



Child Support – Establishing Paternity
Presented by Andrew W. Washeck



Establishing Paternity – Generally



The UPA (Uniform Parentage Act)

- 10 O.S. § 7700-101
 - What?
 - A uniform framework for establishing legal parentage
 - Adopted by 22 different states
 - Where?
 - At the end of title 10
 - Why?
 - Best interest of the child
 - Uniformity



The UPA Applying in 10A cases?

- 10A O.S. § 1-4-702(A)(1)
 - When paternity of an alleged or adjudicated deprived child has not been established, the court, within six (6) months after the filing of a deprived petition, shall either establish paternity or defer the issue of paternity establishment to the appropriate administrative or district court for any child for whom paternity has not been legally established according to the Uniform Parentage Act.
- 10 O.S. § 7700-610
 - A. Except as otherwise provided in subsection B of this section, a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, dissolution of marriage, annulment, legal separation, probate or administration of an estate, or other appropriate proceeding.
- In re A.S., 2020 OK CIV APP 23, 466 P.3d 619
- 10A O.S. § 1-4-306(C)(2)
 - CASA can be a GAL





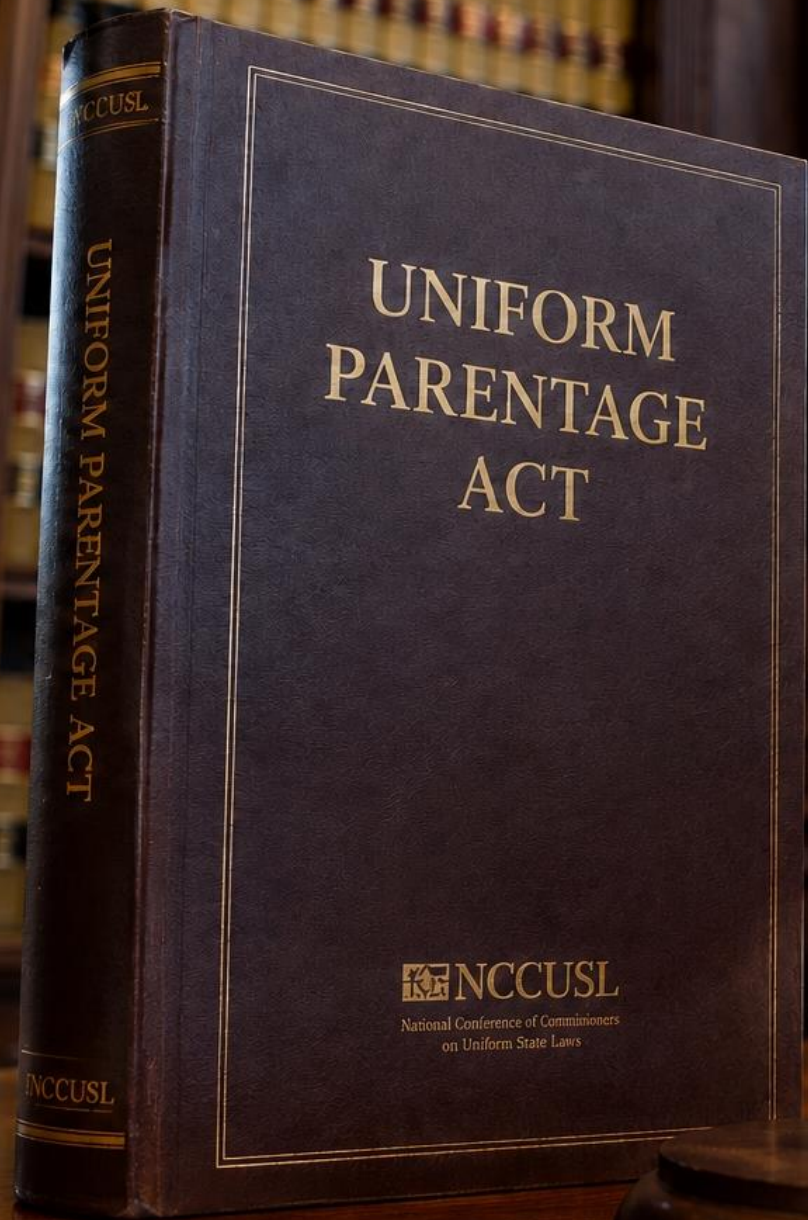
Importance of the UPA in Deprived Actions

- Best interest of the child
- Hinder birth certificate amendments
- Future legal challenges
- Issues with reunification

Parent-Child Relationships



- 10 O.S. § 7700-201
- Mother
 - Birth, adoption, marital presumption, positive genetic test, other presumption of law
- Father
 - Married, AOP, adjudication, adoption, positive genetic test
- Guzman v. Guzman, 2021 OK 26, 507 P.3d 630
 - Because Oklahoma has no statutory provision specifically allowing step-parents to seek custody and/or visitation, step-parents have no right to seek custody or visitation with the child of a former spouse. The fact that a step-parent chooses to lovingly take another's child into his or her home during marriage has never been grounds to either clothe that party with parental rights (custody/visitation) or burden the party with parental obligations (child support).



Types of Legal Fathers

- Alleged
- Acknowledged
 - UPA Article 3
 - 10 O.S. § 7700-302(A)(5)
 - Valid AOP = Adjudication
- Adjudicated
 - UPA Article 6
 - 10 O.S. § 7700-607
 - Limitations of a Challenge
 - 10 O.S. § 7700-608
 - Best interest factors for a Challenge
 - 10 O.S. § 7700-634
 - Default adjudication
- Presumed
 - 10 O.S. § 7700-204
 - Marriage/Marriage Adjacent
 - 10 O.S. § 7700-505
 - Positive Genetic Test

Acknowledged Fathers

- 10 O.S. § 7700-301
 - Mother and the man claiming to be the genetic father may sign
- 10 O.S. § 7700-303
 - Conditions for when a Man can sign a DOP
- 10 O.S. § 7700-304
 - AOP/DOP do not need to be signed together
- 10 O.S. § 7700-305
 - AOP/DOP are equivalent to their respective adjudicatory orders
- 10 O.S. § 7700-311
 - OK will give full faith and credit to properly filled out AOP/DOP of other states
- Bates v. Copeland, 2015 OK CIV APP 30, 347 P.3d 318
 - Discusses “void” vs. “voidable” AOP



This legal document establishes paternity under Oklahoma law. Do not sign unless you understand your rights and responsibilities as explained on the back of this form. Type or print in ink by pressing hard. No cross outs, correction fluid, or alterations are allowed.

Name of hospital or entity completing form: _____ Facility code number: _____

Child's Information as it Now Appears on Birth Certificate

Child's first name _____ Middle _____ Last _____ Suffix _____ Social Security number _____
 Sex: Male Female Place of birth, city _____ County _____ State
 Date of birth _____

Last name of child should now be: _____

Biological mother's first name _____ Middle _____ Last _____ Maiden name _____

Date of birth _____ Place of birth, state or foreign country _____ Social Security number _____ Daytime phone number _____

Current street address _____ City _____ State _____ ZIP code _____

Was mother married at time of conception or birth? Yes No

If yes, spouse's name: _____

If yes, spouse/former spouse must complete Form 03PA210E, Denial of Parentage, and attach it to this form.

Biological father's first name _____ Middle _____ Last _____ Suffix _____

Date of birth _____ Place of birth, state or foreign country _____ Social Security number _____ Daytime phone number _____

Current street address _____ City _____ State _____ ZIP code _____

Signature

Have you taken a genetic test to determine paternity of this child? Yes No

If the genetic test showed you are NOT the biological father, STOP NOW, DO NOT SIGN.

By signing below, I declare under penalty of perjury that I read and understand this Acknowledgment of Paternity. I declare the information in this Acknowledgment is true and:

1. I have been given written and oral notice of my legal rights and responsibilities.
2. I understand this acknowledgment is the same as a court order of paternity and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after two years.
3. By signing this Acknowledgment of Paternity, I give up my right to establish paternity by genetic testing at a later time.

Biological mother signature _____ Date _____ Biological father signature _____ Date _____

Witness signature _____ Printed name _____ Witness signature _____ Printed name _____

Witness address _____ Witness address _____

Parent's cannot witness each other's signatures. Witnesses cannot be related to the mother or father

AOP
(Acknowledgement
of Paternity)

DOP (Denial of Paternity)



Rescission of Denial of Parentage

This is a legal document. Type or print in ink by pressing hard. No cross outs, correction fluid, or alterations are allowed.

This form is used to withdraw your sworn statement denying parentage of a child. This form must be completed and filed with the Oklahoma State Department of Health (OSDH), Division of Vital Records, within 60 days from the date of the last signature on Form 03PA209E, Acknowledgment of Paternity, that was attached to your Form 03PA210E, Denial of Parentage.

When this form is properly completed and filed with OSDH Division of Vital Records, the man named as the biological father on Form 03PA209E, Acknowledgment of Paternity, will no longer be the legal father and his name will be removed from the birth certificate. Your name will be added to the birth certificate as the parent.

This form must be signed by the rescinding spouse of the biological mother in the presence of a witness. The witness may not be another parent of the child. The witness may not be related to you.

Child's Information as it Now Appears on Birth Certificate

Child's first name Middle Last Sex: Male Female

Date of birth Place of birth, City County State

Biological Parent's Information as it Appears on the Acknowledgment of Paternity

Mother's first name Middle Last Maiden name

Father's first name Middle Last Suffix

Rescinding Spouse's Information

Spouse's first name Middle Last Suffix

Social Security number Date of birth Daytime phone number

Current street address City State ZIP code

Place of birth, City County State

Rescinding Spouse's Signature

By signing below, I declare under penalty of perjury that I have read and understand this Form 03PA213E, Rescission of Denial of Parentage. I declare the information in this Rescission is true.

I understand that by completing this form and filing it with the OSDH Division of Vital Records, I am withdrawing my Denial of Parentage for the above-named child created by a previously completed Form 03PA210E, Denial of Parentage, on or about the date of _____.

Rescinding spouse's signature Date Place

Witness signature Printed name of witness



Denial of Parentage

This is a legal document. Type or print in ink by pressing hard. No cross outs, correction fluid, or alterations are allowed.

Complete this form only when the child is born during the biological mother's marriage or within 300 days after the marriage is terminated and the spouse of the biological mother agrees that he/she should not be the legal parent of the child. The person that needs to sign this Denial of Parentage form is the spouse of the biological mother, as described on the back of this form. The child must be less than two years old when this form is completed.

Completion of both this Denial of Parentage by the spouse of the biological mother AND Form 03PA209E, Acknowledgment of Paternity, by the biological father, allows the child's birth certificate to be changed to add the biological father's name.

Child's Information as it Now Appears on Birth Certificate

Child's first name Middle Last Sex: Male Female

Date of birth City of birth County State

Biological Mother's Information

Mother's first name Middle Last Maiden name

Spouse's Information

Spouse's first name Middle Last Suffix

Social Security number Date of birth Place of birth, state or foreign country Daytime phone number

Current street address City State ZIP code

Spouse's Signature

By signing below, I declare under penalty of perjury that I have read and understand this Denial of Parentage. I declare the information in this Denial is true and:

- I am the presumed parent of the child identified on this form.
- I am NOT the biological parent of the child identified on this form.
- I have not acknowledged paternity of this child.
- No court has determined that I am the parent of this child.
- I understand the name of the biological father will be placed on the child's birth certificate only if the biological father completes an Acknowledgment of Paternity prior to the child's second birthday.

Spouse's signature Place Date

Witness signature Printed name

You have the right to withdraw your denial within 60 days after the effective date of the Acknowledgment of Paternity. You must file a signed Form 03PA213E, Rescission of Denial of Parentage, with the Oklahoma State Department of Health (OSDH), Division of Vital Records. To obtain Form 03PA213E, call 405-522-2273 in the Oklahoma City calling area, 918-295-3500 in the Tulsa calling area, or contact your closest child support office or OSDH Division of Vital Records or visit www.okdhs.org and select Library, then Forms.



Adjudicated Fathers

- 10 O.S. § 7700-201
 - Adjudication establishes paternity and comes with the same parental rights of a presumed father
- 10 O.S. § 7700-602
 - Who can maintain a proceeding to adjudicate
- 10 O.S. § 7700-607
 - The Court can adjudicate paternity within these limitations
- 10 O.S. § 7700-608
 - These are the best interest factors for the court to consider when adjudicating paternity
- 10 O.S. § 7700-634
 - Default adjudication of paternity
- 10 O.S. § 7700-623
 - Admission of paternity
- 10 O.S. § 7700-637(E)
 - Appeal, vacation, or other judicial review





Presumed Fathers

- 10 O.S. § 7700-204
 - The four Marriage and Marriage Adjacent Presumptions
 - Resided in the same household as the child for the child's first two years and held the child out as their own
 - Friend v. Tesoro, 2007 OK CIV APP 78, 167 P.3d 978
- 10 O.S. § 7700-505
 - A positive genetic test creates a presumption of paternity

Common Scenarios





What if the parties agree to switch?

- 10 O.S. § 7700-607(C)
- Best interest
- Diligent efforts
- Genetic test
- No orphans

Why not just genetic test everyone?

- 10 O.S. § 7700-502(B)
 - Presumed, acknowledged, and adjudicated fathers are not entitled to a test
- 10 O.S. § 7700-607
 - Shows exactly what is needed to be proven to entitle one of these parties to a genetic test
- 10 O.S. § 7700-631
 - Only after a successful challenge will a man's genetic test results be admissible to prove or disprove paternity.





Voluntary Test

- 10 O.S. § 7700-621
 - If a child has a legal father the results of a voluntary test are inadmissible to **adjudicate parentage** unless performed pursuant to a court order under 10 O.S. § 7700-502 and 7700-608
- 10 O.S. § 7700-502
 - The Court may order genetic testing if there is no legal father
- 10 O.S. § 7700-503
 - Quality of the lab and the test itself
- 10 O.S. § 7700-504
 - Chain of custody
- 10 O.S. § 7700-637
 - A child is not bound by a determination of parentage under the Uniform Parentage Act unless:
 - The determination was based on an un-rescinded acknowledgment of paternity and the acknowledgment is consistent with the results of genetic testing;

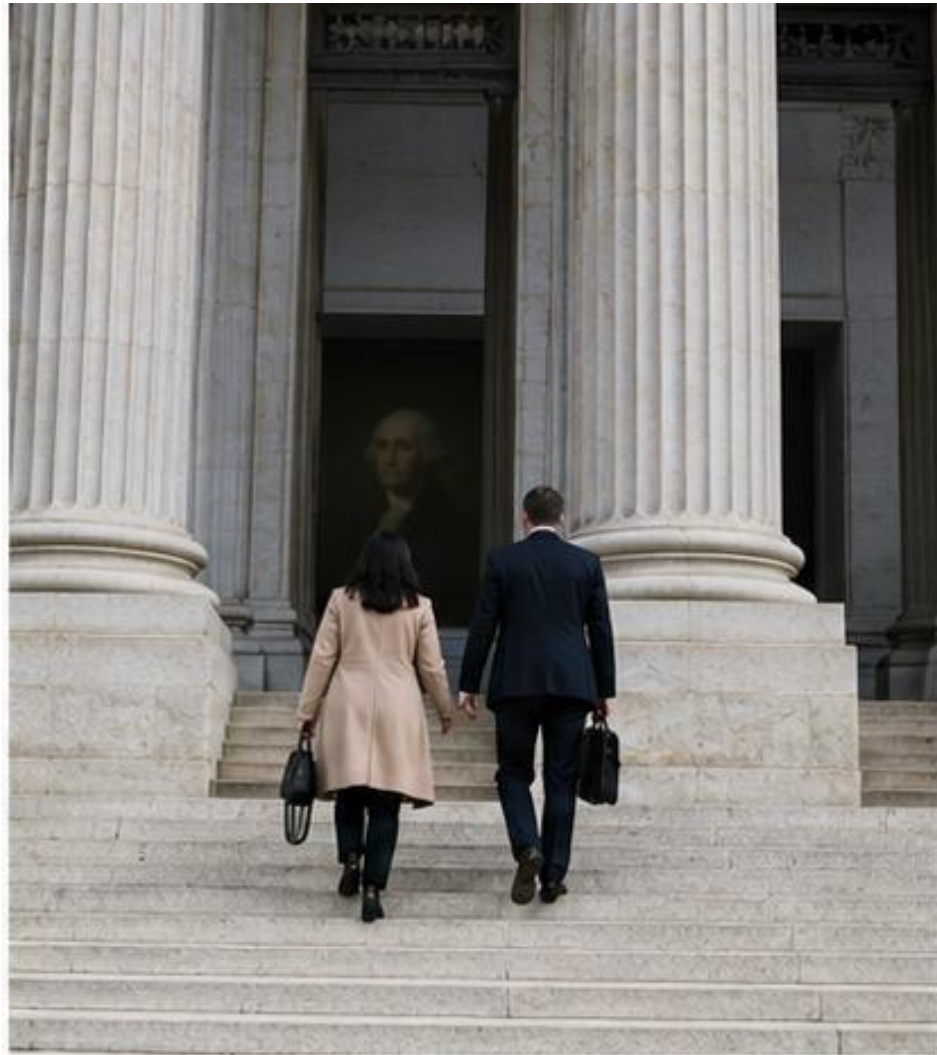
The Challenge



Challenge Basics

- 10 O.S. § 7700-608
 - Is the Challenge in the Child's best interest
 - 10 O.S. § 7700-604
 - Personal Jurisdiction
 - 10 O.S. § 7700-631
 - Subject Matter Jurisdiction
 - 10 O.S. § 7700-621
 - Subject Matter Jurisdiction
 - 10 O.S. § 7700-607 (B)-(D)
 - Subject Matter Jurisdiction
 - 10 O.S. § 7700-308
 - Subject Matter Jurisdiction
 - 10 O.S. § 7700-302
 - Subject Matter Jurisdiction
 - Article 5
 - Genetic Testing
 - 10 O.S. § 7700-636
 - Final Adjudication of Paternity Order
-





Jurisdiction

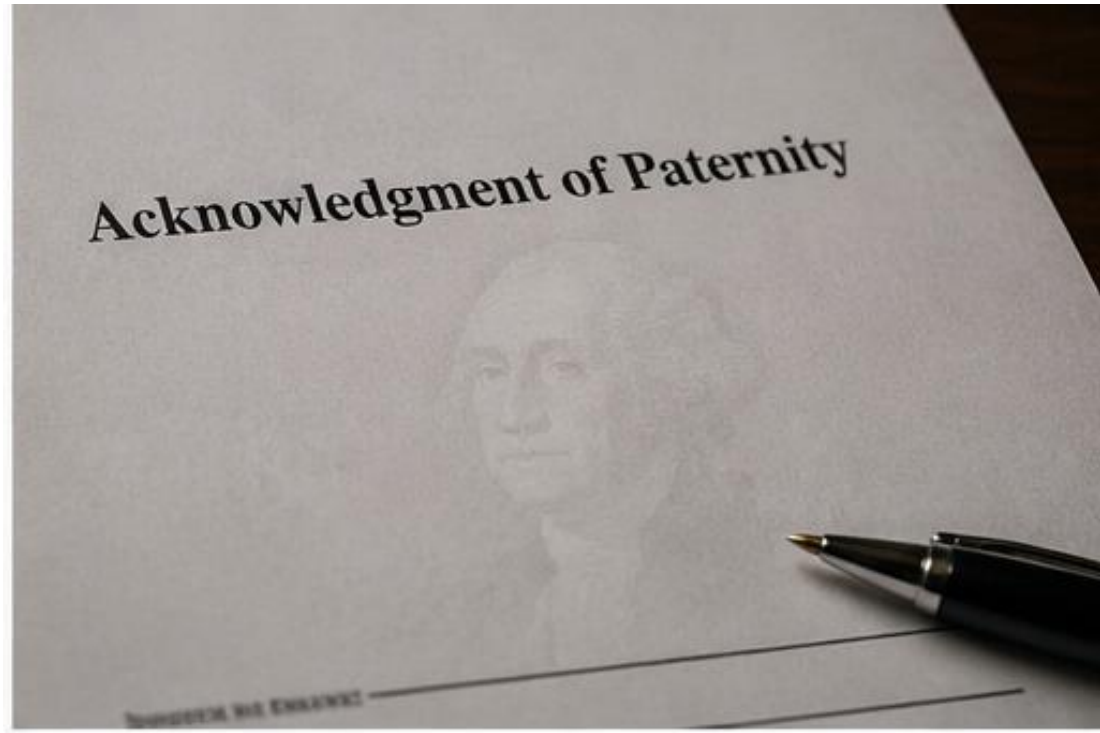
- Personal
 - 10 O.S. § 7700-604
 - Party to the original establishment, the child, or child support services
- Subject Matter
 - 10 O.S. § 7700-608, 631, and 621
 - Children under the age of 2
 - 10 O.S. § 7700-607 (B)-(D), 608, 631, and 621
 - Children over the age of 2

Challenging a Presumed Father – Generally

- 10 O.S. § 7700-204(B)
 - A rebutted presumption may only conclude with an adjudication order
- 10 O.S. § 7700-631
 - A presumption may only be rebutted by admissible genetic test
- Clark v. Edens, 2011 OK 28
- Stevens v. Griggs, 2013 OK CIV APP 104
 - A divorce decree cannot rebut that presumption



Challenging a Presumed Father – pt. 1



- Child Under 2
 - 10 O.S. §§ 7700-303,304
 - Attempt to complete the AOP and DOP before the child turns 2
 - Valid AOP and DOP are equivalent to an adjudication
 - 10 O.S. § 7700-607
 - The age of the child is the only jurisdictional requirement for a genetic test and a subsequent adjudication order

Challenging a Presumed Father – pt 2

- 10 O.S. § 7700-607(B)
 - No intercourse/cohabitation at time of conception
 - No holding out
- 10 O.S. § 7700-607(C)
 - Bio Father, Alleged Father, and Mother agree to adjudicate bio paternity
 - Diligent efforts were made to locate the party. Absence is not contrary to the best interest of the child.
 - A Guardian Ad Litem must be appointed
 - Adjudication must have a father
- 10 O.S. § 7700-607(D)
 - Fraud proven by clear and convincing evidence
 - 10 O.S. § 7700-102
 - A intentional misrepresentation of fact that could not have been discovered with reasonable diligence and was reasonably relied upon.
 - 10 O.S. § 7700-608
 - Best interest hearing
 - Need a GAL for child over 2
 - 10 O.S. § 7700-631
 - Only admissible genetic test results may disprove a legal father.





Challenging an Acknowledged Father – pt 1

- 10 O.S. § 7700-302
- Bates v. Copeland, 2015 OK CIV APP 30, 347 P.3d 318
 - AOP is Void
 - If it states another man is the presumed father and no denial is filed, or if it states another man is the adjudicated or acknowledged father.
 - AOP is Voidable
 - Falsely denies the existence of a legal father
- Rescission
 - 10 O.S. §§ 7700-304(C), 102(7)
 - The AOP must be rescinded within 60 days of execution.
 - 10 O.S. § 7700-307
 - If the AOP was signed by a minor, the AOP must be rescinded within 60 days of the signatory reaching the age of 18.

Challenging an Acknowledged Father – pt 2

- 10 O.S. § 7700-308
 - Duress or material mistake of fact by clear and convincing evidence.
 - Within 2 years of the AOP's execution
- 10 O.S. § 7700-607(D)
 - Fraud by clear and convincing evidence
 - Brought anytime before the child turns 18
- 10 O.S. § 7700-102
 - Definition of Fraud
- 10 O.S. § 7700-309(D)
 - A challenge to a AOP needs to be conducted as if it were an article 6 challenge
- 10 O.S. § 7700-608(C)
 - If the child is over 2, the court must appoint a GAL
- 10 O.S. § 7700-609(B)
 - An alleged father cannot bring a challenge to the AOP after two years of the child's life
 - Scott v. Foster, 2023 OK 112, 538 P.3d 1180
 - Two years is a statute of limitation, not of repose.
- 10 O.S. § 7700-607(C)
 - Legal father, biological father, and Mother agree
 - Diligent efforts to locate legal father or mother
 - Best interest of the child to proceed without them





Best Interest Hearing

- 10 O.S. § 7700-608
- Estoppel
 - The conduct of the Mother or legal father can estop them from denying parentage; and
 - It would be contrary to the child's best interest to disprove the father-child relationship between the legal father and the child
- Best interest factors
 - Length of time
 - From notice
 - From when presumed or acknowledged father has assumed role
 - Facts surrounding discovery of non-paternity
 - Nature of child's paternal relationship with challenger
 - Age of the child
 - Potential harm to the child if paternity successfully disproved
 - Nature of the relationship of child with other alleged father(s)
 - Age of the Father
 - Other factors that may affect the equities arising from the disruption of the father-child relationship

Process of a formal best interest hearing

- From 10 O.S. §§ 7700-607, 608
 - Determine if GAL is necessary
 - If necessary, have them give a report
 - Hold an Actual Hearing
 - Order GT or Adjudicate Presumed or Acknowledged Parent





Challenging an Adjudicated Father

- 10 O.S. § 7700-637(E)
 - Falls under the law relating to appeal, vacation of judgement, or other judicial review.
- 12 O.S. §§ Chapter 15, Chapter 16, Appendix 1

Paternity Challenge Chart

Type of Legal Father	Date AOP Signed	Age of Child	Authority	Subject Matter 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 change legal paternity.	Yes.	Yes, 7700-608, see reverse.	Yes*
	n/a	17 or under	7700-607(D)	Fraud by clear and convincing evidence. See reverse.	Yes, if child is over age 2	Yes, 7700-608, see reverse.	Yes*
Acknowledged 10 O.S. § 7700-302, 304, 305	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 change legal paternity.	Yes, if child is over age 2	Yes, 7700-608, see reverse.	Yes*
	Anytime	17 or under	7700-607(D)	Fraud by clear and convincing evidence. See reverse.	Yes, 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.	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.	Yes	Yes, 7700-608, see reverse.	Yes*



Misc.

Orders of Paternity or Non-Paternity

- 10 O.S. § 7700-636
 - Identify Child by name and date of birth
 - May address all fees and expenses except those levied against CSS
 - May change kiddos name
 - Shall order Vital Records to amend the birth certificate
 - Should reflect that the UPA was followed
-





Child Support and Paternity Challenges

- 10 O.S. §§ 7700-624, 309
 - No abatement of current support
- 10 O.S. § 7700
 - A non-parentage order does not give the former NCP a right to reimbursement of support payments.

Same Sex Parentage

- The “rights, benefits, and responsibilities” of marriage, including issues of parentage have been extended to all married persons.
 - Obergefell v. Hodges, 576 U.S. 644, 670, 135 S. Ct. 2584, 2601, 192 L. Ed. 2d 609 (2015)
 - Pavan v. Smith, 582 U.S. 563, 566, 137 S. Ct. 2075, 2078, 198 L. Ed. 2d 636 (2017)
- How does this impact Oklahoma’s UPA?
- Is a gender neutral UPA in our future?



Current Updates

- Oklahoma Supreme Court Cases
 - Eldredge v. Taylor, 2014 OK 92, 339 P.3d 888
 - Ramey v. Sutton, 2015 OK 79, 362 P.3d 217
 - 10 O.S. § 7700-201(A)(3) “as otherwise provided by law”
- United States Supreme Court Case
 - Obergefell v. Hodges, 576 U.S. 644, 670, 135 S. Ct. 2584, 2601, 192 L. Ed. 2d 609 (2015)
 - Pavan v. Smith, 582 U.S. 563, 566, 137 S. Ct. 2075, 2078, 198 L. Ed. 2d 636 (2017)
- Oklahoma Supreme Court Case DF-121316
 - Oklahoma County FD-2021-3681
 - Williams v. Wilson

Eldredge v. Taylor, 2014 OK 92, ¶ 21, 339 P.3d 888, 895

- Here, a mother entered into a civil union with her long-time partner; purposefully engaged in family planning requiring complicated and costly biological and legal arrangements with the intent of sharing the rights and responsibilities of parenthood with her partner; committed this intent to writing; and, for years, reaffirmed this intent by accepting financial and emotional support from her partner and actively nurturing the relationship between her partner and the children. The public policy of this State mandates that the district court consider the best interests of the children before they lose one of the only two parents they have ever known. Thus, we find that the district court erred in granting the motion to dismiss.
- In the trial court, Taylor argued that Eldredge is barred from claiming that she is a presumed parent under the Oklahoma Uniform Parentage Act (OUPA), 10 O.S.2011, § 7700–204(A)(5), by the two-year limitation in presumed father proceedings. Id. § 7700–607(A). Because **we grant Eldredge relief under her contractual claim and do not address her OUPA claims, we need not decide this question.** Eldredge is within the five-year statute of limitations for a cause of action arising out of a written contract. 12 O.S.2011, § 95. id 891. (Emphasis Added)

Ramey v. Sutton, 2015 OK 79, ¶ 2, 362 P.3d 217, 218



- Today we broaden Eldredge, acknowledging the rights of a non-biological parent in a same sex relationship who has acted *in loco parentis* where the couple, prior to Bishop, or Obergefell, supra, (1) were unable to marry legally; (2) engaged in intentional family planning to have a child and to co-parent; and (3) the biological parent acquiesced and encouraged the same sex partner's parental role following the birth of the child.
- In her petition in error, **Ramey contends as a non-biological mother she has a legally protected interest giving her standing (1) as a parent under the provision “as otherwise provided by law” under the Oklahoma Uniform Parentage Act, (“OUPA”) 10 O.S.2011, 7700–101–7700–637; (2) as a third party recognized as a parent under Oklahoma common law estoppel principles; and (3) as a parent whose rights are constitutionally protected through the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. **Because we hold that the long recognized equitable doctrine of in loco parentis provides Ramey standing to pursue a hearing on custody and visitation, we need not reach the other theories raised by Ramey.** Id 219.**
- See, Taylor v. Taylor, 182 Okla. 11, 75 P.2d 1132, 1938 OK 77, where we first recognized this doctrine; also see, Workman v. Workman, 1972 OK 74, ¶ 10, 498 P.2d 1384, adopting the definition of ‘*in loco parentis*’ as “one who has assumed the status and obligation of a parent without formal adoption.” Id 218.

Obergefell v. Hodges, 576 U.S. 644, 669–70, 135 S. Ct. 2584, 2601, 192 L. Ed. 2d 609 (2015)

- The United States Supreme Court extended the “expanding list of governmental rights, benefits, and responsibilities” to all couples, should they choose to marry.
- “Indeed, while the States are in general free to vary the benefits they confer on all married couples, they have throughout our history made marriage the basis for an expanding list of governmental rights, benefits, and responsibilities. These aspects of marital status include: taxation; inheritance and property rights; rules of intestate succession; spousal privilege in the law of evidence; hospital access; medical decision making authority; adoption rights; the rights and benefits of survivors; **birth and death certificates**; professional ethics rules; campaign finance restrictions; workers' compensation benefits; health insurance; **and child custody, support, and visitation rules.**”
- Later referred to as “the constellation of benefits”

Pavan v. Smith, 582 U.S. 563, 564, 137 S. Ct. 2075, 2077, 198 L. Ed. 2d 636 (2017)



- When a married woman gives birth in Arkansas, state law generally requires the name of the mother's male spouse to appear on the child's birth certificate—regardless of his biological relationship to the child. According to the court below, however, Arkansas need not extend that rule to similarly situated same-sex couples: The State need not, in other words, issue birth certificates including the female spouses of women who give birth in the State. Because that differential treatment infringes Obergefell 's commitment to provide same-sex couples “the constellation of benefits that the States have linked to marriage,” we reverse the state court's judgment.
- In that (lower) court's view, “the statute centers on the relationship of the biological mother and the biological father to the child, not on the marital relationship of husband and wife,” and so it “does not run afoul of Obergefell.” Id.565
- **The Arkansas Supreme Court's decision, we conclude, denied married same-sex couples access to the “constellation of benefits that the State has linked to marriage.”** Obergefell, 576 U.S., at 670. As already explained, when a married woman in Arkansas conceives a child by means of artificial insemination, the State will—indeed, must—list the name of her male spouse on the child's birth certificate. See § 20–18–401(f)(1); see also § 9–10–201; supra, at 2077. And yet state law, as interpreted by the court below, allows Arkansas officials in those very same circumstances to omit a married woman's female spouse from her child's birth certificate.

Where does
this leave the
Oklahoma
Uniform
Parentage Act?



Wilson v. Williams Oklahoma Supreme Court DF-121316 / Oklahoma County FD-2021-3681

- Wilson(F) entered into a written sperm donor agreement with Vaughn(M) in September 2018 and became pregnant in December 2018. Williams(F) was not a party to that agreement or any other written agreement.
- Per Wilson's response brief, Williams was not intended to ever be a parent to this child.
- Williams and Wilson got married when Wilson was seven months pregnant.
- Williams and Wilson are on the child's birth certificate and raised the child together until November 2021.
- Vaughn became active in the child's life around the age of 1.
- Vaughn filed a motion to adjudicate the child's parentage in January 2022.
- Vaughn was ruled to be the child's legal father in March 2023. The Court found that the UPA does not take into account same-sex marriage and there was no presumption that the wife of the mother is automatically the presumed parent of a child born during the marriage.
- Williams' motion for a new trial was denied in May 2023.

Wilson v. Williams Oklahoma Supreme Court DF-121316 / Oklahoma County FD-2021-3681

- Petitioner Williams Brief in Chief argues that the UPA's marital presumption applies for two married women. Additionally, the brief alleges that that presumption cannot be challenged after two years pursuant to 10 O.S. § 7700-607. Vaughn challenged the presumption after the child turned two.
- Respondent Wilson's Response Brief makes an interesting argument "Respondent Williams' interpretation would violate equal protection principles because it would vest two women married to each other with benefits that two men married to each other would not have; the ability to disregard artificial insemination and surrogacy law requirements to establishing a parent-child relationship."
- Respondent Wilson's Response Brief also makes the argument that Williams wants the Court to read rights into the UPA while ignoring the requirements for a similarly situated person to secure parental rights. All the while ignoring all the long standing requirements created upon all persons regarding artificial insemination.

UNIFORM PARENTAGE ACT (UPA) - 2026 UPDATE

- KEY LEGAL PRINCIPLES
- RECOGNITION OF PARENTAGE
- LEGAL STANDARDS
- CHALLENGES IN 2026

Questions?

How many George Washingtons did you find?