

1 father of a child ~~pursuant to the Uniform Parentage Act, or an~~
2 ~~individual who has been judicially or administratively determined to~~
3 ~~be the father of a child is~~ by acknowledgment or by judicial or
4 administrative order are each liable for the support and education
5 of the child ~~to the same extent as the father of a child born in~~
6 ~~wedlock.~~

7 B. 1. An action to establish or enforce the obligation of
8 support and education may be brought by ~~the mother or custodian~~
9 either parent, or other custodial person, or the guardian of the
10 child, by the public authority chargeable with the support of the
11 child, or by the child.

12 2. ~~If paternity has been legally determined pursuant to the~~
13 ~~Uniform Parentage Act, an~~ An action to enforce this obligation of
14 support may be brought within the time period specified by paragraph
15 8 of subsection A of Section 95 of Title 12 of the Oklahoma
16 Statutes.

17 3. ~~The father's obligation to support is terminated if the~~
18 ~~child is adopted~~ If the parental rights of a mother or father are
19 terminated in an adoption proceeding, the obligation to support the
20 child ceases for the parent whose rights were terminated. Child
21 support arrearages are not affected by the adoption of the child.

22 4. The court may order the payments made to ~~the mother or~~
23 ~~custodian~~ either parent, other custodial person, or the guardian of
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1 the child, or to some other person, corporation or agency to
2 administer under the supervision of the court.

3 C. An individual who has been legally determined to be the
4 father of a child pursuant to the Uniform Parentage Act shall be
5 ordered to pay all or a portion of the costs of the birth and the
6 reasonable expenses of providing for the child, provided that
7 liability for support provided before the determination of paternity
8 shall be imposed for ~~five (5)~~ two (2) years preceding the filing of
9 the action. The mother shall be liable for the reasonable expenses
10 of providing for the child to the same extent as the father and
11 subject to the same limitation of liability for any time she does
12 not have custody of the child prior to the establishment of
13 paternity or an order for support.

14 D. The amount of child support and other support including
15 amounts provided for in subsection C of this section shall be
16 ordered and reviewed in accordance with the child support guidelines
17 provided in Section 118 of Title 43 of the Oklahoma Statutes.
18 Interest shall accrue on the support amounts pursuant to Section 114
19 of Title 43 of the Oklahoma Statutes.

20 E. If both the mother and the father agree to change the
21 surname of the child to that of the father, the court may order the
22 name changed. Upon receipt of an order changing the child's
23 surname, the State Department of Health, Division of Vital Records,
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1 shall correct its records and amend the birth certificate to reflect
2 the name change.

3 SECTION 2. AMENDATORY 56 O.S. 2011, Section 238.1, as
4 amended by Section 4, Chapter 253, O.S.L. 2012 (56 O.S. Supp. 2013,
5 Section 238.1), is amended to read as follows:

6 Section 238.1. A. For the purposes of establishing the amount
7 of the debt which has accrued as provided for in Section 238 of this
8 title, ~~or~~ to establish an obligation for support in the absence of a
9 court order of support, or to establish a judgment for support
10 preceding the filing of the support action pursuant to Section 83 of
11 Title 10 of the Oklahoma Statutes, the Division may issue a notice
12 of a support ~~debt~~ obligation to establish current support and
13 support owed for past months in accordance with the child support
14 guidelines, Section 118 of Title 43 of the Oklahoma Statutes. The
15 notice of debt shall be served upon the obligor in the same manner
16 prescribed for the service of summons in a civil action. The notice
17 of ~~debt~~ obligation shall include:

18 1. A statement of the support debt accrued, as defined in
19 Section 237.7 of this title;

20 2. The amount of monthly child support required for the minor
21 child as determined by the child support guidelines, Section 118 of
22 Title 43 of the Oklahoma Statutes;

23 3. A statement that ~~the obligor~~ either or both parents shall be
24 required to ~~maintain health insurance for the child whenever the~~

1 ~~obligor has such insurance available through his or her employment~~
2 ~~or other group insurance plan~~ provide medical support for the child,
3 which may include health insurance, cash medical support, or a
4 combination of both, and pay the proportionate share of medical
5 expenses not reimbursed by insurance, as determined by the court;

6 4. A statement that the obligor shall be required to keep the
7 Division informed of the obligor's current address, the name and
8 address of the obligor's current employer and access to health
9 insurance and other insurance policy information of the obligor;

10 5. A statement containing the name of the child and the name of
11 the custodian of the child;

12 6. A statement that the obligor may object to all or any part
13 of the notice of support debt at a hearing which will be held at a
14 given location on a date specified in the notice to show cause why
15 the obligor should not be determined liable for the support
16 requested in the notice and for any or all of the ~~debt~~ obligation
17 accrued or accruing, and the amount to be paid thereon; and

18 7. A statement that if the obligor fails to appear at the
19 hearing, the monthly support requested and the support debt shall be
20 made an administrative order subject to collection action and shall
21 be filed in the office of the court clerk in the county of residence
22 of the custodian of the child or, if the custodian resides out of
23 state, in the county of residence of the obligor or elsewhere as
24 provided in ~~this act~~ Section 231 et seq. of this title. The

1 administrative order shall be enforced in the same manner as an
2 order of the district court.

3 B. The Division may accept voluntary acknowledgments of support
4 liability and stipulated support amounts. The obligor shall be
5 informed, in the notice specified by this section, that the obligor
6 may make voluntary acknowledgments.

7 C. The lump-sum judgment established for support owed prior to
8 the establishment of the current support order shall draw interest
9 pursuant to Section 114 of Title 43 of the Oklahoma Statutes.

10 SECTION 3. AMENDATORY 56 O.S. 2011, Section 238.6B, as
11 amended by Section 5, Chapter 253, O.S.L. 2012 (56 O.S. Supp. 2013,
12 Section 238.6B), is amended to read as follows:

13 Section 238.6B. A. The Department of Human Services may serve
14 a notice of paternity and support obligations on an individual
15 alleged to be the parent of a child for whom paternity has not been
16 judicially or administratively established. Venue for such action
17 shall be, at the option of the Department, in the county where the
18 mother, father or child resides. Service of the notice shall be in
19 the same manner as a summons in a civil action pursuant to Section
20 2004 of Title 12 of the Oklahoma Statutes. Both the mother of a
21 child born out of wedlock and an individual who has been legally
22 determined to be the father of a child by acknowledgement or by
23 judicial or administrative order are each liable for the support and
24 education of the child.

1 B. The notice shall be verified and have attached to it a copy
2 of any acknowledgment of paternity and shall state:

3 1. The name and date of birth of any minor children, along with
4 the name of the natural mother and custodian, if different than the
5 mother or ~~putative~~ alleged father;

6 2. The amount of child support and other support, including the
7 amounts ordered pursuant to paragraph 3 of this subsection, to be
8 ordered in accordance with the Child Support Guidelines provided in
9 Section 118 of Title 43 of the Oklahoma Statutes;

10 3. The amount of reimbursement for the costs of the birth and
11 the reasonable expenses of providing for said child which has
12 accrued or is accruing, provided that the liability for the above
13 costs shall be imposed for ~~five (5)~~ two (2) years preceding the
14 issuance of the notice pursuant to Section 83 of Title 10 of the
15 Oklahoma Statutes. The mother shall be liable for the reasonable
16 expenses of providing for the child to the same extent as the father
17 and subject to the same limitation of liability for any time she
18 does not have custody of the child prior to the establishment of
19 paternity or an order for support;

20 4. ~~That health insurance for the child whenever such insurance~~
21 ~~is available through employment or other group health insurance plan~~
22 ~~and that payment of proportionate share of any unreimbursed health~~
23 ~~costs shall be required~~ either or both parents shall be required to
24 provide medical support for the child, which may include health

1 insurance, cash medical support, or a combination of both, and pay a
2 proportionate share of medical expenses not reimbursed by insurance;

3 5. The amount of reimbursement requested for the costs of the
4 genetic test to determine paternity, if any;

5 6. That an immediate income assignment will be effectuated for
6 payment of current support and any judgments entered;

7 7. That in the absence of ~~an acknowledgment of paternity a~~
8 legally established father pursuant to the Uniform Parentage Act, a
9 notice to appear and show cause shall be issued to the ~~putative~~
10 alleged father which directs the ~~putative~~ alleged father to appear
11 and show cause why the administrative judge should not determine him
12 to be the father of any such children, liable for the support
13 requested in the notice, for the costs accrued and accruing or the
14 amount to be paid thereon;

15 8. That if paternity is disputed and there is no ~~acknowledgment~~
16 ~~of paternity has been executed~~ legally established father ~~under the~~
17 pursuant to the Uniform Parentage Act, the Administrative Law Judge
18 shall enter an order directing genetic tests to determine paternity
19 and advise the ~~putative~~ alleged father that if he fails to appear he
20 will be in default and an order will be entered against him. If the
21 putative father is not excluded, and the statistical probability of
22 paternity according to scientifically reliable genetic tests
23 including, but not limited to, blood tests is at least ninety-nine
24 percent (99%) and he is contesting the issue of paternity, he may

1 request the Department to remove the action to district court to
2 determine paternity. If the statistical probability of paternity is
3 ninety-nine percent (99%), and the father does not request the
4 Department to remove to district court within fourteen (14) days of
5 the Department mailing the genetic test or other test results,
6 determination of paternity shall become final for all intents and
7 purposes and may be overturned only by appeal to district court.
8 Any such request shall be in writing and served on the Department
9 personally or by registered or certified mail;

10 9. That if the ~~putative~~ alleged father fails to appear at the
11 genetic testing, show cause, or any subsequent hearing or if no
12 notice to appear for genetic testing was served and no hearing is
13 requested on or before twenty (20) days from the date of service,
14 the finding of paternity shall become final and a support order
15 entered. The order shall be docketed with the district court in the
16 county of residence of the custodian or the child. If neither the
17 custodian nor the child reside in the state, the order shall be
18 docketed in the county of residence of the noncustodial parent. The
19 support order shall be enforced in the same manner as an order of
20 the district court;

21 10. That at any time after paternity is determined, the
22 Department may set a hearing to determine the child support
23 obligation, if child support has not already been established.

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1 Failure to appear at the hearing will result in a support order
2 being entered against the noncustodial parent; and

3 11. That if the mother and father have voluntarily signed an
4 acknowledgment of paternity pursuant to the Uniform Parentage Act,
5 the duly executed acknowledgment of paternity is considered a legal
6 finding of paternity, subject to the right of any signatory to
7 rescind the acknowledgment within the earlier of:

- 8 a. sixty (60) days, or
- 9 b. the date of an administrative or judicial proceeding
10 relating to the child, including but not limited to a
11 proceeding to establish a support order, in which the
12 signatory is a party.

13 After the sixty-day period referred to in subparagraph a of this
14 paragraph, a duly executed acknowledgment of paternity may be
15 challenged in court only in accordance with the Uniform Parentage
16 Act. The legal responsibilities, including but not limited to child
17 support obligations, of any signatory arising from the
18 acknowledgment may not be suspended during the challenge, except for
19 good cause shown.

20 This paragraph shall not be interpreted to authorize the
21 rescission of an acknowledgement of paternity if such rescission
22 would be prohibited under applicable federal law.

23 C. The Department may accept voluntary acknowledgments of
24 support liability and support amounts.

1 D. If the name of the father has not been entered on the
2 child's birth certificate, the Department of Human Services shall
3 notify the State Department of Health, Division of Vital Records who
4 shall enter the name of the father, and if known, the date of birth
5 and the place of birth of the father, on the birth certificate.

6 E. If child support services are being provided pursuant to
7 Section 237 of this title, prior to the issuance of the notice of
8 paternity and support obligation, a father who denies paternity and
9 ~~who has not signed an acknowledgment of paternity~~ is not a legally
10 established father under the Uniform Parentage Act may request that
11 a genetic test be administered. The request for testing shall be in
12 writing and served on the Department personally or by registered or
13 certified mail.

14 F. If a request for testing is made pursuant to subsection B or
15 E of this section, the Department shall arrange for the test and,
16 pursuant to rules promulgated by the Department, may advance the
17 cost of the testing. The Department shall mail a copy of the test
18 results by a certificate of mailing to the last-known address of the
19 father. If a request for genetic tests was made pursuant to
20 subsection E of this section, the Department shall mail the notice
21 of paternity and support obligations to the father by certificate of
22 mailing to the last-known address of the father.

23 G. If genetic testing pursuant to subsection B or E of this
24 section excludes a person from being ~~a natural parent~~ the biological

1 father of the child, the Department shall dismiss any pending court
2 or administrative collection proceedings against the person. The
3 State Department of Health, Division of Vital Records shall remove
4 the name of the person listed as the father from the birth
5 certificate, upon notice from the Department that the person has
6 been excluded by genetic testing. Once paternity is established,
7 the State Department of Health, Division of Vital Records shall
8 correct its records and amend the birth certificate to reflect the
9 name of the father.

10 H. If both the custodian mother and the father agree to change
11 the surname of the child to that of the father, the administrative
12 law judge may order the name changed. Upon receipt of an order
13 changing the child's surname, the State Department of Health,
14 Division of Vital Records shall correct its records and amend the
15 birth certificate to reflect the name change.

16 I. All docketed administrative orders shall be modified and
17 enforced in the same manner as an order of the district court.

18 J. The lump-sum judgment established for support owed prior to
19 the establishment of the current support order shall draw interest
20 pursuant to Section 114 of Title 43 of the Oklahoma Statutes.

21 SECTION 4. This act shall become effective November 1, 2014.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/09/2014 - DO
24 PASS, As Coauthored.