

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2517

By: Sherrer

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5
6 AS INTRODUCED

7 An Act relating to children; amending Sections 40 and
8 42, Chapter 116, O.S.L. 2006 (10 O.S. Supp. 2007,
9 Sections 7700-607 and 7700-609), which relate to the
10 Uniform Parentage Act; modifying limitation period
11 for certain proceedings; and providing an effective
12 date.

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

13 SECTION 1. AMENDATORY Section 40, Chapter 116, O.S.L.
14 2006 (10 O.S. Supp. 2007, Section 7700-607), is amended to read as
15 follows:

16 Section 7700-607. A. Except as otherwise provided in
17 subsection B of this section, a proceeding brought by a presumed
18 father, the mother, or another individual to adjudicate the
19 parentage of a child having a presumed father shall be commenced not
20 later than two (2) years after the birth of the child or within one
21 (1) year from discovery of a fraud perpetrated upon a presumed
22 father.

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

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

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

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

8 SECTION 2. AMENDATORY Section 42, Chapter 116, O.S.L.
9 2006 (10 O.S. Supp. 2007, Section 7700-609), is amended to read as
10 follows:

11 Section 7700-609. A. If a child has an acknowledged father, a
12 signatory to the acknowledgment of paternity may commence a
13 proceeding seeking to challenge the paternity of the child only
14 within the time allowed under Section ~~15~~ 7700-307 or ~~16~~ 7700-308 of
15 this ~~act~~ title.

16 B. If a child has an acknowledged father or an adjudicated
17 father, an individual, other than the child, who is neither a
18 signatory to the acknowledgment of paternity nor a party to the
19 adjudication and who seeks an adjudication of paternity of the child
20 shall commence a proceeding not later than two (2) years after the
21 effective date of the acknowledgment or adjudication or within one
22 (1) year from discovery of a fraud perpetrated upon the individual.

23 C. A proceeding under this section is subject to the
24 application of Section ~~16~~ 7700-308 of this ~~act~~ title.

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SECTION 3. This act shall become effective November 1, 2008.

51-2-8780 SAB 12/28/07