

1 **SENATE FLOOR VERSION**

2 March 31, 2011

3 ENGROSSED HOUSE  
4 BILL NO. 1606

By: Stiles and Tibbs of the  
House

5 and

6 Anderson of the Senate

7  
8  
9 An Act relating to children; amending Section 1,  
10 Chapter 358, O.S.L. 2010 (10 O.S. Supp. 2010, Section  
11 7800), which relates to child custody presumptions;  
12 specifying the mother of a child born out of wedlock  
13 shall have custody; providing exception; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 358, O.S.L.  
17 2010 (10 O.S. Supp. 2010, Section 7800), is amended to read as  
18 follows:

19 Section 7800. ~~The~~ Except as otherwise provided by law, the  
20 ~~mother of a child whose paternity has not been established is~~  
21 ~~presumed to have~~ born out of wedlock has custody of the child until  
22 ~~such time as the paternity of the child has been established~~  
23 ~~pursuant to Sections 7700-101 through 7700-902 of Title 10 of the~~  
24 ~~Oklahoma Statutes. The parents of a child whose paternity is~~

1 ~~established are presumed to each have custody of the child until~~  
2 ~~determined otherwise by a court of competent jurisdiction. Until~~  
3 ~~otherwise ordered by a court, written agreements, preferably~~  
4 ~~agreements that are the result of mediation, are encouraged to~~  
5 ~~document the scope of the legal and physical custody of the~~  
6 ~~respective parents.~~

7 SECTION 2. This act shall become effective November 1, 2011.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-29-11 - DO  
9 PASS.

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