of
30 the putative father may be entered on a putative
31 father affidavit maintained by the Department of Human
32 Services. The affidavit form shall be prescribed by

1 the Department of Human Services. The affidavit shall
2 be signed by the mother and shall contain information
3 identifying the putative father. Except as otherwise
4 provided by subparagraph b of this paragraph, the
5 Department of Human Services shall keep such affidavit
6 confidential until paternity has been established or
7 acknowledged in which case the name of the father
8 shall be entered on the birth certificate,

9 b. the Department of Human Services shall make available,
10 upon request, the name of the putative father to a
11 court of competent jurisdiction for paternity actions,
12 child support determinations or termination of
13 parental rights proceedings,

14 c. the Department of Human Services shall provide for the
15 destruction of the putative father affidavit after
16 paternity has been legally established and the name of
17 the father has been entered on the birth certificate,
18 and

19 e. the putative father affidavit once filed with the
20 Department shall enable the mother or legal guardian
21 or custodian of the child to collect child support
22 accruing after the filing of the affidavit, upon
23 determination of paternity but prior to the filing of
24 the petition.

25 3. The father may also be held liable for support accruing
26 after the filing of the petition if he is determined to be the
27 father of the child.

28 4. Copies of bills for pregnancy, child birth, and genetic
29 testing are admissible as evidence without requiring third-party
30 foundation testimony, and shall constitute prima facie evidence of
31 amounts incurred for such services or for genetic testing on behalf
32 of the child.

1 D. The amount of child support and other support including
2 amounts provided for in subsection C of this section shall be
3 ordered and reviewed in accordance with the child support guidelines
4 provided in Section 118 of Title 43 of the Oklahoma Statutes.

5 E. 1. When a civil or administrative action is filed to
6 determine paternity of a minor child, an interested party may
7 request the court to enter a temporary order for support of the
8 child pending a final determination of paternity. The application
9 for temporary support shall set forth facts supporting the
10 application and shall be verified by the party or entity seeking the
11 order. The application and notice of hearing shall be served as in
12 other civil cases.

13 2. After service of the application and opportunity for
14 hearing, the court shall enter a temporary order for support if the
15 court finds there is clear and convincing evidence of paternity,
16 including, but not limited to:

- 17 a. a genetic test which establishes a rebuttable or
18 conclusive presumption of paternity pursuant to
19 Section 504 of Title 10 of the Oklahoma Statutes,
- 20 b. a notarized written statement acknowledging paternity
21 of the child executed by the putative father,
- 22 c. a presumption of paternity pursuant to Section 2 of
23 this title, or
- 24 d. other evidence which establishes a high probability of
25 paternity.

26 3. Temporary orders for support shall be established in
27 accordance with the child support guidelines pursuant to Section 118
28 of Title 43 of the Oklahoma Statutes. A temporary support order
29 terminates when a final judgment is entered which establishes
30 support or when the action is dismissed. A temporary support order
31 shall not be retroactively modified, but it may be modified
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1 prospectively before final judgment upon motion of an interested
2 party and a showing of facts supporting a modification.

3 SECTION 2. This act shall become effective November 1, 1999.

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