

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 399

BY: CAIN of the SENATE

and

MAXEY of the HOUSE

COMMITTEE SUBSTITUTEAN ACT RELATING TO MARRIAGE; CREATING THE
OKLAHOMA CENTRALIZED SUPPORT REGISTRY AND VISITATION REGISTRY ACT;
PROVIDING SHORT TITLE; CREATING THE ADVISORY TASK FORCE ON IV-D
ENFORCEMENT; STATING PURPOSE; PROVIDING FOR THE CREATION OF A
CENTRALIZED SUPPORT REGISTRY AND A CHILD VISITATION REGISTRY;
STATING DUTIES AND POWERS OF THE TASK FORCE; PROVIDING THAT POWERS
SHALL BE BROADLY CONSTRUED; PROVIDING COMPOSITION OF THE TASK FORCE;
PROVIDING FOR STAFF ASSISTANCE; PROVIDING FOR TRAVEL REIMBURSEMENT;
PROVIDING THAT CERTAIN SUPPORT PAYMENTS BE MADE THROUGH THE
CENTRALIZED SUPPORT REGISTRY; PROVIDING FOR EXCEPTIONS; AUTHORIZING
CERTAIN PARTIES TO PETITION FOR SUPPORT PAYMENTS TO BE MADE THROUGH
THE REGISTRY; REQUIRING CERTAIN PARTIES TO PROVIDE ADDRESSES AND ANY
CHANGES THERETO; PROVIDING FOR SERVICE OF PROCESS UPON CERTAIN
PARTIES; PROVIDING FOR OPTIONAL PARTICIPATION IN THE VISITATION
REGISTRY; AUTHORIZING CERTAIN PARTIES TO PETITION FOR VISITATION TO
BE CONTROLLED THROUGH THE REGISTRY; PROVIDING FOR CODIFICATION; AND
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 410 of Title 43, unless there is created a duplication in numbering, reads as follows:

This act shall be known as the "Oklahoma Centralized Support Registry and Visitation Registry Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 411 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until July 1, 1995, the "Advisory Task Force on IV-D Enforcement". The purpose of the Task Force shall be to advise and assist the Department of Human Services in the creation of a Centralized Support Registry for all child support, spousal support and related support payments ordered in this state for implementation on or after July 1, 1993. The Task Force shall establish an optional Child Visitation Registry.

B. The Task Force is empowered and directed, on or before October 1, 1992, to perform the following tasks:

1. Create a structure for a Support Registry, including designation of the proper place for the Registry within state government;

2. Determine the proper method of funding for the Support Registry;

3. Make recommendations for rules governing the operation of the Support Registry;

4. Enter into a contract with a private provider to perform the tasks described in paragraphs 1, 2 and 3 of this subsection;

5. Create a structure for a Visitation Registry, including designation of the proper place for the Registry within state government;

6. Determine the proper method of funding for the Visitation Registry;

7. Make recommendations for rules governing the operation of the Visitation Registry; and

8. Enter into a contract with a private provider to perform the tasks described in paragraphs 5, 6 and 7 of this subsection.

C. The powers of the Task Force shall be broadly construed to implement an effective, efficient and comprehensive system of accounting for support payments made pursuant to orders of the courts of this state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 412 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. The Advisory Task Force on Child Support Enforcement shall be composed of the following individuals:

1. The Administrative Director of the Courts, or his designee;

2. The Director of the Department of Human Services, or his designee;

3. The Executive Coordinator of the District Attorneys' Council, or his designee;

4. Five members to be appointed by the Governor, who shall include two custodial parents, two noncustodial parents and one member of the Judiciary;

5. Two members of the Senate, to be appointed by the President Pro Tempore of the Senate;

6. Two members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

7. The Chair of the Family Law Section of the Oklahoma Bar Association, or his designee;

8. The Attorney General of the State of Oklahoma, or his designee; and

9. The Director of the Office of State Finance, or his designee.

B. The members of the Task Force shall be appointed not later than July 1, 1992, and shall organize and elect a chairman not later than August 1, 1992.

C. Staff assistance to the Advisory Task Force on Child Support Enforcement shall be provided or arranged by the Department of Human Services.

D. Members of the Advisory Task Force on Child Support Enforcement shall be reimbursed by the Department of Human Services for travel expenses incurred in the performance of their official duties in accordance with the provisions of Section 291 et seq. of Title 74 of the Oklahoma Statutes and the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 413 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. After implementation of the Centralized Support Registry by the Advisory Task Force on IV-D Enforcement, all child support, spousal support and related support payments in all new or modified court orders shall be paid through the Registry unless the court finds extraordinary circumstances for ordering the payments to be made to another entity. In such circumstance, the court must provide for a specific method of accounting for support payments made which is calculated to provide for clear and well-documented evidence of payment or nonpayment of support.

B. Any party desiring child support, spousal support or related support payments to be paid through the Registry may petition the court to order the payments to be made through the Registry.

C. After implementation of the Registry, all parties to a judgment, decree or order which requires payment of support through the Registry shall provide the Registry with their mailing address and residence address and shall provide in writing any changes in the mailing or residence address within one (1) month of changes in said address. Orders issued by the district court shall direct the parties to provide information regarding addresses to the Registry. The Registry will give notice of the address change to the other parent or custodian; provided, information on the address shall not be given if it is prohibited by a court order granted for the protection of a parent or custodian who is a party to the divorce.

D. Parties who fail to comply with subsection C of this section may be served with process by the court clerk mailing service with proof of mailing to the last address provided to the Registry, with the following qualifications:

1. The party seeking service, which includes the Department of Human Services, must allege a lack of more recent knowledge of the whereabouts of the party sought to be served than the address information last provided to the Registry; and

2. The party seeking service has attempted to serve process by certified mail, return receipt requested, to the address last provided the Registry and has been unable to obtain service of process by that method.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 414 of Title 43, unless there is created a duplication in numbering, reads as follows:

Participation in the Visitation Registry shall be optional. Any party desiring to participate in the Registry may petition the court to order visitation be controlled through the Registry. Court orders which contain nonspecific visitation language do not require participation in the Visitation Registry.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-8729

SD