

**FLOOR AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2270

			Of the printed Bill
Page	<u>1</u>	Section <u>1</u>	Lines <u>14 1/2</u>
			Of the Engrossed Bill

By adding a new Section 1 and Section 2 to the bill [SEE ATTACHED] and by renumbering subsequent sections.

And Page 1, Section 1, Line 19

By deleting ", C or D"

And Page 3, Section 1, Lines 3-6 by deleting all of the language beginning with "in accordance" through "acknowledged father." and inserting in lieu thereof:

"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.

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

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Josh West

Adopted: \_\_\_\_\_

\_\_\_\_\_

Reading Clerk

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

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

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

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

9 3. "Alleged father" means a man who alleges himself to be, or  
10 is alleged to be, the genetic father or a possible genetic father of  
11 a child, but whose paternity has not been determined. The term does  
12 not include a presumed father;

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

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

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

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

22 8. "Ethnic or racial group" means, for purposes of genetic  
23 testing, a recognized group that an individual identifies as all or  
24

1 part of the individual's ancestry or that is so identified by other  
2 information;

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

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

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

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

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

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

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

24

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

- 3           a. the likelihood that the tested man is the father,  
4                based on the genetic markers of the tested man,  
5                mother, and child, conditioned on the hypothesis that  
6                the tested man is the father of the child, and  
7           b. the likelihood that the tested man is not the father,  
8                based on the genetic markers of the tested man,  
9                mother, and child, conditioned on the hypothesis that  
10              the tested man is not the father of the child and that  
11              the father is of the same ethnic or racial group as  
12              the tested man;

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

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

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

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

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

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

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

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

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

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

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

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

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

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7        57-1-7990            EK            02/15/19

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