

1 **SENATE FLOOR VERSION**

2 March 31, 2015

3 ENGROSSED HOUSE
4 BILL NO. 1918

By: Jordan of the House

and

Standridge of the Senate

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8 An Act relating to children; amending 43 O.S. 2011,
9 Section 109.2, which relates to paternity and
10 custody; authorizing court to award custody to
11 presumed father if it's in the best interests of the
12 child; defining term; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 43 O.S. 2011, Section 109.2, is
16 amended to read as follows:

17 Section 109.2 A. Except as otherwise provided by Section 7700-
18 607 of Title 10 of the Oklahoma Statutes, in any action concerning
19 the custody of a minor unmarried child or the determination of child
20 support, the court may determine if the parties to the action are
21 the parents of the children. In a paternity action, prior to
22 genetic testing to establish paternity pursuant to the Uniform
23 Parentage Act, the court may award custody to the presumed father if
24 it would be in the best interests of the child. As used in this
subsection, "presumed father" means a man who, by operation of law

1 under Section 7700-204 of Title 10 of the Oklahoma Statutes, is
2 recognized as the father of a child until that status is rebutted or
3 confirmed in a judicial proceeding.

4 B. If the parties to the action are the parents of the
5 children, the court may determine which party should have custody of
6 said children, may award child support to the parent to whom it
7 awards custody, and may make an appropriate order for payment of
8 costs and ~~attorney's~~ attorney fees.

9 SECTION 2. This act shall become effective November 1, 2015.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
11 March 31, 2015 - DO PASS