

1 title if the court, prior to an order disproving the father-child
2 relationship, determines that:

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

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

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

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

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

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

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

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

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

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

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

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

24 5. The age of the child;

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

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

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

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

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

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

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

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/02/2014 - DO
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