



Oklahoma Department of Human Services
 Sequoyah Memorial Office Building, 2400 N. Lincoln Blvd. • Oklahoma City, OK 73105
 (405) 521-3646 • Fax (405) 521-6684 • Internet: www.okdhs.org

Library: Policy

340:25-5-176. Establishment of paternity

Revised 7-1-10

(a) In cases where paternity has not been legally established, Oklahoma Child Support Services (OCSS) establishes paternity and provides genetic testing per:

- (1) Sections 653, 654, and 666 of Title 42 of the United States Code;
- (2) Parts 302 and 303 of Title 45 of the Code of Federal Regulations; and
- (3) Sections 83, 84, 90.4, and 7700-101 through 7700-902 of Title 10, Sections 601-201, 601-401, and 601-701 of Title 43, Sections 230.60 and 231 through 240.23 of Title 56, and Sections 1-311 and 1-321 of Title 63 of the Oklahoma Statutes. • 1

(b) OCSS only initiates a paternity action when the child has no legal father. • 2 & • 3 A child has a legal father when:

- (1) paternity has been voluntarily acknowledged in Oklahoma or another state and not rescinded within 60 days; [10 O.S. §§ 7700-301 through 7700-314]
- (2) the child has a presumed father and a party initiates a challenge more than two years after the child's birth; or [10 O.S. §§ 7700-204 and 7700-607] • 4
- (3) paternity has been established by a district or administrative court order. [10 O.S. § 7700-636]

(c) OCSS provides Form 03PA209E, Acknowledgment of Paternity, for voluntary acknowledgment of paternity under Section 7700-312 of Title 10 and Sections 1-311 and 1-311.3 of Title 63 of the Oklahoma Statutes. OCSS also provides several companion forms described in (1) through (4) of this subsection. The forms include instructions for completion. Signed and witnessed forms must be filed with the Oklahoma State Department of Health (OSDH), Division of Vital Records.

(1) When parents of an adult child, age 18 years or older, complete Form 03PA209E, the adult child must give consent to add the natural father's name to the birth certificate. The child indicates consent by signing Form 03PA212E, Adult Child's (18 Years or Older) Consent.

(2) Form 03PA210E, Denial of Paternity, must accompany Form 03PA209E if the mother of a child is married to someone other than the natural father and the child is born within 300 days after the marriage is terminated under Section 7700-204 of Title 10 of the Oklahoma Statutes. • 5

(3) Under Sections 7700-307 and 7700-312 of Title 10 of the Oklahoma Statutes, OCSS provides Form 03PA211E, Rescission of Acknowledgment of Paternity, for a person to use to cancel the legal finding of paternity created by having previously signed Form 03PA209E. This form must be completed, signed, and filed with the OSDH Division of Vital Records within 60 days after the date of the last signature on Form 03PA209E. • 3

(A) When a person submits Form 03PA211E within 60 days after the date of the last signature on Form 03PA209E, OCSS sends notice of the rescission to all other signatories on Forms 03PA209E and 03PA210E. Notice is given by mailing a copy of the rescission to the address of the signatories as shown on Forms 03PA209E and 03PA210E and to the last-known address of the signatories, if different.

(B) When rescissions are submitted to OCSS past the 60-day time period, OCSS sends a letter to the person who submitted Form 03PA211E informing the person that the rescission is invalid because it was not timely submitted.

(4) Under Sections 7700-307 and 7700-312 of Title 10 of the Oklahoma Statutes, OCSS provides Form 03PA213E, Rescission of Denial of Paternity, for a person to use to cancel the legal finding of paternity created by having previously signed Form 03PA210E. Form

03PA213E must be completed, signed, and filed with the OSDH Division of Vital Records within 60 days after the date of the last signature on Forms 03PA209E and 03PA210E. • 5

(A) When a person submits Form 03PA213E to OCSS within 60 days after the date of the last signatures on Forms 03PA209E and 03PA210E, OCSS sends notice of the rescission to all other signatories of Forms 03PA209E and 03PA210E. Notice is given by mailing a copy of the rescission to the address of the signatories as shown on Forms 03PA209E and 03PA210E and to the last known addresses of the signatories, if different.

(B) When a rescission of denial is submitted to OCSS past the 60-day time period, OCSS sends a letter to the person who submitted Form 03PA213E informing the person that the rescission of denial is invalid because it was not timely submitted.

(d) When OCSS establishes paternity against an alleged father or with a custodial person, either of whom is a servicemember, OCSS applies the provisions of the Servicemembers Civil Relief Act, codified in Sections 501 through 596 of Title 50A of the United States Code. • 6

(e) When OCSS has the cooperation of a deceased alleged father's relatives, OCSS establishes paternity of the child(ren) through genetic testing of the relatives as necessary according to the standards and provisions of the Uniform Parentage Act, Sections 7700-501 through 7700-511 of Title 10 of the Oklahoma Statutes. • 7

(f) OCSS establishes paternity against an alleged father who is disabled and receiving monthly Supplemental Security Income before reviewing the case for possible closure per OAC 340:25-5-123.

(g) When a default paternity order has been entered and either party contacts OCSS in writing within 30 days of entry of the default order, OCSS treats the request as a motion to vacate or modify the default order. After the request is filed with the district court or Office of Administrative Hearings: Child Support, OCSS pursues genetic testing and vacates or amends the default order as necessary based on findings. • 8

(h) Genetic testing costs incurred in paternity establishment cases are paid as follows:

(1) OCSS advances the costs for genetic testing and recovers the genetic test costs from the noncustodial parent or as ordered by the court.

(2) When OCSS paternity results are contested, OCSS requests payment in advance of a second genetic test by the requesting party.

(3) When a court orders OCSS to provide genetic testing and OCSS does not have a case open for services, OCSS requires a party to complete an application for services prior to advancing the costs of genetic testing.

(4) In interstate cases, OCSS follows OAC 340:25-5-270.

INSTRUCTIONS TO STAFF 340:25-5-176

Revised 7-1-10

1. Oklahoma Department of Human Services (OKDHS) Director Howard Hendrick authorized Child Support Services (OCSS) attorneys to approve orders for genetic testing on his behalf, issued by his authority under Section 240.23 of Title 56 of the Oklahoma Statutes, through the OKDHS Director's Authorization memorandum dated September 21, 1998.
2. (a) The P04, Paternity Questionnaire, completed by the mother is an essential step in OCSS paternity actions. Child support staff proceed with a paternity action when the case file includes a completed and signed P04 for each child. When OCSS is unable to obtain a completed and signed P04 by the mother and has exhausted all applicable noncooperation processes under OAC 340:25-5-114, staff consult the state's attorney to determine if OCSS can proceed with the paternity action.
(b) Child support staff include Form 03PA208E, Paternity Petition Cover Sheet, on every paternity action, as it explains the paternity action and the legal consequences when the alleged father does not respond in writing or appear at the hearing.
3. When an alleged father is incarcerated, OCSS serves the alleged father with the paternity pleadings, and may also send a copy of the pleadings, a waiver of service and a genetic test order by regular mail. Child support staff schedule genetic testing for an incarcerated alleged father unless the father acknowledges paternity in writing or through court testimony.
4. When a non-public assistance application, or a Family Support Services Division Temporary Assistance for Needy Families (TANF) or non-TANF SoonerCare (Medicaid) referral indicates the

parents were common-law married, child support staff do not consider this as establishing a presumption of paternity in the common-law husband under Section 7700-204 of Title 10 of the Oklahoma Statutes. Instead, child support staff work this fact pattern as a paternity case and file a Notice of Paternity and Support Obligation court action.

5. Child support staff blacken out all Social Security numbers when Forms 03PA209E, Acknowledgment of Paternity; 03PA210E, Denial of Paternity; 03PA211E, Rescission of Acknowledgment of Paternity; or 03PA213E, Rescission of Denial of Paternity, are used as an exhibit to a court action.
6. Child support staff follow the Guide to the Servicemembers Civil Relief Act (SCRA), available from the OCSS InfoNet for procedure regarding:
 - (1) waivers of rights and protection under the SCRA;
 - (2) appearance in court actions;
 - (3) stays of court; and
 - (4) default orders.
7. When a relative does not volunteer to participate in the genetic testing, OCSS does not file a forced probate court action to establish paternity against a deceased alleged father.
8. (a) When a party contacts OCSS within 30 days to request a reconsideration of a default paternity order, child support staff notify the party that he or she must make the request in writing within 30 days of the entry of the default order. Child support staff provide the party with OCSS pro se self-help motion to vacate.
 - (b) After one party files a written request, OCSS sets the case for hearing and notifies the parties by mail under Rule 2 of the Rules for District Courts. The state's attorney prepares a genetic test order and requests the court to reserve the motion to vacate pending the outcome of genetic testing. After testing is complete, OCSS requests the court either:
 - (1) to dismiss or deny the motion to vacate and leave the default order in effect;
 - (2) to enter a new order replacing the default order; or
 - (3) to vacate the default order by agreement and dismiss the paternity case when the noncustodial parent is excluded as the biological father.



Oklahoma Department of Human Services
 Sequoyah Memorial Office Building, 2400 N. Lincoln Blvd. • Oklahoma City, OK 73105
 (405) 521-3646 • Fax (405) 521-6684 • Internet: www.okdhs.org

Oklahoma Child Support Services

Statistics Report

Oklahoma Child Support Services (OCSS) has 40 offices/service points, including 23 OKDHS offices, 14 District Attorney contract offices, two private vendor contract offices and one Community Action Program office. The tribal child support programs operating have a caseload of 5,198 cases and collections of \$4,872,727 for State Fiscal Year 2010.

Note: The statistical information was last updated as of June 9, 2011.

Collections | Caseload | Establishment

Collections	SFY 2009	SFY 2010	SFY 2011*
Fiscal Year IV-D Collections	\$299,084,783	\$298,294,460	\$227,999,587
Fiscal Year Non IV-D Collections	\$13,668,861	\$13,818,438	\$10,488,611
Total Collections (IV-D and Non IV-D)	\$312,753,644	\$312,112,898	\$238,488,198
Total Fiscal Year Change	+11.2%	-0.20%	N/A
State Tax Offset	\$3,933,733	\$3,600,964	\$1,433,838
Federal Tax Offset	\$40,350,918	\$31,754,811	\$20,390,253
Unemployment Compensation	\$8,334,365	\$20,353,540	\$10,190,319
Income Assignment	\$181,558,472	\$183,488,548	\$156,785,001
FIDM	\$2,367,024	\$2,061,166	\$2,570,705
Voluntary Payments	\$33,972,056	\$34,152,456	\$27,312,448
Worker's Compensation	\$5,193,418	\$5,487,786	\$3,828,505

>>[Back to top](#)

Caseload	SFY 2009	SFY 2010	SFY 2011*
Total IV-D Caseload	189,019	193,798	199,323
TANF Caseload	20,703	20,568	20,021
Former Assistance	73,433	72,351	71,212
Never Assistance	94,883	100,879	108,090
Support Ordered	136,201	144,259	149,179
Receiving Payments	108,452	108,082	112,512
Average Caseload Per FTE	303	311	319

>>[Back to top](#)

Establishment **Ending Sept. 30, 2009** **Ending Dec. 31, 2009** **Ending March 31, 2010**

Voluntary Paternities	15,458	15,621	14,727
Court Ordered Paternities	4,786	4,736	4,870
Total Paternities	20,244	20,357	19,597
Out of Wedlock Births	18,672	18,751	18,751
Establishment Percentage	108.42%	108.56%	104.51%

*indicates period thru 03/31/2011

Miscellaneous Information

SFY means State Fiscal Year, which begins July 1 and runs through June 30 of the following year. For example, SFY 2011 runs from July 1, 2010 to June 30, 2011.

Funding Information

OCSS funding structure is made up of two parts: OCSS receives 66 percent of its funding from the federal government for reimbursement of expenses. The remaining 34 percent is a combination of collections retained for public assistance, federal incentive payments and legislative appropriations.

Phone Numbers

CARE Call Center toll free	1-800-522-2922
CARE Oklahoma City Metro	(405) 522-2273
CARE Tulsa Metro	(918) 295-3500