

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 656

By: Bullard

AS INTRODUCED

An Act relating to child support; creating the Paternal Responsibility Act; providing short title; defining terms; making certain persons financially liable for certain prenatal care except under specified condition; stipulating amount of financial coverage; specifying who may bring certain actions; authorizing certain action to establish paternity; permitting issuance of certain order; providing penalties for willful failure to pay support obligation; construing provisions; providing for codification; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known as the "Paternal Responsibility Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120A of Title 43, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1 1. "Father" means the man recognized by law as the male parent
2 of a child, born or unborn, or whose sperm was involved in the
3 fusion of gametes initiating the biological development of the
4 child;

5 2. "Mother" means the woman recognized by law as the female
6 parent of a child, born or unborn, or whose ovum was involved in the
7 fusion of gametes initiating the biological development of the
8 child;

9 3. "Obligor" means the individual who owes another person
10 financial support pursuant to this act;

11 4. "Prenatal care" means health care, education, counseling,
12 and resources provided for a mother and her unborn child during
13 pregnancy by a licensed medical professional;

14 5. "Prenatal paternity test" means a scientifically reliable
15 genetic test capable of establishing paternity of an unborn child
16 with a statistical accuracy of at least ninety-five per cent (95%)
17 including, but not limited to, the Non-Invasive Prenatal Paternity
18 (NIPP) Test;

19 6. "Second parent" means any individual recognized by law as
20 the parent of an unborn child, or who will be recognized by law as
21 the parent of the child upon birth other than the mother; and

22 7. "Unborn child" or "unborn person" means the unborn offspring
23 of human beings from the moment of conception, through pregnancy,
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1 and until live birth including the human conceptus, zygote, morula,
2 blastocyst, embryo, and fetus.

3 B. 1. The father or second parent of an unborn child shall be
4 liable to provide financial coverage for medically necessary and
5 appropriate prenatal care received by the mother of the child during
6 her pregnancy, unless the parties have made legally binding
7 arrangements to the contrary. The amount of the financial coverage
8 shall be equal to either one half (1/2) of the mother's out of
9 pocket expenses for such prenatal care or in the amount that the
10 obligor would owe in child support for a child after birth,
11 whichever is less.

12 2. An action to establish or enforce the obligation of support
13 may be brought by the mother of the child or by the public authority
14 chargeable with the support of the child.

15 3. Proceedings to establish paternity may be brought in the
16 appropriate district court or through the Department of Human
17 Services. Proceedings may be brought by the mother, father, or
18 second parent of the child, the Department of Human Services or the
19 district attorney. In such a case, the court may issue an order
20 adjudicating whether a man alleged or claiming to be the father is
21 the parent of the child through the application of a prenatal
22 paternity test or by other means.

23 C. A person who willfully fails to pay a support obligation,
24 once established by the court, shall be punishable by not more than
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1 six (6) months in the county jail for a first offense and one (1)
2 year in the custody of the Department of Corrections for a second or
3 subsequent offense if such obligation has remained unpaid for a
4 period longer than one (1) year or is greater than Five Thousand
5 Dollars (\$5,000.00). Furthermore, upon a conviction under this
6 section, the court shall order restitution in an amount equal to the
7 total unpaid obligation as it exists at the time of the sentencing.

8 D. Nothing in this section shall be construed to hold the
9 father or second parent of an unborn child liable to pay, in whole
10 or in part, for any services to induce the termination of that child
11 by means of an artificial abortion regardless of whether the
12 abortion is obtained within the jurisdiction of this state.

13 SECTION 3. This act shall become effective July 1, 2023.

14 SECTION 4. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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