

Cherokee Nation Code Annotated

Title 10: Children

Chapter 3: Paternity

§ 117. Preparation of birth certificate—Acknowledgement of paternity

Cite as: 10 CNCA § 117

A. Unless an adoption decree has been presented, and consent to adoption has been given as otherwise provided by law, upon the birth of a child to an unmarried woman, the person required by the State of Oklahoma, under 63 O.S. § 1–318, to prepare and file an Oklahoma birth certificate shall:

1. Provide written materials and an oral, audio, or video presentation to the child's mother and/or natural father including an affidavit acknowledging paternity on a form prescribed by the Office of Child Support Services. The completed affidavit shall be filed with the District Court. The affidavit shall contain:

a. a statement by the mother consenting to the assertion of paternity and stating the name of the father,

b. a statement by the father that he is the natural father of the child,

c. the social security numbers of both parents, and

d. other information as the United States Secretary of Health and Human Services may require;

2. Provide written information, furnished by the Office of Child Support Services, along with an oral, audio, or video presentation to the mother:

a. explaining that the completed, notarized affidavit shall be filed with the District Court,

b. regarding the benefits of having her child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services, and

c. explaining the implications of signing, including parental rights and responsibilities; and

3. Provide the original affidavit acknowledging paternity to the Office of the State Registrar of Vital Statistics. Copies of the original affidavit acknowledging paternity shall be provided to the Office of Child Support Services and to the mother and acknowledged father of the child.

B. The Office of Child Support Services shall make the affidavits acknowledging paternity and the husband's denial of paternity forms available at each office of the Office of Child Support Services.

C. A person signing an affidavit of paternity prior to attaining the age of 18 years shall be allowed to challenge said affidavit in Cherokee Nation District Court. A petition challenging the paternity affidavit must be filed by the person who acknowledged paternity prior to his nineteenth birthday. A challenge must be supported by DNA testing and the standard for proving paternity shall be the same as that found in 10 CNCA § 121.

Historical Data

LA 11–05, eff. March 21, 2005. Amended LA 30–06, eff. December 30, 2006; LA 04–17, eff. March 25, 2017.

2017 Legislation

LA 04–17, Section 2, provides:

"Section 2. Purpose. The purpose of the Act is to make technical amendments to the Cherokee Nation Paternity Code, codified at 10 CNCA § 100 et seq."