

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1499

By: Fields

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Section 83, as last amended by Section 2, Chapter 323, O.S.L. 1998 (10 O.S. Supp. 1998, Section 83), which relates to paternity and child support; imposing liability for child support only after determination of paternity; and declaring an emergency.

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

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

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

B. 1. An action to enforce the obligation of support and education may be brought by the mother or custodian or guardian of 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 the child. An action to establish paternity under this act shall be available for any child for whom a paternity action was brought and dismissed because of the application of a statute of limitations of less than eighteen (18) years.

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

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

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

C. 1. An individual who has been legally determined to be the father of a child pursuant to Section 70 of this title, or an individual who has been judicially or administratively determined to be the father of a child shall be ordered to pay all or a portion of the costs of the birth and the reasonable expenses of providing for the child, provided that no liability for support ~~provided~~ before the determination of paternity shall be imposed ~~for five (5) years preceding the filing of the action.~~

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

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

E. 1. When a civil or administrative action is filed to determine paternity of a minor child, an interested party may request the court to enter a temporary order for support of the child pending a final determination of paternity. The application

for temporary support shall set forth facts supporting the application and shall be verified by the party or entity seeking the order. The application and notice of hearing shall be served as in other civil cases.

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

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

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

SECTION 2. 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.

47-1-6055            KSM            6/12/15