

THE HOUSE OF REPRESENTATIVES
Wednesday, February 24, 2010

House Bill No. 2721

HOUSE BILL NO. 2721 - By: SHERRER of the House.

An Act relating to children; amending Section 40, Chapter 116, O.S.L. 2006, as amended by Section 2, Chapter 99, O.S.L. 2008, and Section 42, Chapter 116, O.S.L. 2006 (10 O.S. Supp. 2009, Sections 7700-607 and 7700-609), which relate to the Uniform Parentage Act; modifying limitation period for certain proceedings; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 40, Chapter 116, O.S.L. 2006, as
2 amended by Section 2, Chapter 99, O.S.L. 2008 (10 O.S. Supp. 2009, Section 7700-607), is
3 amended to read as follows:

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

9 B. A proceeding seeking to disprove the father-child relationship between a child
10 and the child's presumed father may be maintained at any time in accordance with
11 Section 7700-608 of this title if the court, prior to an order disproving the father-child
12 relationship, determines that:

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

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

4 C. A proceeding seeking to disprove the father-child relationship between a child
5 and the child's presumed or acknowledged father may be maintained at any time if the
6 court determines that the biological father, presumed or acknowledged father, and the
7 mother agree to adjudicate the biological father's parentage in accordance with Sections
8 7700-608 and 7700-636 of this title. If the presumed or acknowledged father or mother is
9 unavailable, the court may proceed if it is determined that diligent efforts have been
10 made to locate the unavailable party and it would not be prejudicial to the best interest
11 of the child to proceed without that party. In a proceeding under this section, the court
12 shall enter an order either confirming the existing father-child relationship or
13 adjudicating the biological father as the parent of the child. A final order under this
14 section shall not leave the child without an acknowledged or adjudicated father.

15 SECTION 2. AMENDATORY Section 42, Chapter 116, O.S.L. 2006 (10 O.S.
16 Supp. 2009, Section 7700-609), is amended to read as follows:

17 Section 7700-609. A. If a child has an acknowledged father, a signatory to the
18 acknowledgment of paternity may commence a proceeding seeking to challenge the
19 paternity of the child only within the time allowed under Section ~~15~~ 7700-307 or ~~16~~ 7700-
20 308 of this ~~aet~~ title.

21 B. If a child has an acknowledged father or an adjudicated father, an individual,
22 other than the child, who is neither a signatory to the acknowledgment of paternity nor a

1 party to the adjudication and who seeks an adjudication of paternity of the child shall
2 commence a proceeding not later than two (2) years after the effective date of the
3 acknowledgment or adjudication or within one (1) year from discovery of a fraud
4 perpetrated upon the individual.

5 C. A proceeding under this section is subject to the application of Section ~~16~~ 7700-
6 308 of this ~~act~~ title.

7 SECTION 3. This act shall become effective November 1, 2010.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-23-10 - DO PASS.