

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 2165

By: Deever

6 AS INTRODUCED

7 An Act relating to child support; creating the Child
8 Support Upon Conception Act; providing short title;
9 providing legislative findings; authorizing mothers
10 to file for child support under certain
11 circumstances; establishing procedures for proof of
12 pregnancy and paternity; authorizing prenatal genetic
13 testing; defining term; authorizing temporary pre-
birth child support under certain circumstances;
providing for penalties for false accusations and
coercion; providing remedies for the accused;
construing provisions; providing for noncodification;
providing for codification; and providing an
effective date.

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

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

19 This act shall be known and may be cited as the "Child Support
20 Upon Conception Act".

21 SECTION 2. NEW LAW A new section of law not to be
22 codified in the Oklahoma Statutes reads as follows:

23 The Legislature finds and declares that:

24 1. Human life begins at conception;

1 2. A unique human being is created at the moment of
2 fertilization with his or her own distinct DNA;

3 3. The preborn child is a person entitled to the full and equal
4 protection of the laws of this state at every stage of development;
5 and

6 4. The rights and duties that attach to parenthood including,
7 but not limited to, the duty to protect the child from harm and the
8 duty of support begin at conception.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 141 of Title 43, unless there is
11 created a duplication in numbering, reads as follows:

12 A. A biological mother may initiate a child support action upon
13 verified conception of pregnancy, provided the requirements of this
14 section are met. A support order issued pursuant to this act shall
15 be treated for all legal purposes as a temporary child support
16 order, subject to modification after the birth of the child pursuant
17 to Title 43 of the Oklahoma Statutes.

18 B. Prior to any support order, the mother shall provide
19 verified medical documentation issued by a licensed physician,
20 Certified Nurse-Midwife, physician's assistant, or other medical
21 professional authorized under the laws of this state confirming that
22 she is pregnant, the gestational age of the unborn child, and any
23 medical findings relevant to establishing approximate conception.
24 No support action may proceed without verified proof of pregnancy.

1 C. The date of conception shall be established using medical
2 documentation from a licensed physician or other qualified medical
3 professional providing prenatal assessments. The medical
4 professional shall provide a written assessment including the
5 estimated gestational age, any observed developmental indicators,
6 the approximate date of conception, and a statement that the
7 assessment represents the medical professional's best medical
8 judgment. The court shall rely on this assessment as primary
9 evidence unless a more accurate date is established by clear and
10 convincing evidence. If conflicting assessments exist, the court
11 may order an independent medical evaluation and allocate costs in
12 the interests of justice.

13 D. No man shall be subject to a temporary support obligation
14 unless biological paternity is established. The mother may request
15 legally admissible DNA testing, including noninvasive prenatal
16 paternity testing, pursuant to Section 7700-501 et seq. of Title 10
17 of the Oklahoma Statutes. If noninvasive testing is not feasible,
18 the court may order other testing permitted by the laws of this
19 state. Refusal to cooperate with testing may be considered evidence
20 under existing parentage statutes. Knowingly false statements
21 regarding biological paternity shall be subject to penalties for
22 perjury pursuant to Section 500 of Title 21 of the Oklahoma
23 Statutes.

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1 E. 1. Upon verification of pregnancy and paternity, the court
2 may order reasonable prenatal support including, but not limited to,
3 pregnancy-related medical expenses, reasonable living expenses
4 necessary for maternal and fetal health, childbirth preparation
5 costs, and prenatal care, vitamins, and medically recommended
6 treatments.

7 2. Support shall be calculated consistent with the guidelines
8 described in Title 43 of the Oklahoma Statutes to the extent
9 practicable and shall continue until birth, at which time the court
10 shall issue a standard post-birth child support order.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 142 of Title 43, unless there is
13 created a duplication in numbering, reads as follows:

14 A. As used in this section, "temporary custody" and "temporary
15 sole custody" mean legal custodial authority to seek protective
16 orders, emergency medical relief, and all remedies available under
17 Title 10A of the Oklahoma Statutes and shall not require physical
18 possession of the child.

19 B. 1. Upon issuance of any temporary pre-birth support order
20 pursuant to subsection E of Section 3 of this act, the preborn child
21 shall be deemed a deprived child for all purposes of the Oklahoma
22 Children's Code and shall be under continuing court jurisdiction.

23 2. The biological father shall possess full parental standing,
24 including the right to petition for emergency temporary sole custody

1 or guardianship or injunctive or restraining relief to prevent
2 imminent physical harm or death to the child.

3 C. Any person with knowledge of imminent danger may report the
4 same to law enforcement or the Department of Human Services, which
5 shall have authority to seek emergency custody under Section 1-4-201
6 et seq. of Title 10A of the Oklahoma Statutes.

7 D. Courts shall apply the same standards, burdens, and
8 presumptions applicable to protection of born children, including
9 the rebuttable presumption that continued life and bodily integrity
10 are in the child's best interest. Courts may issue *ex parte* relief
11 to prevent imminent and irreversible harm, with an adversarial
12 hearing within seventy-two (72) hours. No bond shall be required.

13 E. Upon filing of any petition under this section, the court
14 shall appoint a guardian ad litem for the preborn child at state
15 expense with independent standing to seek protective relief. The
16 court may enjoin any person from removing the preborn child from
17 this state or facilitating conduct outside this state for the
18 purpose of causing harm or death to the child.

19 F. If paternity is disproven, the court shall terminate all
20 orders and require reimbursement of all costs and support paid. The
21 falsely accused may bring a civil action for damages, which may
22 include actual and punitive damages, attorney fees, and court costs.

23 G. If a preborn child dies from nonnatural causes after support
24 has been paid, all support shall be reimbursed and the father shall

1 have a private cause of action under Section 1053 of Title 12 of the
2 Oklahoma Statutes without a statutory cap. The reimbursement
3 obligation is nondischargeable and accrues statutory interest.

4 H. 1. Upon filing of any protective petition, the court shall
5 appoint a guardian ad litem for the preborn child.

6 2. Any person who knowingly or maliciously makes a false
7 statement under this act with intent to cause harm shall be subject
8 to civil penalties proportionate to the intended harm, including
9 sanctions for malicious prosecution.

10 3. If a preborn child dies from nonnatural causes after
11 jurisdiction has been established, the Department of Human Services
12 and law enforcement shall conduct an investigation consistent with
13 procedures applicable to the death of a born child.

14 I. Any person who pressures, coerces, or solicits the mother to
15 cause harm or death to the preborn child shall be subject to civil
16 penalties, injunctive relief, loss of parental rights, and all
17 remedies applicable to solicitation of harm against a born child.
18 Evidence of coercion may result in termination of parental rights
19 and protective orders.

20 J. Nothing in this section or Section 3 of this act shall be
21 construed to limit the court's authority under Titles 10 and 10A of
22 the Oklahoma Statutes to protect a preborn child from abuse,
23 neglect, or threatened harm. When a duty, standard, or protective
24 measure applies to the protection of a born child, the court shall

1 apply the same duty or standard to the preborn child upon
2 establishment of jurisdiction under this act.

3 SECTION 5. This act shall become effective November 1, 2026.

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