STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 973 By: Laster

COMMITTEE SUBSTITUTE

An Act relating to children; amending 10 O.S. 2001, Section 83, which relates to liability of father to support child; conforming statutory reference; removing certain procedures for establishment of paternity and temporary support orders; creating the Uniform Parentage Act; providing short title; defining terms; stating applicability of act; stating effect of act on certain laws; specifying jurisdiction under this act; stating requirements to establish certain relationship; stating rights of certain child; stating applicability of certain relationship; creating certain presumption under specified circumstances; permitting certain parties to sign certain acknowledgment; specifying contents in certain acknowledgment; stating circumstances causing certain acknowledgment to be void or voidable; establishing validity of certain denial; directing execution of certain documents; stating effect of certain documents; prohibiting fee for certain filing; establishing time period for signing certain document; allowing challenge of certain document under certain circumstances; stating burden of proof for certain proceeding; establishing procedures for certain proceeding; stating applicability of certain document from another state; requiring Department of Human Services to prescribe certain forms; authorizing State Department of Health to release certain copies under specified circumstances; requiring Department of Human Services to promulgate certain rules; stating applicability of certain article; permitting certain entities to order specified testing; specifying type and requirements of certain testing; establishing procedures for certain testing; stating contents of report of certain testing; providing for admissibility of certain testing; creating rebuttable presumption of paternity; establishing responsibility for certain costs; prohibiting certain testing under specified circumstances; authorizing court to order certain testing from specified individuals; allowing certain proceeding; specifying rules for certain proceeding; stating eligibility to maintain certain proceeding; allowing joinder of certain parties in specified proceeding; clarifying jurisdiction in certain proceeding; stating venue for certain proceeding; establishing time period for commencement of certain proceeding; allowing court to deny certain motion under specified circumstances; stating factors to consider in denial of certain motion; requiring

appointment of guardian ad litem under certain circumstances; establishing procedures for certain expert testimony; establishing procedures for enforcement of order for certain testing; requiring court to issue certain temporary orders under specified circumstances; requiring application of certain rules for specified adjudication; allowing court to close certain proceeding; establishing confidentiality of certain records; stating orders required or permitted by the court under certain circumstances; stating effect of certain determination; prohibiting reimbursement of certain costs; construing provisions; stating applicability of act to certain proceedings; amending 56 O.S. 2001, Section 238.6B, which relates to notice of paternity; conforming statutory reference; modifying procedures related to establishment of paternity; increasing certain percentage; modifying specified time period; updating reference to certain entity; amending 63 O.S. 2001, Section 1-311.3, which relates to affidavits acknowledging paternity; conforming statutory reference; conforming certain procedures; repealing 10 O.S. 2001, Sections 1, 1.1, 1.2, 2, 3, 70, as amended by Section 1, Chapter 314, O.S.L. 2002, 71, 76.1, 77.1, 86, 89, 89.1, 89.3, 501, 502, 503, 504, 505, 506 and 508 (10 O.S. Supp. 2004, Section 70), which relate to parentage and genetic testing; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, 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~~ Sections 2 through 59 of this act, 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~~ Sections 2 through 59 of this act, an action to enforce this obligation of support may be brought within the time periods specified by paragraph ~~7~~ 8 of Section 95 of Title 12 of the Oklahoma Statutes.

~~4.~~ 3. The father's obligation to support is terminated if the child is adopted.

~~5.~~ 4. 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~~ Sections 2 through 59 of this act 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 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.~~

ARTICLE 1. GENERAL PROVISIONS

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-101 of Title 10, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Uniform Parentage Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-102 of Title 10, unless there is created a duplication in numbering, reads as follows:

For purposes of the Uniform Parentage Act:

1. "Acknowledged father" means a man who has established a father-child relationship by signing an acknowledgment of paternity under Article 3 of this act;

2. "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child;

3. "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include a presumed father;

4. "Child" means an individual of any age whose parentage may be determined under this act;

5. "Determination of parentage" means the establishment of the parent-child relationship by the signing of an acknowledgment of paternity under this section or adjudication by the court;

6. "Duress" means use of physical or psychological force to coerce a person to sign an acknowledgment of paternity;

7. "Effective date" means when the acknowledgment of paternity is fully executed, by the later of the signature dates;

8. "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information;

9. “Fraud” means an intentional misrepresentation of a material fact that could not have been discovered with reasonable diligence and was reasonably relied on by a person who signed an acknowledgment of paternity;

10. “Genetic testing” means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child. The term includes an analysis of one or a combination of the following:

a. deoxyribonucleic acid, and

b. blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes;

11. “Man” means a male individual of any age;

12. “Material mistake of fact” means a mistake as to the facts that could not have been known at the time a signatory executed an acknowledgment of paternity;

13. “Parent” means an individual who has established a parent-child relationship under Section 5 of this act;

14. “Parent-child relationship” means the legal relationship between a child and a parent of the child. The term includes the mother-child relationship and the father-child relationship;

15. “Paternity index” means the likelihood of paternity calculated by computing the ratio between:

a. the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child, and

b. the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that

the father is of the same ethnic or racial group as the tested man;

16. "Presumed father" means a man who, by operation of law under Section 8 of this act, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding;

17. "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability;

18. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

19. "Signatory" means an individual who authenticates a record and is bound by its terms; and

20. "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-103 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. This act applies to determination of parentage in this state.

B. The court shall apply the law of this state to adjudicate the parent-child relationship. The applicable law does not depend on:

1. The place of birth of the child; or

2. The past or present residence of the child.

C. This act does not create, enlarge, or diminish parental rights or duties under other laws of this state.

D. The district or administrative courts are authorized to adjudicate parentage under this act.

ARTICLE 2. PARENT-CHILD RELATIONSHIP

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-201 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The mother-child relationship is established between a woman and a child by:

1. The woman's having given birth to the child;

2. Adoption of the child by the woman; or

3. As otherwise provided by law.

B. The father-child relationship is established between a man and a child by:

1. An unrebutted presumption of the man's paternity of the child under Section 8 of this act;

2. An effective acknowledgment of paternity by the man under Article 3 of this act, unless the acknowledgment has been timely rescinded or successfully challenged;

3. An adjudication of the man's paternity;

4. Adoption of the child by the man; or

5. As otherwise provided by law.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-202 of Title 10, unless there is created a duplication in numbering, reads as follows:

A child born to parents who are not married to each other has the same rights under the law as a child born to parents who are married to each other.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-203 of Title 10, unless there is created a duplication in numbering, reads as follows:

Unless parental rights are terminated, a parent-child relationship established under this act applies for all purposes, except as otherwise provided by the laws of this state.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-204 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A man is presumed to be the father of a child if:

1. He and the mother of the child are married to each other and the child is born during the marriage;

2. He and the mother of the child were married to each other and the child is born within three hundred (300) days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution of marriage or after decree of separation;

3. Before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within three hundred (300) days after its termination by death, annulment, declaration of invalidity, legal separation, or dissolution of marriage;

4. After the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether or not the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child, and:

a. the assertion is in a record with State Department of Health, Bureau of Vital Records or the Department of Human Services,

b. he agreed to be and is named as the child's father on the child's birth certificate, or

c. he promised in a record to support the child as his own; or

5. For the first two (2) years of the child's life, he resided in the same household with the child and openly held out the child as his own.

B. A presumption of paternity established under this section may be rebutted only by an adjudication under Article 6 of this act.

ARTICLE 3. ACKNOWLEDGMENT OF PATERNITY

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-301 of Title 10, unless there is created a duplication in numbering, reads as follows:

The mother of a child and a man claiming to be the genetic father of the child may sign an acknowledgment of paternity with intent to establish the man's paternity.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-302 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. An acknowledgment of paternity shall:

1. Be in a record and on the form prescribed by the Department of Human Services pursuant to Section 20 of this act;

2. Be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish his paternity;

3. State that the child whose paternity is being acknowledged:

a. does not have a presumed father, or has a presumed father whose full name is stated, and

b. does not have another acknowledged or adjudicated father;

4. State whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing; and

5. State that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child and that a challenge to the acknowledgment is

permitted only under limited circumstances and is barred after two (2) years.

B. An acknowledgment of paternity shall be void if it:

1. States that another man is a presumed father, unless a denial of paternity signed or otherwise authenticated by the presumed father is filed with the State Department of Health, Bureau of Vital Records;

2. States that another man is an acknowledged or adjudicated father.

C. An acknowledgment of paternity is voidable if it falsely denies the existence of a presumed, acknowledged, or adjudicated father of the child.

D. A presumed father may sign or otherwise authenticate an acknowledgment of paternity.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-303 of Title 10, unless there is created a duplication in numbering, reads as follows:

A presumed father may sign a denial of his paternity. The denial is valid only if:

1. An acknowledgment of paternity signed, or otherwise authenticated, by another man is filed pursuant to Section 13 of this act;

2. The denial is in a record, and is signed, or otherwise authenticated, under penalty of perjury;

3. The presumed father has not previously:

a. acknowledged his paternity, unless the previous acknowledgment has been rescinded pursuant to Section 15 of this act or successfully challenged pursuant to Section 16 of this act, or

b. been adjudicated to be the father of the child; and

4. The denial is signed not later than two (2) years after the birth of the child.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-304 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. An acknowledgment of paternity and a denial of paternity may be executed separately or simultaneously. If the acknowledgment and denial are both necessary, neither is valid until both are executed.

B. An acknowledgment of paternity or a denial of paternity may be signed before the birth of the child.

C. Subject to subsection A of this section, an acknowledgment of paternity or denial of paternity takes effect on the birth of the child or the execution of the document, whichever occurs later.

D. An acknowledgment of paternity or denial of paternity signed by a minor is valid if it is otherwise in compliance with this act.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-305 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in Sections 15 and 16 of this act, a valid acknowledgment of paternity signed by both parents is equivalent to an adjudication of paternity of a child.

B. Except as otherwise provided in Sections 15 and 16 of this act, a valid denial of paternity by a presumed father when executed in conjunction with a valid acknowledgment of paternity is equivalent to an adjudication of the non-paternity of the presumed father and discharges the presumed father from all rights and duties of a parent.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-306 of Title 10, unless there is created a duplication in numbering, reads as follows:

The State Department of Health, Bureau of Vital Records shall not charge for filing an acknowledgment of paternity, denial of paternity, rescission of acknowledgment of paternity or rescission of denial of paternity.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-307 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A signatory may sign a Rescission of acknowledgment of paternity or sign a rescission of denial of paternity before the earlier of:

1. Sixty (60) days after the effective date of the acknowledgment, or

2. The date of the first hearing, in a proceeding to which the signatory is a party, before a court to adjudicate an issue relating to the child, including a proceeding that establishes support.

B. A signatory who was a minor at the time of execution of the acknowledgment may rescind an acknowledgment of paternity within sixty (60) days of reaching the age of eighteen.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-308 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. After the period for rescission under Section 15 of this act has expired, a signatory of an acknowledgment of paternity or denial of paternity may commence a proceeding to challenge the acknowledgment or denial only:

1. On the basis of fraud, duress, or material mistake of fact, and

2. Within two (2) years after the acknowledgment or denial is executed.

B. A party challenging an acknowledgment of paternity or denial of paternity has the burden of proof, which shall be by clear and convincing evidence.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-309 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Every signatory to an acknowledgment of paternity and any related denial of paternity shall be made a party to a proceeding to challenge the acknowledgment.

B. For the purpose of challenging an acknowledgment of paternity or a denial of paternity, a signatory submits to personal jurisdiction of this state by signing the acknowledgment or denial.

C. Except for good cause shown, during the pendency of a proceeding to challenge an acknowledgment of paternity or denial of paternity, the court shall not suspend the legal responsibilities of a signatory arising from the acknowledgment, including the duty to pay child support.

D. A proceeding to challenge an acknowledgment of paternity or denial of paternity shall be conducted in the same manner as a proceeding to adjudicate parentage under Article 6 of this act.

E. At the conclusion of a proceeding to challenge an acknowledgment of paternity or denial of paternity, the court shall order the State Department of Health, Bureau of Vital Records, to amend the birth record of the child, if appropriate.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-310 of Title 10, unless there is created a duplication in numbering, reads as follows:

A court or administrative agency conducting a judicial or administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of paternity.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-311 of Title 10, unless there is created a duplication in numbering, reads as follows:

A court of this state shall give full faith and credit to an acknowledgment of paternity or denial of paternity effective in another state if the acknowledgment or denial has been signed and is otherwise in compliance with the law of the other state.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-312 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall prescribe forms for the acknowledgment of paternity and the denial of paternity, which shall be filed with the State Department of Health, Bureau of Vital Records, pursuant to Section 1-311.3 of Title 63 of the Oklahoma Statutes.

B. The Rescission of the acknowledgment of paternity shall be prescribed by the Department of Human Services and made available at the same locations as the acknowledgment of paternity forms provided for in Section 1-311.3 of Title 63 of the Oklahoma Statutes.

C. A valid acknowledgment of paternity, rescission of acknowledgment of paternity or denial of paternity is not affected by a later modification of the prescribed form.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-313 of Title 10, unless there is created a duplication in numbering, reads as follows:

The State Department of Health, Bureau of Vital Records shall release copies of the acknowledgment of paternity or denial of paternity to a signatory of the acknowledgment or denial and to courts and to the agency designated to administer a statewide plan for child support in accordance with Title IV, Part D, of the Federal Social Security Act, as amended 42 U.S.C. Section 651 et seq.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-314 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall promulgate and adopt rules to implement the provisions of this Article.

ARTICLE 5. GENETIC TESTING

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-501 of Title 10, unless there is created a duplication in numbering, reads as follows:

This article governs genetic testing of an individual to determine parentage, whether the individual:

1. Voluntarily submits to testing; or

2. Is tested pursuant to an order of the court or the Department of Human Services.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-502 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In a civil action in which paternity is a relevant fact and at issue, except as otherwise provided in this Article and Article 6 of this act, the court shall order the child and other designated individuals to submit to genetic testing if the request is supported by the sworn statement of a party to the proceeding;

1. Alleging paternity and stating facts establishing a reasonable possibility of the requisite sexual contact between the individuals; or

2. Denying paternity, and stating facts establishing a possibility that sexual contact between the individuals, if any, did not result in the conception of the child.

B. The Department of Human Services Child Support Enforcement Division may order genetic testing only if there is no presumed, acknowledged, or adjudicated father.

C. If a request for genetic testing of a child is made before birth, the court or the Department of Human Services may not order in utero testing.

D. If two or more men are subject to court-ordered genetic testing, the testing may be ordered concurrently or sequentially.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-503 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Genetic testing shall be of a type reasonably relied upon by experts in the field of genetic testing and performed in a testing laboratory accredited by:

1. The American Association of Blood Banks, or a successor to its functions;

2. The American Society for Histocompatibility and Immunogenetics, or a successor to its functions; or

3. An accrediting body designated by the federal Secretary of Health and Human Services.

B. A specimen used in genetic testing may consist of one or more samples, or a combination of samples, of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each individual undergoing genetic testing.

C. Based on the ethnic or racial group of an individual, the testing laboratory shall determine the databases from which to select frequencies for use in calculation of the probability of paternity. If there is disagreement as to the testing laboratory's choice, the following rules apply:

1. The individual objecting may require the testing laboratory, within thirty (30) days after receipt of the report of the test, to recalculate the probability of paternity using an ethnic or racial group different from that used by the laboratory.

2. The individual objecting to the testing laboratory's initial choice shall:

a. if the frequencies are not available to the testing laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies, or

b. engage another testing laboratory to perform the calculations.

3. The testing laboratory may use its own statistical estimate if there is a question regarding which ethnic or racial group is appropriate. If available, the testing laboratory shall calculate the frequencies using statistics for any other ethnic or racial group requested.

D. If, after recalculation using a different ethnic or racial group, genetic testing does not conclusively identify a man as the father of a child under Section 27 of this act, an individual who has been tested may be required to submit to additional genetic testing.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-504 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A report of genetic testing shall be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report made under the requirements of this Article will be admitted as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.

B. Documentation from the testing laboratory of the following information is sufficient to establish a reliable chain of custody that allows the results of genetic testing to be admissible without testimony:

1. The names and photographs of the individuals whose specimens have been taken;

2. The names of the individuals who collected the specimens;

3. The places and dates the specimens were collected;

4. The names of the individuals who received the specimens in the testing laboratory; and

5. The dates the specimens were received.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-505 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Under this act, a man is rebuttably identified as the father of a child if the genetic testing complies with this Article and the results disclose that:

1. The man has at least a ninety-nine percent (99%) probability of paternity, using a prior probability of 0.50, as calculated by using the combined paternity index obtained in the testing; and

2. A combined paternity index of at least 100 to 1.

B. A man identified under subsection A of this section as the father of the child may rebut the genetic testing results only by other genetic testing satisfying the requirements of this Article which:

1. Excludes the man as a genetic father of the child; or

2. Identifies another man as the possible father of the child.

C. Except as otherwise provided in Section 32 of this act, if more than one man is identified by genetic testing as the possible father of the child, the court shall order them to submit to further genetic testing to identify the genetic father.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-506 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Subject to assessment of costs under Article 6 of this act, the cost of initial genetic testing shall be advanced by the Department of Human Services in a proceeding in which the Department is providing services.

B. In cases in which the Department of Human Services is not providing services, the cost of initial genetic testing shall be advanced:

1. By the individual who made the request;

2. As agreed by the parties; or

3. As ordered by the court.

C. In cases in which the cost is advanced by the Department of Human services, the Department may seek reimbursement from a man who is identified as the father.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-507 of Title 10, unless there is created a duplication in numbering, reads as follows:

If the previous genetic testing identified a man as the father of the child under Section 27 of this act, the court or the Department of Human Services may not order additional testing unless the party challenging the test provides advance payment for the testing.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-508 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Subject to subsection B of this section, if a genetic-testing specimen is not available from a man who may be the father of a child, for good cause and under circumstances the court considers to be just, the court may order the following individuals to submit specimens for genetic testing:

1. The parents of the man;

2. Brothers and sisters of the man;

3. Other children of the man and their mothers;

4. Other relatives of the man necessary to complete genetic testing; and

5. Any other custodians of genetic material.

B. Issuance of an order under this section requires a finding that a need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-509 of Title 10, unless there is created a duplication in numbering, reads as follows:

For good cause shown, the court may order genetic testing of a deceased individual.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-510 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The court may order genetic testing of a brother of a man identified as the father of a child if the man is commonly believed to have an identical brother and evidence suggests that the brother may be the genetic father of the child.

B. If each brother satisfies the requirements as the identified father of the child under Section 27 of this act without consideration of another identical brother being identified as the father of the child, the court may rely on nongenetic evidence to adjudicate which brother is the father of the child.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-511 of Title 10, unless there is created a duplication in numbering, reads as follows:

Release of the report of genetic testing for parentage is controlled by Section 237 of Title 56 of the Oklahoma Statutes.

ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

PART 1. NATURE OF PROCEEDING

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-601 of Title 10, unless there is created a duplication in numbering, reads as follows:

A civil proceeding may be maintained to adjudicate the parentage of a child. The proceeding is governed by the applicable rules prescribed by the Code of Civil Procedure.

SECTION 35. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-602 of Title 10, unless there is created a duplication in numbering, reads as follows:

Subject to Article 3 of this act and Sections 40 and 42 of this act, a proceeding to adjudicate parentage may be maintained by:

1. The child;

2. The mother of the child;

3. A man whose paternity of the child is to be adjudicated;

4. The Department of Human Services; or

5. A representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-603 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The following individuals may be joined as parties in a proceeding to adjudicate parentage:

1. The mother of the child; and

2. A man whose paternity of the child is to be adjudicated.

B. All persons who have had sexual intercourse with a woman during the possible time of conception of a child for whom paternity is not determined may be joined as defendants in an action to determine the paternity of the child.

SECTION 37. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-604 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.

B. A court of this state having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in Section 601-201 of Title 43 of the Oklahoma Statutes are fulfilled.

C. Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.

SECTION 38. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-605 of Title 10, unless there is created a duplication in numbering, reads as follows:

Venue for a proceeding to adjudicate parentage is in the county of this state in which:

1. The child resides or is found;

2. The respondent resides or is found if the child does not reside in this state; or

3. A proceeding for probate or administration of the presumed or alleged father's estate has been commenced.

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-606 of Title 10, unless there is created a duplication in numbering, reads as follows:

A proceeding to adjudicate the parentage of a child having no presumed, acknowledged, or adjudicated father may be commenced at any time, even after:

1. The child becomes an adult, but only if the child initiates the proceeding; or

2. An earlier proceeding to adjudicate paternity has been dismissed based on the application of a statute of limitation then in effect.

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-607 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in subsection B of this section, a proceeding brought by a presumed father, the mother, or another individual to adjudicate the parentage of a child having a presumed father shall be commenced not later than two (2) years after the birth of the child.

B. A proceeding seeking to disprove the father-child relationship between a child and the child's presumed father may be

maintained at any time if the court, prior to an order disproving the father-child relationship, determines that:

1. The presumed father and the mother of the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception; and

2. The presumed father never openly held out the child as his own.

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-608 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In a proceeding to adjudicate the parentage of a child having a presumed father or to challenge the paternity of a child having an acknowledged father, the court shall deny a motion seeking an order for genetic testing of the mother, the child, and the presumed or acknowledged father if the court determines that:

1. The conduct of the mother or the presumed or acknowledged father estops that party from denying parentage; and

2. It would be contrary to the child's best interests to disprove the father-child relationship between the child and the presumed or acknowledged father.

B. In determining whether to deny a motion seeking an order for genetic testing under this section, the court shall consider the best interest of the child, including the following factors:

1. The length of time between the proceeding to adjudicate parentage and the time that the presumed or acknowledged father was placed on notice that he might not be the genetic father;

2. The length of time during which the presumed or acknowledged father has assumed the role of father of the child;

3. The facts surrounding the presumed or acknowledged father's discovery of his possible nonpaternity;

4. The nature of the relationship between the child and the presumed or acknowledged father;

5. The age of the child;

6. The harm that may result to the child if presumed or acknowledged paternity is successfully disproved;

7. The nature of the relationship between the child and any alleged father;

8. The extent to which the passage of time reduces the chances of establishing the paternity of another man and a child-support obligation in favor of the child; and

9. Other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed or acknowledged father or the chance of other harm to the child.

C. In a proceeding involving the application of this section, a minor or incapacitated child shall be represented by a guardian ad litem.

D. If the court denies a motion seeking an order for genetic testing, it shall issue an order adjudicating the presumed or acknowledged father to be the father of the child.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-609 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. If a child has an acknowledged father, a signatory to the acknowledgment of paternity may commence a proceeding seeking to challenge the paternity of the child only within the time allowed under Sections 15 or 16 of this act.

B. If a child has an acknowledged father or an adjudicated father, an individual, other than the child, who is neither a signatory to the acknowledgment of paternity nor a party to the adjudication and who seeks an adjudication of paternity of the child shall commence a proceeding not later than two (2) years after the effective date of the acknowledgment or adjudication.

C. A proceeding under this section is subject to the application of Section 16 of this act.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-610 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in subsection B of this section, a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, dissolution of marriage, annulment, legal separation, probate or administration of an estate, or other appropriate proceeding.

B. A respondent may not join a proceeding described in subsection A with a proceeding to adjudicate parentage brought under Sections 601-101 et seq. of Title 43 of the Oklahoma Statutes.

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-611 of Title 10, unless there is created a duplication in numbering, reads as follows:

A proceeding to determine parentage may be commenced before the birth of the child, but may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:

1. Service of process;

2. Discovery; and

3. Except as prohibited by Section 24 of this section, collection of specimens for genetic testing.

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-612 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A minor child is a permissible party, but is not a necessary party to a proceeding under this article.

B. The court shall appoint a guardian ad litem to represent a minor or incapacitated child if the child is a party or the court

finds that the interests of the child are not adequately represented.

PART 2. SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-621 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in subsection C of this section, a record of a genetic-testing expert is admissible as evidence of the truth of the facts asserted in the report unless a party objects to its admission within fourteen (14) days after its receipt by the objecting party and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:

1. Voluntarily or pursuant to an order of the court or the Department of Human Services; or

2. Before or after the commencement of the proceeding.

B. A party objecting to the results of genetic testing may call one or more genetic-testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.

C. If a child has a presumed, acknowledged, or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed pursuant to an order of the court under Sections 24 and 41 of this act.

D. Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child which are furnished to the adverse party not less than ten (10) days before the date of a hearing are admissible to establish:

1. The amount of the charges billed; and

2. That the charges were reasonable, necessary, and customary.

SECTION 47. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-622 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. An order for genetic testing is enforceable by contempt.

B. If an individual whose paternity is being determined declines to submit to genetic testing ordered by the court, the court for that reason may adjudicate parentage contrary to the position of that individual.

C. If a defendant fails to answer, or to appear for hearing or genetic testing after being ordered to appear, and all other duly served defendants have been excluded as possible fathers by genetic testing, the court shall enter an order establishing the defendant who failed to answer or appear as the father.

D. Genetic testing of the mother of a child is not a condition precedent to testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every man whose paternity is being adjudicated.

SECTION 48. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-623 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A respondent in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.

B. If the court finds that the admission of paternity satisfies the requirements of this section and finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.

SECTION 49. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-624 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. In a proceeding under this Article, the court shall issue a temporary order for support of a child if the order is appropriate and the individual ordered to pay support is:

1. A presumed father of the child;

2. Petitioning to have his paternity adjudicated;

3. Identified as the father through genetic testing under Section 27 of this act;

4. An alleged father who has declined to submit to genetic testing;

5. Shown by clear and convincing evidence to be the father of the child; or

6. The mother of the child.

B. A temporary order may include provisions for custody and visitation as provided by other law of this state.

PART 3. HEARINGS AND ADJUDICATIONS

SECTION 50. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-631 of Title 10, unless there is created a duplication in numbering, reads as follows:

The court shall apply the following rules to adjudicate the paternity of a child:

1. The paternity of a child having a presumed, acknowledged, or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man as the father of the child.

2. Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man identified as the father of a child under Section 27 of this act shall be adjudicated the father of the child.

3. If the court finds that genetic testing under Section 27 of this act neither identifies nor excludes a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing, and other evidence, are admissible to adjudicate the issue of paternity.

4. Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man excluded as the father of a child by genetic testing shall be adjudicated not to be the father of the child.

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-632 of Title 10, unless there is created a duplication in numbering, reads as follows:

The court, without a jury, shall adjudicate paternity of a child.

SECTION 52. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-633 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. On request of a party and for good cause shown, the court may close a proceeding under this Article.

B. A final order in a proceeding under this Article is available for public inspection. Once a proceeding is closed under this Article, other papers and records are available only with the consent of the parties or on order of the court for good cause.

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-634 of Title 10, unless there is created a duplication in numbering, reads as follows:

The court shall issue an order adjudicating the paternity of a man who:

1. After service of process, is in default; and

2. Is found by the court to be the father of a child.

SECTION 54. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-635 of Title 10, unless there is created a duplication in numbering, reads as follows:

The court may issue an order dismissing a proceeding commenced under this act for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

SECTION 55. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-636 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.

B. An order adjudicating parentage shall identify the child by name and date of birth.

C. Except as otherwise provided in subsection D of this section, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this Article. The court may award attorney's fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name.

D. The court may not assess fees, costs, or expenses against the Department of Human Services or an agency of another state designated to administer a statewide plan for child support in accordance with Title IV, Part D, of the Federal Social Security Act, as amended 42 U.S.C. Section 651 et seq., except as provided by other law.

E. On request of a parent and for good cause shown, the court may order that the name of the child be changed.

F. If the order of the court is at variance with the child's birth certificate, the court shall order the State Department of

Health, Bureau of Vital Records to issue an amended birth registration.

SECTION 56. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-637 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in subsection B of this section, a determination of parentage is binding on:

1. All signatories to an acknowledgment or denial of paternity as provided in Article 3 of this act; and

2. All parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of Section 600-201 of Title 43 of the Oklahoma Statutes.

B. A child is not bound by a determination of parentage under this act unless:

1. The determination was based on an unrescinded acknowledgment of paternity and the acknowledgment is consistent with the results of genetic testing;

2. The adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or

3. The child was a party or was represented in the proceeding determining parentage by an attorney or guardian ad litem.

C. In a proceeding to dissolve a marriage, the court is deemed to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of Section 600-201 of Title 43 of the Oklahoma Statutes.

1. Expressly identifies a child as a "child of the marriage," "issue of the marriage," or similar words indicating that the husband is the father of the child; or

2. Provides for support of the child by the husband unless paternity is specifically disclaimed in the order.

D. Except as otherwise provided in subsection B of this section, a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.

E. A party to an adjudication of paternity may challenge the adjudication only under law of this state relating to appeal, vacation of judgments, or other judicial review.

SECTION 57. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-638 of Title 10, unless there is created a duplication in numbering, reads as follows:

If the court determines that an individual is not the parent of a child, that individual shall have no right to reimbursement for any support provided or medical expenses paid prior to the date the determination of non-parentage was made.

ARTICLE 9. MISCELLANEOUS PROVISIONS

SECTION 58. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-901 of Title 10, unless there is created a duplication in numbering, reads as follows:

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 59. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7700-902 of Title 10, unless there is created a duplication in numbering, reads as follows:

A proceeding to adjudicate parentage or an acknowledgment of paternity which was commenced or executed before the effective date of this act is governed by this act.

SECTION 60. AMENDATORY 56 O.S. 2001, Section 238.6B, is amended to read as follows:

Section 238.6B A. The Department of Human Services may serve a notice of paternity and support obligations on an individual alleged to be the parent of a child for whom paternity has not been

judicially or administratively established. Venue for such action shall be, at the option of the plaintiff, in the county where the mother, father or child resides. Service of the notice shall be in the same manner as a summons in a civil action pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

B. The notice shall be verified and have attached to it a copy of any ~~affidavit acknowledging~~ acknowledgment of paternity ~~or any blood or other genetic test results, if available,~~ and shall state:

1. The name and date of birth of any minor children, along with the name of the natural mother and custodian, if different than the mother or putative father;

2. The amount of child support and other support, including the amounts ordered pursuant to paragraph 3 of this subsection, to be ordered in accordance with the Child Support Guidelines provided in Section 118 of Title 43 of the Oklahoma Statutes;

3. The amount of reimbursement for the costs of the birth and the reasonable expenses of providing for said child which has accrued or is accruing, provided that the liability for the above costs shall be imposed for five (5) years preceding the issuance of the notice;

4. That health insurance for the child whenever such insurance is available through employment or other group health insurance plan and that payment of proportionate share of any unreimbursed health costs shall be required;

5. The amount of reimbursement requested for the costs of the genetic test to determine paternity, if any;

6. That an immediate income assignment will be effectuated for payment of current support and any judgments entered;

7. That in the absence of ~~genetic test results or~~ an ~~affidavit acknowledging~~ acknowledgment of paternity, a notice to appear and show cause shall be issued to the putative father which directs the putative father to appear and show cause why the administrative

judge should not determine him to be the father ~~will be issued~~ of any such children, liable for the support requested in the notice, for the costs accrued and accruing or the amount to be paid thereon;

8. ~~That a father may object to the notice of paternity and support obligations. To object he must, within twenty (20) days of the date of service, make a written request for a hearing to show cause why he should not appear for genetic testing, and be determined to be the father of any such children, liable for the support requested in the notice, for the costs accrued and accruing or the amount to be paid thereon;~~

~~9.~~ That if paternity is disputed and no acknowledgment of paternity has been executed under Sections 2 through 59 of this act, the Administrative Law Judge shall enter an order directing genetic tests to determine paternity and advise the putative father that if he fails to appear he will be in default and an order will be entered against him. If the putative father is not excluded, and the statistical probability of paternity according to scientifically reliable genetic tests including but not limited to blood tests is ~~ninety-eight percent (98%)~~ ninety-nine percent (99%) or less and he is contesting the issue of paternity, he may request the Department to remove the action to district court to determine paternity. If the statistical probability of paternity is greater than ~~ninety-eight percent (98%)~~ ninety-nine percent (99%), or the statistical probability is ~~ninety-eight percent (98%)~~ ninety-nine percent (99%) or less and the father does not request the Department to remove to district court within ~~fifteen (15) days~~ fourteen (14) days of the Department mailing the genetic test or other test results, determination of paternity shall become final for all intents and purposes and may be overturned only by appeal to district court. Any such request shall be in writing and served on the Department personally or by registered or certified mail;

~~10.~~ 9. That if the putative father fails to appear at the genetic testing, show cause, or any subsequent hearing or if no notice to appear for genetic testing was served and no hearing is requested on or before twenty (20) days from the date of service, the finding of paternity shall become final and a support order entered. The order shall be docketed with the district court in the county of residence of the custodian or the child. If neither the custodian nor the child reside in the state, the order shall be docketed in the county of residence of the noncustodial parent. The support order shall be enforced in the same manner as an order of the district court;

~~11.~~ 10. That at any time after paternity is determined, the Department may set a hearing to determine the child support obligation, if child support has not already been established. Failure to appear at such hearing will result in a support order being entered against the noncustodial parent; and

~~12.~~ 11. That if the mother and father have voluntarily signed an acknowledgment of paternity pursuant to ~~Section 1-311.3 of Title 63 of the Oklahoma Statutes~~ Sections 2 through 59 of this act, the ~~signed voluntary~~ duly executed acknowledgment of paternity is considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of:

a. sixty (60) days, or

b. the date of an administrative or judicial proceeding relating to the child, including but not limited to a proceeding to establish a support order, in which the signatory is a party.

After the sixty-day period referred to in subparagraph a of this paragraph, a ~~signed voluntary~~ duly executed acknowledgment of paternity may be challenged in court only ~~on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger~~ in accordance with Sections 2 through 59 of this act.

The legal responsibilities, including but not limited to child support obligations, of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

This paragraph shall not be interpreted to authorize the rescission of an acknowledgement of paternity if such rescission would be prohibited under applicable federal law.

C. The Department may accept voluntary acknowledgments of support liability and support amounts.

D. If the father's name has not been entered on the child's birth certificate, the Department of Human Services shall notify the ~~State Registrar of Vital Statistics~~ State Department of Health, Bureau of Vital Records who shall enter the father's name on the birth certificate.

E. If child support services are being provided pursuant to Section 237 of this title, prior to the issuance of the notice of paternity and support obligation, a father who denies paternity and who has not signed an acknowledgment of paternity under Sections 2 through 59 of this act may request that a genetic test ~~or other test~~ be administered. The request for testing shall be in writing and served on the Department personally or by registered or certified mail.

F. If a request for testing is made pursuant to subsection B or E of this section, the Department shall arrange for the test and, pursuant to rules promulgated by the Department, may advance the cost of such testing. The Department shall mail a copy of the test results by a certificate of mailing to the father's last-known address. If a request for genetic tests was made pursuant to subsection E of this section, the Department shall mail the notice of paternity and support obligations to the father by certificate of mailing to the father's last-known address.

G. If genetic testing pursuant to subsection B or E of this section excludes a person from being a natural parent, the Department shall dismiss any pending court or administrative collection proceedings against the person. The ~~State Registrar of Vital Statistics~~ State Department of Health, Bureau of Vital Records shall remove the name of the person listed as the father from the birth certificate, upon notice from the Department that such person has been excluded by genetic testing. Once paternity is established, the ~~State Registrar of Vital Statistics~~ State Department of Health, Bureau of Vital Records shall correct its records and amend the birth certificate to reflect the father's name.

H. If both the custodian and the father agree to change the surname of the child to that of the father, the ~~Department~~ administrative law judge may order the name changed. Upon receipt of an order changing the child's surname, the ~~State Registrar of Vital Statistics~~ State Department of Health, Bureau of Vital Records shall correct its records and amend the birth certificate to reflect the name change.

I. All docketed administrative orders shall be modified and enforced in the same manner as an order of the district court.

SECTION 61. AMENDATORY 63 O.S. 2001, Section 1-311.3, is amended to read as follows:

Section 1-311.3 A. Unless an adoption decree has been presented, and consent to adoption has been given as otherwise provided by law, upon the birth of a child to an unmarried woman, the person required by Section 1-311 of this title to prepare and file a birth certificate shall:

1. Provide written materials and an oral, audio, or video presentation to the child's mother and/or natural father including an ~~affidavit acknowledging~~ acknowledgment of paternity on a form prescribed by the Department of Human Services. The completed

~~affidavit~~ acknowledgment of paternity shall be filed with the ~~local registrar. The affidavit shall contain:~~

~~a. a statement by the mother consenting to the assertion of paternity and stating the name of the father,~~

~~b. a statement by the father that he is the natural father of the child,~~

~~c. the social security numbers of both parents, and~~

~~d. other information as the Secretary of Health and Human Services may require~~ State Department of Health, Bureau of Vital Records;

2. Provide written information, furnished by the Department of Human Services, along with an oral, audio, or video presentation, to the mother and acknowledging father:

a. explaining that the completed~~, notarized affidavit~~ acknowledgment of paternity shall be filed with the ~~local registrar~~ State Department of Health, Bureau of Vital Records,

b. regarding the benefits of having her child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services, ~~and~~

c. explaining the implications of signing, including parental rights and responsibilities; and

d. explaining the time limitations to rescind and/or challenge the acknowledgment of paternity pursuant to the Sections 2 through 59 of this act.

3. Provide the original ~~affidavit acknowledging~~ acknowledgment of paternity to the ~~Office of the State Registrar of Vital Statistics~~ State Department of Health, Bureau of Vital Records. Failure to provide the original acknowledgment of paternity to the State Department of Health, Bureau of Vital Records shall not affect the validity of the executed acknowledgment of paternity as provided

by Sections 2 through 59 of this act. Copies of the original ~~affidavit acknowledging~~ acknowledgment of paternity shall be provided to the Department of Human Services, Child Support Enforcement Division and to the mother and acknowledged father of the child. The Department of Human Services shall provide access to the ~~affidavits acknowledging~~ acknowledgment of paternity via electronic means to the paternity registry created pursuant to Section 7506-1.1 of Title 10 of the Oklahoma Statutes.

B. The Department of Human Services shall make the ~~affidavits acknowledging paternity, the rescission of affidavit acknowledging paternity, and the husband's denial of paternity~~ acknowledgment of paternity, rescission of acknowledgment of paternity, and denial of paternity forms available at each county office of the Department of Human Services and at the ~~Office of the State Registrar of Vital Statistics and at the office of each local registrar~~ State Department of Health, Bureau of Vital Records.

C. Upon receipt by the ~~State Registrar of Vital Statistics~~ State Department of Health, Bureau of Vital Records of a certified copy of an order or decree of adoption, the ~~State Registrar~~ State Department of Health, Bureau of Vital Records shall prepare a supplementary birth certificate as directed by Section 7505-6.6 of Title 10 of the Oklahoma Statutes regardless of whether an ~~affidavit acknowledging~~ acknowledgment of paternity has been prepared or filed with the ~~Office of the State Registrar of Vital Statistics~~ State Department of Health, Bureau of Vital Records pursuant to this section.

SECTION 62. REPEALER 10 O.S. 2001, Sections 1, 1.1, 1.2, 2, 3, 70, as amended by Section 1, Chapter 314, O.S.L. 2002, 71, 76.1, 77.1, 86, 89, 89.1, 89.3, 501, 502, 503, 504, 505, 506 and 508 (10 O.S. Supp. 2004, Section 70), are hereby repealed.

SECTION 63. This act shall become effective November 1, 2005.

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