

An Act

ENROLLED HOUSE
BILL NO. 2270

By: West (Josh) and Roberts
(Dustin) of the House

and

Kidd of the Senate

An Act relating to children; amending 10 O.S. 2011, Sections 7700-102, 7700-308 and 7700-607, as amended by Section 1, Chapter 96, O.S.L. 2014 (10 O.S. Supp. 2018, Section 7700-607), which relate to the Uniform Parentage Act; modifying definition; modifying grounds for challenging acknowledgement of paternity; adding exception to limitations of paternity actions; and providing an effective date.

SUBJECT: Uniform Parentage Act

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 7700-102, is amended to read as follows:

Section 7700-102. For purposes of the Uniform Parentage Act:

1. "Acknowledged father" means a man who has established a father-child relationship by signing an acknowledgment of paternity under Article 3 of the Uniform Parentage Act;
2. "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child;
3. "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of

a child, but whose paternity has not been determined. The term does not include a presumed father;

4. "Child" means an individual of any age whose parentage may be determined under the Uniform Parentage Act;

5. "Determination of parentage" means the establishment of the parent-child relationship by the signing of an acknowledgment of paternity under this section or adjudication by the court;

6. "Duress" means use of physical or psychological force to coerce a person to sign an acknowledgment of paternity;

7. "Effective date" means when the acknowledgment of paternity is fully executed, by the later of the signature dates;

8. "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information;

9. "Fraud" means an intentional misrepresentation of a material fact that could not have been discovered with reasonable diligence and was reasonably relied on ~~by a person who signed an acknowledgment of paternity~~ upon;

10. "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child. The term includes an analysis of one or a combination of the following:

- a. deoxyribonucleic acid, and
- b. blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes;

11. "Man" means a male individual of any age;

12. "Material mistake of fact" means a mistake as to the facts that could not have been known at the time a signatory executed an acknowledgment of paternity;

13. "Parent" means an individual who has established a parent-child relationship under Section 5 7700-201 of this ~~act~~ title;

14. "Parent-child relationship" means the legal relationship between a child and a parent of the child. The term includes the mother-child relationship and the father-child relationship;

15. "Paternity index" means the likelihood of paternity calculated by computing the ratio between:

- a. the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child, and
- b. the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man;

16. "Presumed father" means a man who, by operation of law under Section § 7700-204 of this ~~act~~ title, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding;

17. "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability;

18. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

19. "Signatory" means an individual who authenticates a record and is bound by its terms; and

20. "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

SECTION 2. AMENDATORY 10 O.S. 2011, Section 7700-308, is amended to read as follows:

Section 7700-308. A. After the period for rescission under Section ~~15~~ 7700-307 of this ~~act~~ title has expired, a signatory of an acknowledgment of paternity ~~or denial of paternity~~ may commence a proceeding to challenge the acknowledgment ~~or denial~~ only:

1. On the basis of ~~fraud~~, duress, or material mistake of fact within two (2) years after the acknowledgment is executed; ~~and~~ or

2. On the basis of fraud at any time in accordance with subsection D of Section 7700-607 of this title.

B. After the period for rescission under Section 7700-307 of this title has expired, a signatory of a denial of paternity may commence a proceeding to challenge the denial only:

1. On the basis of fraud, duress or material mistake of fact; and

2. Within two (2) years after the ~~acknowledgment~~ or denial is executed.

~~B.~~ C. A party challenging an acknowledgment of paternity or denial of paternity has the burden of proof, which shall be by clear and convincing evidence.

SECTION 3. AMENDATORY 10 O.S. 2011, Section 7700-607, as amended by Section 1, Chapter 96, O.S.L. 2014 (10 O.S. Supp. 2018, Section 7700-607), is amended to read as follows:

Section 7700-607. A. Except as otherwise provided in subsection B of this section, a proceeding brought by a presumed father, the mother, or another individual to adjudicate the parentage of a child having a presumed father shall be commenced not later than two (2) years after the birth of the child.

B. A proceeding seeking to disprove the father-child relationship between a child and the child's presumed father may be maintained at any time in accordance with Section 7700-608 of this title if the court, prior to an order disproving the father-child relationship, determines that:

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

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

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

D. A proceeding seeking to disprove the father-child relationship between a child and the child's presumed or acknowledged father may be maintained at any time before the child is eighteen (18) years of age on the basis of fraud as defined in Section 7700-102 of this title. A party bringing a challenge under this section has the burden of proving fraud by clear and convincing evidence. Upon a finding of fraud, the court shall conduct a best-interest hearing to determine if genetic testing should be ordered pursuant to Section 7700-608 of this title. Court-ordered genetic testing shall be performed prior to an order of nonparentage under Sections 7700-621 and 7700-631 of this title. Any genetic test performed shall be in accordance with Sections 7700-501 through 7700-511 of this title.

1. The cost of the genetic testing to disprove parentage shall be advanced by the individual challenging parentage;

2. In a court order of nonparentage, a noncustodial parent has no right to reimbursement for child support and medical support payments made under a child support order; and

3. The court shall order the State Department of Health, Division of Vital Records, to amend the birth record of the child, if appropriate.

SECTION 4. This act shall become effective November 1, 2019.

Passed the House of Representatives the 21st day of February, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 17th day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____