

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1985

By: Maynard

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5
6 AS INTRODUCED

7 An Act relating to the paternal obligations of
8 parents to their unborn children; defining terms;
9 providing for penalties; providing for exceptions;
10 providing for codification; and providing an
11 effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-245 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 As used in this act:

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

21 2. "Mother" means the woman recognized by law as the female
22 parent of a child, born or unborn, or whose ovum was involved in the
23 fusion of gametes initiating the biological development of the
24 child;

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

3 4. "Prenatal care" means health care, education, counseling and
4 resources provided for a mother and her unborn child during
5 pregnancy by a licensed medical professional or certified nurse
6 midwife for the purpose of monitoring the health of the mother and
7 her child, identifying changes that may lead to a high-risk
8 pregnancy, explaining nutritional requirements during and after the
9 pregnancy, explaining and providing activity recommendations or
10 restrictions for pregnancy health, addressing concerns common to a
11 pregnancy, preventing or treating conditions that could complicate
12 the pregnancy or threaten the health of the mother or her unborn
13 child. This includes clinical tests related to the pregnancy,
14 routine screenings for: blood pressure or blood-type problems,
15 diabetes, genetic disorders, immunity, sexually transmitted
16 infections or urine problems; routine doctor visits once every two
17 (2) to six (6) weeks during the first twenty-eight (28) weeks of
18 gestation, once every two (2) to four (4) weeks from twenty-eight
19 (28) to thirty-six (36) weeks of gestation, weekly from week thirty-
20 six (36) to delivery or as recommended by the prenatal-care
21 provider; ultrasounds to detect problems with the unborn child,
22 high-risk obstetric care resulting from complications in the
23 pregnancy;

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1 5. "Prenatal paternity test" means scientifically reliable
2 genetic test capable of establishing paternity of an unborn child
3 with a statistical accuracy of at least ninety-five percent (95%),
4 including but not limited to non-invasive prenatal paternity,
5 amniocentesis or chorionic villus sampling.

6 6. "Second parent" means any individual recognized by law as
7 the parent of said child upon birth other than the mother; and

8 7. "Unborn child" means a member of the species homo sapiens,
9 at any stage of development, whom is carried in the womb.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-245.1 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 A. The father or second parent of an unborn child shall be
14 liable to provide financial coverage for medically necessary and
15 appropriate prenatal care received by the mother of the child during
16 her pregnancy, unless the parties have made legally binding
17 arrangements to the contrary. The amount of the financial coverage
18 shall be equal to either one-half (1/2) of the mother's out-of-
19 pocket expenses for such prenatal care or in the amount that the
20 obligor would owe in child support for a child after birth,
21 whichever is less.

22 B. An action to establish or enforce the obligation of support
23 may be brought by the mother of the child or by the public authority
24 charged with the support of the child.

1 C. Proceedings to establish paternity may be brought in the
2 appropriate district court or through the Department of Human
3 Services. Proceedings may be brought by the mother, father or
4 second parent of the child, the Department of Human Services or the
5 district attorney. In such a case, the court may issue an order
6 adjudicating whether a man alleged or claiming to be the father is
7 the parent of the child through the application of a prenatal
8 paternity test or by other means.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1-245.2 of Title 63, unless
11 there is created a duplication in numbering, reads as follows:

12 A person who willfully fails to pay a support obligation, once
13 established by the court, shall be punishable by not more than six
14 (6) months in prison or county jail for a first offense and one (1)
15 year in prison or county jail for a second or subsequent offense if
16 such obligation has remained unpaid for a period longer than one (1)
17 year or is greater than Five Thousand Dollars (\$5,000.00). Upon
18 conviction under this section, the court shall order restitution in
19 an amount equal to the total unpaid obligation as it exists at the
20 time of sentencing.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-245.3 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

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1 Nothing in this law should be interpreted as holding the father
2 of an unborn child liable to pay, in whole or in part, for services
3 to induce the termination of that child by means of artificial
4 abortion.

5 SECTION 5. This act shall become effective November 1, 2023.

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