

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2721

By: Sherrer

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6 AS INTRODUCED

7 An Act relating to children; amending Section 40,
8 Chapter 116, O.S.L. 2006, as amended by Section 2,
9 Chapter 99, O.S.L. 2008, and Section 42, Chapter 116,
10 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.

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

15 SECTION 1. AMENDATORY Section 40, Chapter 116, O.S.L.
16 2006, as amended by Section 2, Chapter 99, O.S.L. 2008 (10 O.S.
17 Supp. 2009, Section 7700-607), is amended to read as follows:

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

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

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

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

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

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1 the child. A final order under this section shall not leave the
2 child without an acknowledged or adjudicated father.

3 SECTION 2. AMENDATORY Section 42, Chapter 116, O.S.L.
4 2006 (10 O.S. Supp. 2009, Section 7700-609), is amended to read as
5 follows:

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

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

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

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

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22 52-2-8966 SDR 12/21/09

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