

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1406

By: Paddack

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5
6 AS INTRODUCED

7 An Act relating to paternity; amending 10 O.S. 2011,
8 Section 7700-204, which relates to presumption of
9 paternity; providing certain exception; and providing
10 an effective date.

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

12 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7700-204, is
13 amended to read as follows:

14 Section 7700-204. A. A man is presumed to be the father of a
15 child if:

16 1. He and the mother of the child are married to each other and
17 the child is born during the marriage;

18 2. He and the mother of the child were married to each other
19 and the child is born within three hundred (300) days after the
20 marriage is terminated by death, annulment, declaration of
21 invalidity, dissolution of marriage or after decree of separation;

22 3. Before the birth of the child, he and the mother of the
23 child married each other in apparent compliance with law, even if
24 the attempted marriage is or could be declared invalid, and the

1 child is born during the invalid marriage or within three hundred
2 (300) days after its termination by death, annulment, declaration of
3 invalidity, a decree of separation, or dissolution of marriage;

4 4. After the birth of the child, he and the mother of the child
5 married each other in apparent compliance with law, whether or not
6 the marriage is or could be declared invalid, and he voluntarily
7 asserted his paternity of the child, and:

8 a. the assertion is in a record with the State Department
9 of Health, Division of Vital Records or the Department
10 of Human Services,

11 b. he agreed to be and is named as the child's father on
12 the child's birth certificate, or

13 c. he promised in a record to support the child as his
14 own; or

15 5. For the first two (2) years of the child's life, he resided
16 in the same household with the child and openly held out the child
17 as his own.

18 B. A man shall not be presumed to be the father of a child if
19 the man presents documentation from the Department of Defense
20 proving that he was not physically present during the time period of
21 conception of the child.

22 C. A presumption of paternity established under this section
23 may be rebutted only by an adjudication under Article 6 of the
24 Uniform Parentage Act.

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SECTION 2. This act shall become effective November 1, 2012.

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