

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 973

By: Laster

AS INTRODUCED

An Act relating to children; 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; providing for codification; and providing an effective date.

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

ARTICLE I. GENERAL PROVISIONS

SECTION 1. 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 2. 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;

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 7700-201;

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 7700-204, 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 3. 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.

SECTION 4. This act shall become effective November 1, 2005.

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