

CHALLENGING PATERNITY IN OKLAHOMA

Type of Legal Father	Date AOP Signed	Current Age of Child	Authority	Jurisdictional Requirements	GAL Required?	Best Interest Hearing Required?	Genetic Test Required?
Presumed 10 O.S. § 7700-204	n/a	2 or under	7700-303, 304	Complete a Denial and an Acknowledgment of Paternity prior to child's second birthday	No	No	No
	n/a	2 or under	7700-607(A), 204(B)	None	No, Eff. 11/1/14	Yes, 7700-608, see reverse.	Yes*
	n/a	over 2	7700-607(B), 204(B)	1. No Intercourse or Cohabitation AND 2. No Holding Out.	No, Eff. 11/1/14	Yes, 7700-608, see reverse.	Yes*
	n/a	over 2	7700-607(C), 204(B)	Mother, Legal Father, and Alleged Biological Father agree to switch legal paternity.	Yes	Yes, 7700-608, see reverse.	Yes*
	n/a	17 or under	7700-607(D) ⁱ	1. Fraud by clear and convincing evidence. See reverse.	If child is over age 2.	Yes, 7700-608, see reverse.	Yes*
Acknowledged 10 O.S. § 7700-302, 304, 305; and 10 O.S. § 70 (repealed 11/1/06)	Anytime	n/a	7700-307	Rescission of AOP w/in 60 days of execution, or w/in 60 days of minor signatory reaching the age of majority.	No	No	No
	Anytime	n/a	7700-607(C)	Mother, Legal Father, and Alleged Biological Father agree to switch legal paternity.	Yes. If child under 2 -no	Yes, 7700-608, see reverse.	Yes*
	Anytime	17 or under	7700-607(D)	1. Fraud by clear and convincing evidence	If child is over age 2.	Yes, 7700-608, see reverse.	Yes*
	On or After 11/1/06	2 or under	7700-308	1. Filed within two years of execution, 2. Duress or Material Mistake of Fact by clear and convincing evidence. See reverse.	No, Eff. 11/1/14	Yes, 7700-608, see reverse.	Yes*
	On or After 11/1/06	over 2	7700-308	1. Filed within two years of execution, 2. Duress or Material Mistake of Fact by clear and convincing evidence. See reverse.	Yes	Yes, 7700-608, see reverse.	Yes*
	Before 11/1/06	over 2	12 O.S. § 1038; <i>Hill</i> , 2005 OK 11; <i>Paul</i> , 2014 OK CIV APP 31	1. Fraud, Duress, or Material Mistake of Fact 2. Within the time limits prescribed by § 1038	Yes	Yes, 7700-608, see reverse.	Yes*

*Genetic testing is required in all Article 6 Challenges under the Uniform Parentage Act, see 10 O.S. §§ 7700-631, 621, 504, and 506

Best Interest Factors
10 O.S. § 7700-608(B)

B. In determining whether to deny a motion seeking an order for genetic testing under this section, the court shall consider the best interest of the child, including the following factors:

1. The length of time between the proceeding to adjudicate parentage and the time that the presumed or acknowledged father was placed on notice that he might not be the genetic father;
2. The length of time during which the presumed or acknowledged father has assumed the role of father of the child;
3. The facts surrounding the presumed or acknowledged father's discovery of his possible nonpaternity;
4. The nature of the relationship between the child and the presumed or acknowledged father;
5. The age of the child;
6. The harm that may result to the child if presumed or acknowledged paternity is successfully disproved;
7. The nature of the relationship between the child and any alleged father;
8. The extent to which the passage of time reduces the chances of establishing the paternity of another man and a child-support obligation in favor of the child; and
9. Other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed or acknowledged father or the chance of other harm to the child.

Definitions
10 O.S. § 7700-102

6. "Duress" means use of physical or psychological force to coerce a person to sign an acknowledgment of paternity;
9. "Fraud" means an intentional misrepresentation of a material fact that could not have been discovered with reasonable diligence and was reasonably relied upon;
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;

¹ This table has been updated in accordance with HB 2270 which amends UPA sections, effective November 1, 2019.