

**MEMORANDUM OF AGREEMENT  
REGARDING OBTAINING BLOOD SAMPLES  
FOR PATERNITY TESTING IN INTERNATIONAL CASES**

1. This memorandum describes procedures for use in situations where the U.S. Department of Justice (DOJ) notifies the U.S. Attorney for the Western District of Oklahoma of a request for judicial assistance from a foreign court in a paternity proceeding against a soldier. The practices set forth in this memorandum are facilitated through the cooperation of the U.S. Attorney for the Western District of Oklahoma, the Staff Judge Advocate (SJA), Fort Sill, Oklahoma, and the U.S. Magistrate, Lawton, Oklahoma.

2. Pursuant to the Hague Evidence Convention, the DOJ receives requests from foreign courts for paternity testing of active duty Army personnel. These requests are forwarded to the U.S. Attorney in the district where the soldier resides. DOJ policy requires that the soldier be offered an opportunity to voluntarily submit to blood testing. If the soldier refuses, a motion to show cause is filed to obtain an order pursuant to Title 28 U.S.C. 1782.

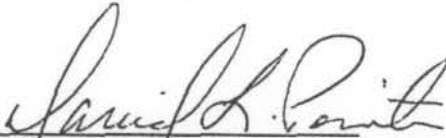
3. Upon receipt of a request for paternity testing from DOJ, the U.S. Attorney's Office will coordinate with the SJA office, Administrative Law Division (ALD), to locate the soldier. An attorney in the ALD will locate the soldier and inquire as to whether the soldier wishes to voluntarily consent to blood testing. In cases where the soldier agrees, the ALD attorney will notify the U.S. Attorney, who will then arrange a voluntary submission for testing at a precise time and location. Strict guidelines as to return of samples to the foreign authority must be observed.

4. In the event the soldier fails to appear for blood testing as scheduled, and does not agree to reschedule, or when the soldier refuses to voluntarily cooperate, the U.S. Attorney's Office will then petition the U.S. District Court for appointment of the appropriate federal magistrate as "Commissioner" for the purpose of rendering judicial assistance in obtaining the blood sample.

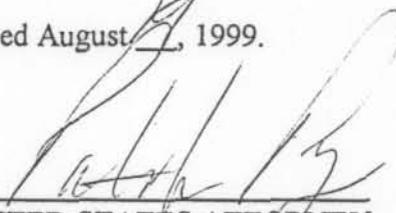
5. Upon assignment of the Commissioner, the Special Assistant U.S. Attorney (SAUSA), a designated member of the SJA office, will assume responsibility for filing the necessary court documents to cause the Commissioner to issue either a subpoena or an order to show cause. In cases where the Commissioner orders that the blood be drawn, the SAUSA will provide notice and/or updates to the U.S. Attorney's Office so that personnel in that office can make arrangements for testing. The SAUSA may be reached at 580-442-3900/3737/3533 (FAX 580-442-7370) unless otherwise notified.

6. This memorandum can be terminated at any time by any of the signatories or their successors.

Dated August 25, 1999.

  
STAFF JUDGE ADVOCATE  
USAFACFS  
Fort Sill, Oklahoma

Dated August 27, 1999.

  
UNITED STATES ATTORNEY  
Western District of Oklahoma  
Oklahoma City, Oklahoma