

1 ENGROSSED HOUSE
2 BILL NO. 2270

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

3 and

4 Kidd of the Senate
5

6
7 An Act relating to children; amending 10 O.S. 2011,
8 Sections 7700-102, 7700-308 and 7700-607, as amended
9 by Section 1, Chapter 96, O.S.L. 2014 (10 O.S. Supp.
10 2018, Section 7700-607), which relates to the Uniform
11 Parentage Act; modifying definition; modifying
12 grounds for challenging acknowledgement of paternity;
13 adding exception to limitations of paternity actions;
14 and providing an effective date.

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

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

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

19 1. "Acknowledged father" means a man who has established a
20 father-child relationship by signing an acknowledgment of paternity
21 under Article 3 of the Uniform Parentage Act;

22 2. "Adjudicated father" means a man who has been adjudicated by
23 a court of competent jurisdiction to be the father of a child;

24 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

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

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

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

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

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

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

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

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

24 a. deoxyribonucleic acid, and

1 b. blood-group antigens, red-cell antigens, human-
2 leukocyte antigens, serum enzymes, serum proteins, or
3 red-cell enzymes;

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

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

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

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

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

15 a. the likelihood that the tested man is the father,
16 based on the genetic markers of the tested man,
17 mother, and child, conditioned on the hypothesis that
18 the tested man is the father of the child, and

19 b. the likelihood that the tested man is not the father,
20 based on the genetic markers of the tested man,
21 mother, and child, conditioned on the hypothesis that
22 the tested man is not the father of the child and that
23 the father is of the same ethnic or racial group as
24 the tested man;

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

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

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

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

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

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

22 Section 7700-308. A. After the period for rescission under
23 Section ~~15~~ 7700-307 of this ~~act~~ title has expired, a signatory of an
24

1 acknowledgment of paternity ~~or denial of paternity~~ may commence a
2 proceeding to challenge the acknowledgment ~~or denial~~ only:

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

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

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

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

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

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

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

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

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

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

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

11 C. A proceeding seeking to disprove the father-child
12 relationship between a child and the child's presumed or
13 acknowledged father may be maintained at any time if the court
14 determines that the biological father, presumed or acknowledged
15 father, and the mother agree to adjudicate the biological father's
16 parentage in accordance with Sections 7700-608 and 7700-636 of this
17 title. If the presumed or acknowledged father or mother is
18 unavailable, the court may proceed if it is determined that diligent
19 efforts have been made to locate the unavailable party and it would
20 not be prejudicial to the best interest of the child to proceed
21 without that party. In a proceeding under this section, the court
22 shall enter an order either confirming the existing father-child
23 relationship or adjudicating the biological father as the parent of
24

1 the child. A final order under this subsection shall not leave the
2 child without an acknowledged or adjudicated father.

3 D. A proceeding seeking to disprove the father-child
4 relationship between a child and the child's presumed or
5 acknowledged father may be maintained at any time before the child
6 is eighteen (18) years of age on the basis of fraud as defined in
7 Section 7700-102 of this title. A party bringing a challenge under
8 this section has the burden of proving fraud by clear and convincing
9 evidence. Upon a finding of fraud, the court shall conduct a best-
10 interest hearing to determine if genetic testing should be ordered
11 pursuant to Section 7700-608 of this title. Court-ordered genetic
12 testing shall be performed prior to an order of nonparentage under
13 Sections 7700-621 and 7700-631 of this title. Any genetic test
14 performed shall be in accordance with Sections 7700-501 through
15 7700-511 of this title.

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

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

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

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

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

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Presiding Officer of the House
of Representatives

6 Passed the Senate the ___ day of _____, 2019.

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Presiding Officer of the Senate