

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 2574

By: Larason of the House

and

Brown of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to children; amending 10 O.S. 1991, Section 1121, which relates to the care and maintenance of certain children; modifying payment of support of children and procedures related thereto; authorizing certain orders; providing for the amount of child support in accordance with child support guidelines; removing certain procedures related to certain funds; requiring certain supervision fees and procedures related thereto; amending 56 O.S. 1991, Section 238, which relates to certain debts to the state; removing certain restrictions for payment of support; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1121, is amended to read as follows:

Section 1121. A. In any hearing concerning the status of a child, the court shall have authority to adjudge the parent or parents who have been served with notice of the hearing liable and accountable for the care and maintenance of any child or children, and to order the payment of funds for the care and maintenance of the child, including but not limited to all or some part of medical care and mental health services, as authorized by law. The court shall have all powers incident to such orders necessary for their enforcement, including the power and authority to require bond or other security for the payment of such order; and may resort to execution and the power of punishment for contempt for noncompliance with such order.

B. The 1. When the court places a child in the custody of the Department of Human Services, the court shall order the parent or legal guardian to make payments to the Department for the care and support of the child in accordance with the child support guidelines established by law.

2. When custody is placed with a private individual or agency, the court may order the parent or legal guardian to make payments to said individual or agency in accordance with the child support guidelines established by law.

C. In accordance with said guidelines, the court shall have the right to increase, decrease, or otherwise modify its orders for care and maintenance, as the conditions or needs of the child or children may require and the ability of the person or persons held to pay may afford. The court ~~may~~ shall order support payments to be made direct to the person, ~~organization or institution~~ or public or private agency having the care and custody of the child or children, ~~or directly to the clerk of the court.~~

~~C. All such funds ordered and paid to the clerk shall be accounted for; provided, that when payments are made in advance for any child, and custody of the court is terminated before the end of the period, then the clerk may refund, by proper voucher, the unused or unaccrued portion of such payment; or the refund may be authorized and paid on claim properly verified and approved by the judge.~~

D. When the court orders the Department of Human Services or a legally constituted juvenile bureau to provide preadjudicatory or postadjudicatory probation or other supervision, the court shall order the parent or legal guardian to pay a supervision fee to the Department or juvenile bureau. The supervision fee shall be established on a sliding scale basis, in accordance with the ability of the parent or legal guardian to pay.

SECTION 2. AMENDATORY 56 O.S. 1991, Section 238, is amended to read as follows:

Section 238. A. Any payment of public assistance money by the Department of Human Services, hereinafter referred to as

"Department," to or for the benefit of any dependent child or children or a child in the custody of the Department creates a debt due and owing to the State of Oklahoma by the natural or adoptive parent or parents who are responsible for support of such child or children in an amount equal to the amount of public assistance money so paid.

~~Provided, that any debt under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance monies for the benefit of minor dependent children for the period such person or persons are in such status.~~

~~Provided further, that where there has been a court order, the debt shall be limited to the amount provided for by said order. The Department shall have the right to petition the appropriate court for modification of a court order on the same grounds as a party to said cause.~~

B. The Department shall be subrogated to the right of said child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the State of Oklahoma to obtain reimbursement of money thus expended.

SECTION 3. 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.

44-2-L9614

CLD