

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1621

By: Anderson

4  
5  
6 AS INTRODUCED

7 An Act relating to child support; amending 56 O.S.  
8 2001, Sections 237, as last amended by Section 2,  
9 Chapter 140, O.S.L. 2007, 237A, as amended by Section  
10 3, Chapter 124, O.S.L. 2004, 238.4, 238.6 and 238.6B,  
11 as last amended by Section 4, Chapter 140, O.S.L.  
12 2007 (56 O.S. Supp. 2007, Sections 237, 237A and  
13 238.6B), which relate to support collection, notice  
14 to obligor, hearing and appeal, administrative  
15 procedures and notice of paternity; allowing certain  
16 parties to be ordered to provide medical support;  
17 modifying certain notice requirements; modifying  
18 location of certain hearings; modifying venue for  
19 certain actions; requiring Department of Human  
20 Services to promulgate certain rules; specifying  
21 location for certain hearing; repealing 56 O.S. 2001,  
22 Section 240.2, which relates to initiation of  
23 enforcement proceedings by Division; and providing an  
24 effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2001, Section 237, as last  
amended by Section 2, Chapter 140, O.S.L. 2007 (56 O.S. Supp. 2007,  
Section 237), is amended to read as follows:

Section 237. A. The Oklahoma Department of Human Services,  
hereinafter referred to as "Department", as the single state agency  
designated to administer a statewide plan for child support, is

1 authorized, in accordance with Title IV, Part D, of the Federal  
2 Social Security Act, as amended, 42 U.S.C., Section 651 et seq., to  
3 provide child support services, parent location services, and  
4 paternity determination services to enable participation in programs  
5 established by federal law.

6 B. The Department is authorized to:

7 1. Accept, transfer, and expend funds made available by the  
8 government of the United States, the State of Oklahoma, and public  
9 or private sources, for the purpose of carrying out the provisions  
10 of this section;

11 2. Adopt rules for child support services;

12 3. Initiate legal actions and appeal orders as necessary to  
13 implement the provisions of this section;

14 4. Enter into contracts or agreements necessary to administer  
15 this section; and

16 5. Require agencies and political subdivisions of this state,  
17 its counties and municipalities, persons, sole proprietorships,  
18 corporations, utilities, partnerships, associations, organizations,  
19 and other legal entities doing business in this state to provide  
20 information to the Child Support Enforcement Division to assist in  
21 locating individuals and in establishing and enforcing court orders.

22 C. 1. An applicant for or recipient of Temporary Assistance  
23 for Needy Families, hereinafter referred to as "recipient", shall be  
24 required to assign to the Department any rights to or support from

1 any other person which the recipient may have or for a child for  
2 whom the recipient is applying or receiving assistance in accordance  
3 with federal regulations and state law.

4 2. When an order has been entered which provides for payment of  
5 child support and the obligee pursuant to the order relinquishes  
6 physical custody of the child to another custodian, without  
7 obtaining a modification of the order to change custody or to  
8 redirect the support to the new custodian, the relinquishment shall  
9 transfer the child support obligation pursuant to the order to the  
10 new custodian or the Department if services are being provided under  
11 the state child support plan as provided in this section. The  
12 transfer of the obligation shall terminate when the new custodian no  
13 longer has physical custody of the child, except for the amount of  
14 unpaid support still owing to the custodian or to the Department.

15 3. In all cases in which support services are being provided  
16 under the state child support plan as provided in this section,  
17 support payments shall be made by the obligor to the Department or  
18 its designee. If a court has ordered support payments to be made to  
19 the recipient or to the applicant, the Department may send a notice  
20 of the assignment or application to the obligor requiring that all  
21 support payments be made to the Division or its designee. The  
22 notice shall include:

23 a. a statement that the assignment or application has  
24 been made,

- 1           b. the style and number of the case in which support was  
2           ordered,  
3           c. a statement that all payments so ordered shall be made  
4           to the Department or its designee, and  
5           d. a statement that the earnings and income of the  
6           obligor are assigned for collection of support monies  
7           owed.

8           4. A notice to redirect the payments shall be sent to the  
9 obligor by regular mail with proof of mailing from the United States  
10 Postal Service. If, after notice of the redirection, the obligor  
11 does not make payments to the Department as provided in the notice,  
12 the payments shall not be credited to the amount owed. The obligor  
13 shall notify the Department of any change of address, the name and  
14 address of the current employer, and access to health insurance and  
15 other insurance policy information within thirty (30) days of any  
16 change.

17           D. When the right to receive support has been assigned to the  
18 Child Support Enforcement Division or upon proper application by an  
19 obligor or by an individual not receiving Temporary Assistance for  
20 Needy Families, the Division may petition the district court or the  
21 Office of Administrative Hearings: Child Support, an administrative  
22 court of the Oklahoma Department of Human Services, for an order:

23           1. Requiring ~~the obligor~~ either parent to provide health  
24 ~~insurance~~ medical support for the dependent children ~~whenever it is~~

1 ~~available through employment or other group plan~~ regardless of  
2 whether the ~~obligor~~ parent has insurance coverage available at that  
3 time or there has been a change of circumstances;

4 2. Establishing paternity;

5 3. Requiring medical support, child support, or other support;

6 4. Enforcing orders for paternity, medical support, child  
7 support, or other support;

8 5. Requiring that the obligor keep the Division informed of the  
9 name and address of the current employer of the obligor and of any  
10 health insurance or other insurance policy information of the  
11 obligor within thirty (30) days of any change;

12 6. Providing for collection and distribution of child support  
13 monies; and

14 7. Assisting in the location of absent parents and their  
15 assets, in cooperation with federal agencies, other agencies of this  
16 state and of other states, territories, and foreign nations  
17 requesting assistance with the enforcement of support orders entered  
18 in the United States and elsewhere.

19 E. The Division may petition the district or administrative  
20 court to modify any order for support regardless of whether there  
21 has been a change of circumstances.

22 F. A reasonable fee and costs may be assessed for services to  
23 individuals not receiving Temporary Assistance for Needy Families  
24 nor receiving any other services or programs funded by Title IV,

1 Part A of the Federal Social Security Act, as amended, 42 U.S.C.,  
2 Sections 602 through 619 pursuant to rules adopted by the  
3 Department.

4 G. Child support payments made to the Division pursuant to this  
5 section shall be deposited in the Child Support Escrow Account for  
6 distribution as may be required by Section 235 of this title, or by  
7 42 U.S.C., Section 651 et seq. Fees or reimbursements of costs  
8 collected by the Department shall be deposited in the Administration  
9 Fund of the Department and may be used and expended by the  
10 Department for the purposes of carrying out the provisions of this  
11 section.

12 H. Except as otherwise authorized by law, all files and records  
13 concerning the assistance and services provided under this section  
14 or concerning a putative father of a child born out of wedlock are  
15 confidential. Release of information from the files and records  
16 shall be consistent with federal law and shall be restricted to  
17 purposes directly connected with the administration of the child  
18 support collection, paternity determination, parent location, or  
19 other public assistance programs. Information may be released to  
20 public officials under rules adopted by the Department, consistent  
21 with federal rules or regulations.

22 SECTION 2. AMENDATORY 56 O.S. 2001, Section 237A, as  
23 amended by Section 3, Chapter 124, O.S.L. 2004 (56 O.S. Supp. 2007,  
24 Section 237A), is amended to read as follows:

1 Section 237A. A. ~~In all cases being enforced by the~~ The  
2 Department of Human Services ~~pursuant to the state child support~~  
3 ~~plan, unless the amount of past due support has been determined in a~~  
4 ~~court proceeding within the past twelve (12) months, the Department~~  
5 ~~shall~~ may periodically serve a notice upon the obligor ~~no less than~~  
6 ~~once every twelve (12) months~~ informing the obligor of the  
7 following:

8 1. The style and case number of the support order or orders  
9 being enforced by the Department;

10 2. The amount of the current support obligation and the total  
11 amount of alleged past due support pursuant to the support order or  
12 orders;

13 3. A specific payment plan on the past due amount;

14 4. That all payments for current support and payments for past  
15 due support owed to the Department or to the obligee shall be paid  
16 to the Centralized Support Registry at the address specified in the  
17 notice, and thereafter, any payments made other than to the Support  
18 Registry shall not be credited to the amount owed;

19 ~~4.~~ 5. The obligor's street address and mailing address as  
20 stated in the notice shall be the obligor's address or addresses of  
21 record for service of process on file in the central case registry  
22 provided for in Section 112A of Title 43 of the Oklahoma Statutes;  
23 and thereafter, the obligor must inform the central case registry at  
24

1 the address specified in the notice in writing within thirty (30)  
2 days of any change;

3 ~~5.~~ 6. That if the information contained in the notice is  
4 incorrect or incomplete concerning the name and address of the  
5 obligor's current employer or other payors of income, dependent  
6 health insurance information, or other information requested by the  
7 Department, the obligor is required to inform the central case  
8 registry in writing of any changes or additions to the information  
9 within thirty (30) days of service of the notice and thereafter to  
10 inform the central case registry within thirty (30) days of any  
11 change;

12 ~~6.~~ 7. An income assignment is in effect and that the amounts  
13 specified in the notice shall be withheld from the obligor's income  
14 for current support and past due support;

15 ~~7.~~ ~~The income assignment will be served upon all current and~~  
16 ~~subsequent payors of income without further notice to the obligor;~~

17 ~~8.~~ ~~The income assignment will remain in effect regardless of~~  
18 ~~whether any past due amounts are owed, for as long as the order upon~~  
19 ~~which it is based, or for as long as past due support is owed,~~  
20 ~~whichever is later, and payment of any amount will not prevent the~~  
21 ~~income assignment from taking effect;~~

22 ~~9.~~ 8. That if there is no order for payment of the past due  
23 amount, when any amount of support becomes thirty (30) days past  
24 due, the Department is authorized to direct the obligor's payor of

1 income to withhold an amount equal to twenty-five percent (25%) of  
2 the current support obligation, and that this amount shall continue  
3 to be withheld until the past due support is paid in full, or until  
4 further order;

5 ~~10.~~ 9. That if the obligor has failed to comply with an order  
6 to provide health insurance, the obligor's employer will be required  
7 to enroll the obligor's minor children who are the subject of the  
8 referenced order in any dependent health insurance plan offered by  
9 the employer to the obligor, and to deduct the amount of the premium  
10 from the obligor's income;

11 ~~11.~~ 10. That ~~A list of all actions and remedies~~ the Department  
12 ~~may take~~ will use all available remedies to enforce the order and to  
13 collect past due support. ~~The list may include a specific payment~~  
14 ~~plan;~~

15 ~~12.~~ 11. That ~~the obligor will be given this notice no less than~~  
16 ~~once every twelve (12) months, and~~ after initial service of the  
17 notice as provided in subsection C of this section, subsequent  
18 notices will be mailed by regular mail to the last address for the  
19 obligor on file in the central case registry;

20 ~~13.~~ 12. That the obligor may request an administrative review  
21 on a form attached to the notice within twenty (20) days of the date  
22 the notice is served upon the obligor which will be granted only on  
23 the following grounds:

24 a. a mistake of identity, or

1           b.     the existence or the amount of current support or past  
2                     due support is incorrect;

3       ~~14.~~ 13.   That the obligor has been given notice and opportunity  
4 to contest the past due amount stated in the notice and ~~that~~ the  
5 obligor will not be entitled to another opportunity to contest that  
6 amount; and

7       ~~15.~~ 14.   That the notice will have the same effect as a court  
8 order and will be enforceable as a court order.

9       B.   ~~The notice shall be filed, at the option of the Department,~~  
10 ~~with the clerk of the district court in the county of residence of~~  
11 ~~the custodian of the child, in the county of residence of the~~  
12 ~~obligor, or in the county of the underlying support order or in any~~  
13 ~~other county in which the obligor has real or personal property.~~

14       C.   The initial notice provided for in this section shall be  
15 served by the Department upon the obligor as provided in Section  
16 2005 of Title 12 of the Oklahoma Statutes, or if there is an address  
17 of record on file with the central case registry pursuant to Section  
18 112A of Title 43 of the Oklahoma Statutes, the notice may be served  
19 by regular mail at the address of record. The Department shall  
20 serve the obligor subsequent notices by regular mail with a  
21 certificate of mailing to the last address of record for service of  
22 process for the obligor on file with the central case registry. The  
23 Department shall send the initial and subsequent notice to the

1 | custodian of the child by regular mail with a certificate of  
2 | mailing.

3 |     ~~D.~~ C. 1. An obligor may request an administrative review  
4 | pursuant to this section by delivering a request to the Department  
5 | in writing or on the form provided within twenty (20) days of the  
6 | date the notice is served upon the obligor. If the notice is a  
7 | subsequent notice as provided in subsection C of this section, the  
8 | date of service shall be the date the notice is mailed to the  
9 | obligor, and the notice shall state the date it is being mailed.

10 |     ~~E.—1.~~ 2. Upon receipt of a timely request for an  
11 | administrative review, the Department shall schedule a review to be  
12 | held within thirty (30) days of receipt of the request. The obligor  
13 | shall be served with notice of the administrative review as provided  
14 | in subsection B of Section 2005 of Title 12 of the Oklahoma  
15 | Statutes. The review shall be conducted by an employee of the  
16 | Department who will attempt to resolve all disputed issues without  
17 | the necessity of a hearing. If all issues are resolved at the  
18 | review, the obligor shall sign an agreed administrative or district  
19 | court order which shall be filed, at the option of the Department,  
20 | with the clerk of the district court in the county of residence of  
21 | the custodian of the child, in the county of residence of the  
22 | obligor, in the county of the underlying support order, or in any  
23 | other county in which the obligor has real or personal property.

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1       ~~2-~~ 3. If all disputed issues are not resolved at the  
2 administrative review, the Department shall set the matter for a  
3 hearing. The obligor shall be served with notice of the hearing as  
4 provided in subsection B of Section 2005 of Title 12 of the Oklahoma  
5 Statutes. The district or administrative court shall hear the  
6 matter and shall enter an order determining the contested issues and  
7 affirming the other provisions of the notice. An administrative  
8 order shall be filed, at the option of the Department, with the  
9 clerk of the district court in the county of residence of the  
10 custodian of the child, in the county of residence of the obligor in  
11 the county of the underlying support order, or in any other county  
12 in which the obligor has real or personal property.

13       ~~3-~~ 4. If the obligor fails to request a timely administrative  
14 review, or fails to appear for a review or a hearing, the obligor  
15 may no longer contest the contents of the notice, and the obligor  
16 shall be obligated to make payments pursuant to the payment plan as  
17 stated in the notice to collect the past due support and those  
18 amounts shall be subject to income withholding. The notice shall  
19 have the same legal effect as a court order and be enforceable as a  
20 court order. The notice with proof of service upon the obligor and  
21 the custodian of the child shall be filed, at the option of the  
22 Department, with the clerk of the district court in the county of  
23 residence of the custodian of the child, in the county of residence  
24

1 of the obligor, in the county of the underlying support order, or in  
2 any other county in which the obligor has real or personal property.

3 ~~4. D.~~ The district or administrative court may order an obligor  
4 to pay all costs involved in proceedings under this ~~subsection~~  
5 section.

6 ~~5. E.~~ A final order entered pursuant to this section shall be  
7 served upon the obligor in accordance with subsection B of Section  
8 2005 of Title 12 of the Oklahoma Statutes.

9 ~~6. F.~~ A final administrative order entered pursuant to this  
10 section may be appealed pursuant to Section 240.3 of this title.

11 SECTION 3. AMENDATORY 56 O.S. 2001, Section 238.4, is  
12 amended to read as follows:

13 Section 238.4 A. A hearing shall be held at the time and place  
14 given on the notice of support debt served upon the obligor or the  
15 attorney for the obligor, with a duly qualified administrative law  
16 judge appointed for that purpose by the Department. ~~The hearing~~  
17 ~~shall be held in the county of residence of the custodial parent or~~  
18 ~~guardian of the child or if the custodian resides out of state, the~~  
19 ~~hearing shall be held in the county of residence of the obligor.~~  
20 ~~The hearing shall be conducted according to rules promulgated by the~~  
21 Department shall promulgate rules determining the location and  
22 procedure for hearings. The rules shall provide to both parties the  
23 right to confront and cross-examine witnesses, to present witnesses,  
24 and to be represented by an attorney or other person. After the

1 evidence has been presented at a hearing, the administrative law  
2 judge shall enter an order which shall be in writing and contain  
3 findings of fact and conclusions of law as to each contested issue.  
4 Each order shall include provisions requiring the obligor to inform  
5 the Division of the obligor's current address, the name and address  
6 of the obligor's current employer, and the obligor's access to  
7 health insurance and other insurance policy information. The order  
8 shall be submitted to the district office and to the obligor or the  
9 attorney for the obligor by hand delivery by the administrative law  
10 judge or by certificate of mailing, within twenty (20) days after  
11 the conclusion of the hearing.

12 B. If, during the hearing, the administrative law judge finds  
13 that the issues presented will require further consideration or  
14 evidence either administratively or through the district court  
15 before adjudication, the administrative law judge may enter a  
16 temporary order for child support, pending resolution of those  
17 issues during a subsequent administrative or court hearing. The  
18 temporary order shall be enforced until superseded by a final  
19 administrative order or district court order and may be filed in the  
20 office of the court clerk.

21 C. If an appeal is not perfected by the obligor or district  
22 office, the order of the administrative law judge shall be final,  
23 subject to collection action, and shall be filed in the office of  
24 the court clerk in the county of residence of the custodian of the

1 child or, if the custodian resides out of state, in the county of  
2 residence of the obligor, or elsewhere as provided in this act. The  
3 administrative order shall be enforced by the district court in the  
4 same manner as an order of the district court.

5 D. If the obligor fails to appear for the hearing after proper  
6 service, an administrative order will be entered. The order shall  
7 include findings of facts and conclusions of law and shall be  
8 subject to collection action, and shall be filed in the office of  
9 the court clerk in the county of residence of the custodian of the  
10 child or, if the custodian resides out of state, in the county of  
11 the residence of the obligor, or elsewhere as provided in this act.  
12 The administrative order shall be enforced by the district court in  
13 the same manner as an order of the district court.

14 E. Any order for periodic support payments made pursuant to the  
15 provisions of this title shall be payable to the Division for as  
16 long as the Division is providing support enforcement. Thereafter,  
17 if TANF is not being paid, the custodian or guardian notifies the  
18 Division in writing that TANF services are no longer requested  
19 and/or the obligor has not applied for services, current support  
20 payments shall be redirected to the person or entity entitled to the  
21 support.

22 SECTION 4. AMENDATORY 56 O.S. 2001, Section 238.6, is  
23 amended to read as follows:

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1 Section 238.6 The Department of Human Services may utilize any  
2 of the administrative procedures set forth in this title to  
3 establish, modify, or enforce a support order in all cases in which  
4 child support services are being provided pursuant to the state  
5 child support plan or state law. The Department shall promulgate  
6 rules determining the location and procedure for administrative  
7 hearings.

8 SECTION 5. AMENDATORY 56 O.S. 2001, Section 238.6B, as  
9 last amended by Section 4, Chapter 140, O.S.L. 2007 (56 O.S. Supp.  
10 2007, Section 238.6B), is amended to read as follows:

11 Section 238.6B A. The Department of Human Services may serve a  
12 notice of paternity and support obligations on an individual alleged  
13 to be the parent of a child for whom paternity has not been  
14 judicially or administratively established. Venue for such action  
15 shall be, ~~at the option of the Department, in the county where the~~  
16 ~~mother, father or child resides~~ pursuant to Section 7700-605 of  
17 Title 10 of the Oklahoma Statutes. The Department shall promulgate  
18 rules determining the location and procedure for administrative  
19 hearings. Service of the notice shall be in the same manner as a  
20 summons in a civil action pursuant to Section 2004 of Title 12 of  
21 the Oklahoma Statutes.

22 B. The notice shall be verified and have attached to it a copy  
23 of any acknowledgment of paternity and shall state:  
24

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

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

8           3. The amount of reimbursement for the costs of the birth and  
9 the reasonable expenses of providing for said child which has  
10 accrued or is accruing, provided that the liability for the above  
11 costs shall be imposed for ~~five (5) years~~ two (2) years preceding  
12 the issuance of the notice;

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

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

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

21           7. That in the absence of an acknowledgment of paternity, a  
22 notice to appear and show cause shall be issued to the putative  
23 father which directs the putative father to appear and show cause  
24 why the administrative judge should not determine him to be the

1 father of any such children, liable for the support requested in the  
2 notice, for the costs accrued and accruing or the amount to be paid  
3 thereon;

4 8. That if paternity is disputed and no acknowledgment of  
5 paternity has been executed under the Uniform Parentage Act, the  
6 Administrative Law Judge shall enter an order directing genetic  
7 tests to determine paternity and advise the putative father that if  
8 he fails to appear he will be in default and an order will be  
9 entered against him. If the putative father is not excluded, and  
10 the statistical probability of paternity according to scientifically  
11 reliable genetic tests including, but not limited to, blood tests is  
12 at least ninety-nine percent (99%) and he is contesting the issue of  
13 paternity, he may request the Department to remove the action to  
14 district court to determine paternity. If the statistical  
15 probability of paternity is ninety-nine percent (99%), and the  
16 father does not request the Department to remove to district court  
17 within fourteen (14) days of the Department mailing the genetic test  
18 or other test results, determination of paternity shall become final  
19 for all intents and purposes and may be overturned only by appeal to  
20 district court. Any such request shall be in writing and served on  
21 the Department personally or by registered or certified mail;

22 9. That if the putative father fails to appear at the genetic  
23 testing, show cause, or any subsequent hearing or if no notice to  
24 appear for genetic testing was served and no hearing is requested on

1 or before twenty (20) days from the date of service, the finding of  
2 paternity shall become final and a support order entered. The order  
3 shall be docketed with the district court in the county of residence  
4 of the custodian or the child. If neither the custodian nor the  
5 child reside in the state, the order shall be docketed in the county  
6 of residence of the noncustodial parent. The support order shall be  
7 enforced in the same manner as an order of the district court;

8 10. That at any time after paternity is determined, the  
9 Department may set a hearing to determine the child support  
10 obligation, if child support has not already been established.  
11 Failure to appear at the hearing will result in a support order  
12 being entered against the noncustodial parent. The hearing shall be  
13 held at the location where the Office of Administrative Hearings:  
14 Child Support conducts hearings for the assigned district child  
15 support office; and

16 11. That if the mother and father have voluntarily signed an  
17 acknowledgment of paternity pursuant to the Uniform Parentage Act,  
18 the duly executed acknowledgment of paternity is considered a legal  
19 finding of paternity, subject to the right of any signatory to  
20 rescind the acknowledgment within the earlier of:

- 21 a. sixty (60) days, or
- 22 b. the date of an administrative or judicial proceeding
- 23 relating to the child, including but not limited to a

24

1 proceeding to establish a support order, in which the  
2 signatory is a party.

3 After the sixty-day period referred to in subparagraph a of this  
4 paragraph, a duly executed acknowledgment of paternity may be  
5 challenged in court only in accordance with the Uniform Parentage  
6 Act. The legal responsibilities, including but not limited to child  
7 support obligations, of any signatory arising from the  
8 acknowledgment may not be suspended during the challenge, except for  
9 good cause shown.

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

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

15 D. If the name of the father has not been entered on the  
16 child's birth certificate, the Department of Human Services shall  
17 notify the State Department of Health, Division of Vital Records who  
18 shall enter the name of the father, and if known, the date of birth  
19 and the place of birth of the father, on the birth certificate.

20 E. If child support services are being provided pursuant to  
21 Section 237 of this title, prior to the issuance of the notice of  
22 paternity and support obligation, a father who denies paternity and  
23 who has not signed an acknowledgment of paternity under the Uniform  
24 Parentage Act may request that a genetic test be administered. The

1 request for testing shall be in writing and served on the Department  
2 personally or by registered or certified mail.

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

12 G. If genetic testing pursuant to subsection B or E of this  
13 section excludes a person from being a natural parent, the  
14 Department shall dismiss any pending court or administrative  
15 collection proceedings against the person. The State Department of  
16 Health, Division of Vital Records shall remove the name of the  
17 person listed as the father from the birth certificate, upon notice  
18 from the Department that the person has been excluded by genetic  
19 testing. Once paternity is established, the State Department of  
20 Health, Division of Vital Records shall correct its records and  
21 amend the birth certificate to reflect the name of the father.

22 H. If both the custodian mother and the father agree to change  
23 the surname of the child to that of the father, the administrative  
24 law judge may order the name changed. Upon receipt of an order

1 changing the child's surname, the State Department of Health,  
2 Division of Vital Records shall correct its records and amend the  
3 birth certificate to reflect the name change.

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

6 SECTION 6. REPEALER 56 O.S. 2001, Section 240.2, is  
7 hereby repealed.

8 SECTION 7. This act shall become effective November 1, 2008.

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