An Act

ENROLLED SENATE
BILL NO. 1779

By: David of the Senate

and

Grau of the House

An Act relating to parental rights; amending 10 O.S. 2011, Sections 7700-607 and 7700-608, which relate to certain proceedings; conforming language; modifying procedure for appointment of guardian ad litem; and providing an effective date.

SUBJECT: Procedures for establishing parentage

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 7700-607, is amended to read as follows:

Section 7700-607. A. Except as otherwise provided in subsection B of this section, a proceeding brought by a presumed father, the mother, or another individual to adjudicate the parentage of a child having a presumed father shall be commenced not later than two (2) years after the birth of the child.

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

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

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

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

SECTION 2. AMENDATORY 10 O.S. 2011, Section 7700-608, is amended to read as follows:

Section 7700-608. A. In a proceeding to adjudicate the parentage of a child having a presumed father or to challenge the paternity of a child having an acknowledged father, the court shall deny a motion seeking an order for genetic testing of the mother, the child, and the presumed or acknowledged father if the court determines that:

1. The conduct of the mother or the presumed or acknowledged father estops that party from denying parentage; and

2. It would be contrary to the child's best interests to disprove the father-child relationship between the child and the presumed or acknowledged father.

B. In determining whether to deny a motion seeking an order for genetic testing under this section, the court shall consider the best interest of the child, including the following factors:

1. The length of time between the proceeding to adjudicate parentage and the time that the presumed or acknowledged father was placed on notice that he might not be the genetic father;

2. The length of time during which the presumed or acknowledged father has assumed the role of father of the child;

3. The facts surrounding the presumed or acknowledged father's discovery of his possible nonpaternity;

4. The nature of the relationship between the child and the presumed or acknowledged father;

5. The age of the child;

6. The harm that may result to the child if presumed or acknowledged paternity is successfully disproved;

7. The nature of the relationship between the child and any alleged father;

8. The extent to which the passage of time reduces the chances of establishing the paternity of another man and a child-support obligation in favor of the child; and

9. Other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed or acknowledged father or the chance of other harm to the child.

C. In a proceeding ~~involving the application of this section, a minor or incapacitated child shall be represented by a guardian ad litem~~ to disprove the father-child relationship between a child over two (2) years of age and the child's presumed or acknowledged father, the court shall appoint a guardian ad litem to represent the child prior to ruling on a motion seeking an order of genetic testing. If the child is under two (2) years of age, or if the proceeding is brought under subsection B of Section 7700-607 of this title, the court may, at its own discretion or upon request by any party, appoint a guardian ad litem to represent the child.

D. If the court denies a motion seeking an order for genetic testing, it shall issue an order adjudicating the presumed or acknowledged father to be the father of the child.

SECTION 3. This act shall become effective November 1, 2014.

Passed the Senate the 11th day of March, 2014.

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Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2014.

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Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20 _____, at _____ o'clock _____ M.

By: _____