

ENROLLED HOUSE
BILL NO. 1492

By: Williams, Boyd (Laura),
Monks, Seikel and
Caldwell of the House

and

Robinson and Williams
(Penny) of the Senate

An Act relating to children; amending 10 O.S. 1991, Sections 2, 3, 70, 77.1, 83 and 89, which relate to paternity and child support; setting certain presumptions; expanding who may dispute presumptions; providing for rebutting certain presumptions; providing for certain parent and child relationships; specifying mother of child; providing for paternity; defining term; providing for inconsistent presumptions; providing for certain statements acknowledging paternity; providing for support; removing certain restrictions; limiting certain actions; providing for application of certain subsection; providing for certain court or administrative determinations; providing for certain administrative actions; making section applicable to certain putative fathers; providing for actions for establishment of paternity by certain persons; amending 10 O.S. 1991, Section 1132, which relates to parent-child relationship under termination; clarifying duty of support; requiring certain notice; amending 12 O.S. 1991, Sections 95, as amended by Section 1, Chapter 344, O.S.L. 1992, and 1171.3 (12 O.S. Supp. 1993, Section 95), which relate to limitation of actions, and child support; specifying time periods for certain actions; modifying certain notice provisions; requiring additional information; amending 43 O.S. 1991, Sections 112, as amended by Section 1, Chapter 307, O.S.L. 1993, 114, 118, as last amended by Section 2, Chapter 307, O.S.L. 1993, 118.1, as amended by Section 1, Chapter 153, O.S.L. 1992, 135 and 137, as amended by Section 4, Chapter 307, O.S.L. 1993 (43 O.S. Supp. 1993, Sections 112, 118, 118.1 and 137), which relate to child support; removing certain hearing requirements; making the Department of Human Services a party in certain cases; requiring payment of certain interest on certain child support orders; modifying certain determinations for certain children; providing for certain determinations; requiring certain modifications; providing for certain actions; providing for certain health coverage; requiring certain information; prohibiting certain actions; providing certain requirements for employers related to health coverage; filing of certain forms with

Workers' Compensation Court; requiring mailing; modifying certain review requirements; requiring certain reviews; providing for procedures and modifications; specifying time periods; requiring rules; modifying certain judgments or orders and procedures; extending certain dormancy conditions; modifying certain procedures; providing for eligibility for assistance; providing for certain hearings; removing certain duplicative language providing for material change in circumstances; prohibiting modifications; amending 56 O.S. 1991, Sections 237, as amended by Section 2, Chapter 153, O.S.L. 1992, 238.6 and 239 (56 O.S. Supp. 1993, Section 237), which relate to collection of child support; requiring notification of change of address or employer; providing for affidavits of paternity; requiring certain procedures; providing for content of certain notice; specifying certain procedures; authorizing certain tests; providing for certain costs; providing for certain exclusions and removals; providing for availability of certain process; modifying certain dates for certain reports; amending 63 O.S. 1991, Section 1-311, which relates to birth certificates; clarifying paternity process; modifying information for birth certificates for certain persons; providing for putative father affidavit; specifying process; providing for confidentiality; authorizing release; requiring certain information; requiring determination of paternity and child support; requiring certain submissions; providing for certain affidavit of paternity; providing contents; providing for affidavit acknowledging paternity; providing for content; providing for filing; authorizing reimbursement of certain costs; amending 85 O.S. 1991, Section 48, which relates to the Workers' Compensation Act; providing for construction of section; providing for enforcement of child support liens and income assignments; providing for filing and payment; providing for venue; amending 10 O.S. 1991, Sections 501, 502, 503, 504, 505, 506 and 508, which relate to the Uniform Act on Blood Tests; changing name; authorizing and providing for certain additional testing; broadening scope of act to genetic testing; providing for conclusive presumptions; providing for mailing of test results; providing procedures for objections, and admission as evidence; authorizing certain reports; providing for contents; repealing 10 O.S. 1991, Sections 55, 85 and 507, which relate to illegitimate children, certain agreements for child support, and uniform laws for blood testing; providing for codification; providing for recodification; and providing an effective date.

SECTION 1. AMENDATORY 10 O.S. 1991, Section 2, is amended to read as follows:

Section 2. ~~All children of a woman who has been married, born~~
A. Except as otherwise provided by Section 215 of Title 84 of the Oklahoma Statutes, a man is presumed to be the natural father of a child for all intents and purposes if:

1. He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within ten (10) months after the ~~dissolution~~ termination of the marriage are presumed to be legitimate children of that marriage by death, annulment, declaration of invalidity, divorce or dissolution, or after a decree of separation is entered by a court. A child born before wedlock becomes legitimate by the subsequent marriage of ~~its parent~~ his parents even if the marriage is, was or could be declared invalid. Any child born within the ten-month period specified in this subsection which is born during a subsequent marriage to another person shall be presumed to be the legitimate child of that subsequent marriage;

2. Before the child's birth, he and the child's natural mother have cohabitated and the child is born within ten (10) months after the termination of cohabitation. As used in this paragraph, the term cohabitation means the dwelling together continuously and habitually of a man and a woman who are in a private conjugal relationship not solemnized as a marriage according to law;

3. While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child for a period of at least two (2) years;

4. The United States Immigration and Naturalization Service made or accepted a determination that he was the father of the child at the time of the child's entry into the United States and he had the opportunity at the time of the child's entry into the United States to admit or deny the paternal relationship; or

5. Statistical probability of paternity is established at ninety-five percent (95%) or more by scientifically reliable genetic tests, including but not limited to blood tests.

B. The presumption of paternity created pursuant to this section may be disputed pursuant to Section 3 of this title.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 3, is amended to read as follows:

Section 3. A. The presumption of ~~legitimacy~~ ~~can~~ paternity created pursuant to Section 2 of this title may be disputed only by the husband or wife, the putative father or the descendant of one or both of them. Illegitimacy in such a case may be proved like any other fact. ~~Provided that if the~~ their descendants. Paternity may be established pursuant to Section 70 of this title.

B. If a child is born during the course of the marriage and is reared by the husband and wife as a member of their family without disputing the child's legitimacy for a period of at least two (2) years, the presumption cannot be disputed by anyone.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 70, is amended to read as follows:

Section 70. A. Except as otherwise provided by law, a woman who gives birth to a child is the natural mother of the child.

B. Paternity may be established by:

1. A notarized written statement of the father and mother acknowledging paternity pursuant to Section 9 of this act. Such statement acknowledging paternity shall have the same legal effect as an order of paternity entered in a court or administrative proceeding. Such statement may be contested for a period of not

more than two (2) years after signing the statement. Except for the child after two (2) years, paternity may not be disputed by anyone;

2. Scientifically reliable genetic tests, including but not limited to blood tests;

3. Court or administrative order; or

4. As otherwise provided by law.

C. Proceedings to establish paternity may be brought in the appropriate district court by civil proceedings brought or through the Department of Human Services, Office of Administrative Hearings: Child Support, by the mother, the father, guardian or custodian of the child, the Department of Human Services, the district attorney, a public or private agency or authority chargeable with the support of the child, or by the child. The court, after determining paternity in a civil action, shall provide for the support and maintenance of the child. The court shall further make provision for custody and visitation based upon the best interests of the child.

D. An action to establish paternity shall be available to a child if commenced within one (1) year after the child reaches the age of eighteen (18).

SECTION 4. AMENDATORY 10 O.S. 1991, Section 83, is amended to read as follows:

Section 83. A. An individual who has been legally determined to be the father of a child pursuant to Section 70 of this title, or an individual who has been judicially or administratively determined to be the father of a child is liable for the support and education of the child to the same extent as the father of a child born in wedlock.

B. 1. An action to enforce this the obligation to support and educate the child of support and education may be brought by the mother or custodian or guardian of the child, by the public authority chargeable with the support of the child, or by the child.

2. An action to determine paternity and to enforce this obligation may be brought any time before the eighteenth birthday of the child. An action to establish paternity under this act shall be available for any child for whom a paternity action was brought and dismissed because of the application of a statute of limitations of less than eighteen (18) years.

3. If paternity has been legally determined pursuant to Section 70 of this title, or judicially or administratively determined ~~or if the father has acknowledged in writing that he is the father of the child,~~ an action to enforce this obligation of support may be brought ~~any~~ within the time before the child reaches majority periods specified by paragraph 7 of Section 95 of Title 12 of the Oklahoma Statutes.

4. The father's obligation to support is terminated if the child is adopted.

5. The court may order the payments made to the mother or custodian or guardian of the child, or to some other person, corporation or agency to administer under the supervision of the court.

B. C. An individual who has been legally determined to be the father of a child pursuant to Section 70 of this title, or an individual who has been judicially or administratively determined to be the father of a child ~~may~~ shall be ordered to pay all or a portion of the costs of the birth and the reasonable expenses of providing for said child or the amount of public assistance paid ~~to~~ or for the benefit of said child prior to the determination of paternity, provided that liability for support provided before the

determination of paternity ~~may~~ shall be imposed for ~~only~~ five (5) years preceding the filing of the action.

~~C.~~ D. The amount of child support and other support including amounts provided for in subsection C of this section shall be ordered and reviewed in accordance with the child support guidelines provided in Section 118 of Title 43 of the Oklahoma Statutes.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 89, is amended to read as follows:

Section 89. A. The mother, putative father, guardian or custodian of the child, the Department of Human Services, a public or private agency or authority chargeable with the support of the child, or the child may bring an action in a civil proceeding in district court or by an administrative action through the Department of Human Services, to determine paternity and the amount of child support due and owing for the maintenance of the child.

B. Venue of an action to determine the paternity of a child pursuant to this section shall be, at the option of the plaintiff, in either the county where the putative father, mother, or child resides. If the mother or child or both the mother and child reside out-of-state, venue of an action to determine the paternity of a child pursuant to this section, at the option of the plaintiff, may be in the county where the putative father resides.

C. A court may exercise personal jurisdiction over a person, whether or not a resident of this state, who is the subject of a paternity action. When the person who is subject to the jurisdiction of the court is outside the state, he may be served outside of the state by any method that is authorized by the statutes of this state.

D. The petition shall be verified as true by the affidavit of the plaintiff. A summons may be issued thereon and shall be served or publication made as in other civil cases.

E. The practice, pleading, and proceedings in such action shall conform to the rules prescribed by the code of civil procedure as far as the same may be applicable.

F. If the defendant fails to answer the petition of the plaintiff or appear for show cause hearing, then the court ~~may~~ shall proceed to determine issues of paternity, support, custody and visitation in the same manner as provided for in actions for divorce.

G. Attorneys for the Department of Human Services may appear or initiate an action brought under this section on behalf of:

1. A recipient of Aid to Families with Dependent Children; or
2. A person not receiving Aid to Families with Dependent Children, including but not limited to the putative father, upon the request of such person and proper application pursuant to rules and regulations adopted by the Department. A reasonable fee and costs may be assessed for the services by the Department.

H. In a proceeding brought under subsection G of this section by the Department of Human Services, the court may, and unless it is not in the best interests of the child, shall, limit the issues in that proceeding to issues of paternity and support, unless issues of custody and visitation are specifically and affirmatively pled by the father.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 238.6B of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services may serve a notice of paternity and support obligations on an individual alleged to be the parent of a child for whom paternity has not been judicially or administratively established. Venue for such action shall be, at

the option of the plaintiff, in the county where the mother, father or child resides. Service of the notice shall be in the same manner as a summons in a civil action pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

B. The notice shall be verified and have attached to it a copy of any affidavit acknowledging paternity or any blood or other genetic test results, if available, and shall state:

1. The name and date of birth of any minor children, along with the name of the natural mother and custodian, if different than the mother or putative father;

2. The amount of child support and other support, including the amounts ordered pursuant to paragraph 3 of this subsection, to be ordered in accordance with the Child Support Guidelines provided in Section 118 of Title 43 of the Oklahoma Statutes;

3. The amount of reimbursement for the costs of the birth and the reasonable expenses of providing for said child which has accrued or is accruing, provided that the liability for the above costs shall be imposed for five (5) years preceding the issuance of the notice;

4. That health insurance for the child whenever such insurance is available through employment or other group health insurance plan and that payment of proportionate share of any unreimbursed health costs shall be required;

5. The amount of reimbursement requested for the costs of the genetic test to determine paternity, if any;

6. That an immediate income assignment will be effectuated for payment of current support and any judgments entered;

7. That in the absence of genetic test results or an affidavit acknowledging paternity an order to appear and show cause why the administrative judge should not determine him to be the father will be issued;

8. That a father not served with a notice to appear and show cause may object to the notice of paternity and support obligations. To object he must, within twenty (20) days of the date of service, in writing, request a hearing to show cause why he should not be determined to be the father of any such children, liable for the support requested in the notice, for the costs accrued and accruing or the amount to be paid thereon;

9. That if the affidavit acknowledging paternity was signed within two (2) years prior to the date of the notice, or in the absence of such affidavit, paternity may be disputed. If paternity is disputed, the Administrative Law Judge shall enter an order directing genetic tests to determine paternity and advise the putative father that if he fails to appear he will be in default and an order will be entered against him. If the putative father is not excluded, and the statistical probability of paternity according to scientifically reliable genetic tests including but not limited to blood tests is ninety-eight percent (98%) or less and he is contesting the issue of paternity, he may request the Department to remove the action to district court to determine paternity. If the statistical probability of paternity is greater than ninety-eight percent (98%), or the statistical probability is ninety-eight percent (98%) or less and the father does not request the Department to remove to district court within fifteen (15) days of the Department mailing the genetic test or other test results, determination of paternity shall become final for all intents and purposes and may be overturned only by appeal to district court. Any such request shall be in writing and served on the Department personally or by registered or certified mail;

10. That if the putative father fails to appear at the show cause hearing or if no notice to appear and show cause was served and no hearing is requested on or before twenty (20) days from the date of service, the finding of paternity shall become final. The order may be docketed with the district court in the county of residence of the custodian, child or father; and

11. After paternity is determined, the Department will set a hearing to determine the child support amounts and send the parties notice of such hearing by certificate of mailing. Failure to appear at such hearing will result in a support order being entered against the father. The order may be docketed with the district court in the county of residence of the custodian, child or father. The support order shall be enforced in the same manner as an order of the district court.

C. The Department may accept voluntary acknowledgments of support liability and support amounts.

D. If the father's name has not been entered on the child's birth certificate, the Department of Human Services shall notify the State Registrar of Vital Statistics who shall enter the father's name on the birth certificate.

E. If child support services are being provided pursuant to Section 237 of this title, prior to the issuance of the notice of paternity and support obligation, a father who denies paternity may request that a genetic test or other test be administered. The request for testing shall be in writing and served on the Department personally or by registered or certified mail.

F. If a request for testing is made pursuant to subsection B or E of this section, the Department shall arrange for the test and, pursuant to rules promulgated by the Department, may advance the cost of such testing. The Department shall mail a copy of the test results by a certificate of mailing to the father's last-known address. If a request for genetic tests was made pursuant to subsection E of this section, the Department shall mail the notice of paternity and support obligations to the father by certificate of mailing to the father's last-known address.

G. If the test excludes the father from being a natural parent, the Department shall file a copy of the results with the State Registrar of Vital Statistics and shall dismiss any pending court or administrative collection proceedings based upon the affidavit acknowledging paternity. The State Registrar of Vital Statistics shall remove the father's name from the birth certificate.

SECTION 7. AMENDATORY 63 O.S. 1991, Section 1-311, is amended to read as follows:

Section 1-311. ~~(a)~~ A. A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar of the district in which the birth occurs, within seven (7) days after such birth. Provided, that when a birth occurs on a moving conveyance, a birth certificate shall be filed in the district in which the child was first removed from the conveyance.

~~(b)~~ B. When a birth occurs in an institution, the person in charge of the institution or his designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the local registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five (5) days after the birth.

~~(c)~~ C. When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

~~(1)~~ 1. The physician in attendance at or immediately after the birth, ~~or in the absence of such a person;~~

~~(2)~~ 2. Any other person in attendance at or immediately after the birth, ~~or in the absence of such a person;~~ or

~~(3)~~ 3. The father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred and present at the birth.

~~(d)~~ ~~(1)~~ D. 1. If the mother was married ~~either~~ and at the time of conception ~~or~~ and birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

~~(2)~~ ~~If~~ 2. Except as otherwise provided by paragraph 3 of this subsection, if the mother was not married either at the time of conception or and birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as the father, unless if:

a. a determination of paternity has been made by an administrative action through the Department of Human Services or a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered, or

b. the mother and father have signed an affidavit acknowledging paternity pursuant to Section 9 of this act and filed it with the State Registrar of Vital Statistics.

3. Effective November 1, 1994:

a. If the mother was not married at the time of conception or birth and paternity has not been established or acknowledged as specified in paragraph 2 of this subsection, the name of the putative father shall be entered on a putative father affidavit attached to and maintained with the certificate of birth. The affidavit shall be prescribed by the State Department of Health in conjunction with the Department of Human Services and made available in such manner as birth certificate forms. The affidavit shall be prepared and filed by such persons and in such manner as birth certificates required by this section. The affidavit shall be signed by the mother and shall contain information identifying whether the mother wants the Department of Human Services to pursue child support for the child. The State Registrar of Vital Statistics shall maintain such affidavit in the birth certificate registry for each birth. Except as otherwise provided by subparagraph b of this paragraph, the State Registrar of Vital Statistics shall keep such affidavit confidential until paternity has been established or acknowledged in which case the name of the father shall be entered on the birth certificate.

b. The State Registrar of Vital Statistics shall make available upon request the name of the putative father to the Department of Human Services and to a court of competent jurisdiction for paternity actions, child support determinations or termination proceedings.

c. The State Registrar shall provide for the destruction of the putative father affidavit after paternity has been legally established and the name of the father

has been entered on the birth certificate. The Department and the State Registrar may enter into interagency agreement for implementation of this paragraph. If paternity has not been established within twelve (12) months from the date of birth, the State Registrar shall forward a certified copy of the Certificate of Birth and the original "putative father affidavit" to the Department of Human Services for filing.

d. The Department of Human Services shall give notice to such putative father as required by Section 6 of this act and provide for determination of paternity and child support.

~~(e)~~ E. Either of the parents of the child shall sign the certificate of live birth to attest to the accuracy of the personal data entered thereon, in time to permit its filing within the seven (7) days prescribed ~~above~~ in this section.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-311.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Registrar of Vital Statistics shall provide to the Department of Human Services the verifications of birth certificates, affidavits acknowledging paternity and such other documents or information necessary to comply with this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-311.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Upon the birth of a child to an unmarried woman, the person required by Section 1-311 of Title 63 of the Oklahoma Statutes to prepare and file a birth certificate shall:

1. Provide an opportunity for the child's mother and natural father to complete an affidavit acknowledging paternity on a form prescribed by the Department of Human Services. The completed affidavit shall be filed with the local registrar. The affidavit shall contain or have attached:

- a. a sworn statement by the mother consenting to the assertion of paternity and stating that this is the father,
- b. a statement by the father that he is the natural father of the child,
- c. written information, furnished by the Department of Human Services, explaining the implications of signing, including parental rights and responsibilities, and
- d. the social security numbers of both parents;

2. Provide written information, furnished by the Department of Human Services, to the mother 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

3. Mail a copy of the affidavit acknowledging paternity to the Department of Human Services and to the mother and putative father of the child.

B. The person required by Section 1-311 of Title 63 of the Oklahoma Statutes to prepare and file a birth certificate is entitled to reimbursement for reasonable costs, which the State Board of Health shall establish by rule, when an affidavit acknowledging paternity is filed with the State Registrar of Vital Statistics.

C. The Department of Human Services shall make such affidavits acknowledging paternity available at each county office of the Department and at the Office of the State Registrar of Vital Statistics and at the office of each local registrar.

SECTION 10. AMENDATORY 10 O.S. 1991, Section 1132, is amended to read as follows:

Section 1132. A. The termination of parental rights terminates the parent-child relationship, including the parent's right to the custody of the child and his right to visit the child, his right to control the child's training and education, the necessity for the parent to consent to the adoption of the child and the parent's right to the earnings of the child, and the parent's right to inherit from or through the child. Provided, that nothing herein shall in any way affect the right of the child to inherit from the parent.

B. 1. Except for adoptions as provided in paragraph 3 of this subsection, termination of parental rights shall not terminate the duty of either parent to support his or her minor child.

2. Any actual notice of termination of parental rights and order terminating parental rights shall indicate that the duty of the parent to support his or her minor child will not be terminated except for adoption as provided by paragraph 3 of this subsection.

3. Child support orders shall be entered by the court that terminates parental rights and shall remain in effect until the court of termination receives notice from the placing agency that a final decree of adoption has been entered and then issues an order terminating child support and dismissing the case.

SECTION 11. AMENDATORY 12 O.S. 1991, Section 95, as amended by Section 1, Chapter 344, O.S.L. 1992 (12 O.S. Supp. 1993, Section 95), is amended to read as follows:

Section 95. Civil actions other than for the recovery of real property can only be brought within the following periods, after the cause of action shall have accrued, and not afterwards:

~~First.~~ 1. Within five (5) years: An action upon any contract, agreement or promise in writing.

~~Second.~~ 2. Within three (3) years: An action upon a contract express or implied not in writing; an action upon a liability created by statute other than a forfeiture or penalty; and an action on a foreign judgment.

~~Third.~~ 3. Within two (2) years: An action for trespass upon real property; an action for taking, detaining or injuring personal property, including actions for the specific recovery of personal property; an action for injury to the rights of another, not arising on contract, and not hereinafter enumerated; an action for relief on the ground of fraud - the cause of action in such case shall not be deemed to have accrued until the discovery of the fraud.

~~Fourth.~~ 4. Within one (1) year: An action for libel, slander, assault, battery, malicious prosecution, or false imprisonment; an action upon a statute for penalty or forfeiture, except where the statute imposing it prescribes a different limitation.

~~Fifth.~~ 5. An action upon the official bond or undertaking of an executor, administrator, guardian, sheriff, or any other officer, or upon the bond or undertaking given in attachment, injunction, arrest or in any case whatever required by the statute, can only be brought within five (5) years after the cause of action shall have accrued.

~~Sixth.~~ 6. An action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse incidents or exploitation as defined by Section 845 of Title 21 of the Oklahoma Statutes or incest can only be brought within the latter of the following periods:

- a. within two (2) years of the act alleged to have caused the injury or condition, or
- b. within two (2) years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act or that the act caused the injury for which the claim is brought.

Provided, however, that the time limit for commencement of an action pursuant to this paragraph is tolled for a child until the child reaches the age of eighteen (18) years. No action may be brought against the alleged perpetrator or the estate of the alleged perpetrator after the death of such alleged perpetrator. An action pursuant to this paragraph must be based upon objective verifiable evidence in order for the victim to recover damages for injuries suffered by reason of such sexual abuse, exploitation or incest. The evidence should include both proof that the victim had psychologically repressed the memory of the facts upon which the claim was predicated and that there was corroborating evidence that the sexual abuse, exploitation or incest actually occurred. The victim need not establish which act in a series of continuing sexual abuse incidents, exploitation incidents or incest caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse, exploitation or incest. Provided further, any action based on intentional conduct specified in paragraph 6 of this section must be commenced within twenty (20) years of the victim reaching the age of eighteen (18).

Seventh. 7. An action to establish paternity and to enforce support obligations can be brought any time before the child reaches the age of eighteen (18).

8. An action to establish paternity can be brought by a child if commenced within one (1) year after the child reaches the age of eighteen (18).

9. An action for relief, not hereinbefore provided for, can only be brought within five (5) years after the cause of action shall have accrued.

SECTION 12. AMENDATORY 43 O.S. 1991, Section 112, as amended by Section 1, Chapter 307, O.S.L. 1993 (43 O.S. Supp. 1993, Section 112), is amended to read as follows:

Section 112. A. A petition or cross-petition for a divorce, legal separation, or annulment must state whether or not the parties have minor children of the marriage. If there are children of the marriage, the court:

1. Shall make provision for guardianship, custody, medical care, support and education of the minor children;
2. Unless not in the best interests of the minor children, may provide for the visitation of the noncustodial parent with any of the children of such noncustodial parent; and
3. May modify or change any order whenever circumstances render such change proper either before or after final judgment in the action; provided, that the amount of the periodic child support payment shall not be modified retroactively or payment of all or a portion of the past due amount waived, except by mutual agreement of the obligor and obligee, or if the obligee has assigned child support rights to the Department of Human Services or other entity, by agreement of the Department or such entity. Unless the parties agree to the contrary, a completed child support computation form provided for in Section 120 of this title shall be required to be filed with the child support order.

B. In awarding the custody of a minor unmarried child or in appointing a general guardian for the child, the court shall be

guided by the provisions of Section 21.1 of Title 10 of the Oklahoma Statutes and shall consider what appears to be in the best interests of the child.

C. 1. When it is in the best interests of the child, the court shall:

- a. assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, and
- b. encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

2. There shall be neither a legal preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody.

3. When in the best interests of a child, custody shall be awarded in such a way so as to assure the frequent and continuing contact of the child with both parents. To this effect, in making an order for custody to either parent, the court:

- a. may consider, among other facts, which parent is more likely to allow the child or children frequent and continuing contact with the noncustodial parent, and
- b. shall not prefer a parent as a custodian because of the gender of that parent.

4. In making an order for custody, the court may specify that:

- a. unless there is a prior written agreement to change the permanent residence of the child either parent shall notify the other parent if such parent plans to change the permanent residence of the child, and
- b. the noncustodial parent is to notify the custodial parent if such noncustodial parent plans to change permanent residence.

D. Any child shall be entitled to support by the parents until the child reaches eighteen (18) years of age. If a dependent child is regularly and continuously attending high school, said child shall be entitled to support by the parents through the age of eighteen (18) years. No hearing shall be required to extend such support through the age of eighteen (18) if the child is regularly and continuously attending high school.

E. In any case in which provision is made for the custody or support of a minor child ~~after November 1, 1990~~ or enforcement of such order, the court ~~may determine~~ shall inquire whether public assistance money has been provided by the Department of Human Services for the benefit of each such minor child. If public assistance money has been provided for the benefit of the minor child ~~since the date of the last child support order~~, the Department of Human Services ~~is~~ shall be a necessary party for the just adjudication and establishment of the debt due and owing the State of Oklahoma, as defined in Section 238 of Title 56 of the Oklahoma Statutes and for the just adjudication and establishment of current child support.

F. In any case in which a child support order or custody order or both is entered, enforced or modified, the court may make a determination of the arrearages of child support, if any.

SECTION 13. AMENDATORY 43 O.S. 1991, Section 114, is amended to read as follows:

Section 114. ~~When ordered by the court, court-ordered~~ Court-ordered child support payments and court-ordered payments of suit moneys shall draw interest at the rate of ten percent (10%) per year from the date they become delinquent, and the interest shall be

collected in the same manner as the payments upon which the interest accrues.

SECTION 14. AMENDATORY 43 O.S. 1991, Section 118, as last amended by Section 2, Chapter 307, O.S.L. 1993 (43 O.S. Supp. 1993, Section 118), is amended to read as follows:

Section 118. A. Except in those cases where parties represented by counsel have agreed to a different disposition, there shall be a rebuttable presumption in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the following guidelines is the correct amount of child support to be awarded. The district or administrative court may deviate from the level of child support suggested by these guidelines where the amount of support so indicated is unjust, inequitable, unreasonable or inappropriate under the circumstances, or not in the best interests of the child or children involved. ~~The court shall not take into account any stepchildren of such parent in making the determination,~~ but in making such determination, the court may take into account the reasonable support obligations of either parent as to ~~other~~ only natural, legal, or legally adopted minor children in the custody of said parent. If the district or administrative court deviates from the amount of support indicated by these guidelines, it shall make specific findings of fact supporting such action.

B. Child support guidelines are as follows:

1. All child support shall be computed as a percentage of the combined gross income of both parents. The Child Support Guideline Schedule as provided in Section 119 of this title shall be used for such computation. The child support obligations of each parent shall be computed, and the noncustodial parent's share shall be paid monthly to the custodial parent;

2. Gross income includes income from any source, except as excluded in this act, and includes but is not limited to income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, rent, interest income, trust income, annuities, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts and prizes. Specifically excluded are actual child support received for children not before the court and benefits received from means-tested public assistance programs, including but not limited to Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), Food Stamps, General Assistance and State Supplemental Payments for Aged, Blind and the Disabled;

3. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income is defined as gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Specifically excluded from ordinary and necessary expenses for purposes of this section are amounts determined by the district or administrative court to be inappropriate for determining gross income for purposes of calculating child support. The district or administrative court shall carefully review income and expenses from self-employment or operation of a business to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. A determination of business income for tax purposes shall not control for purposes of determining a child support obligation.

Expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business shall be counted as income if they are significant and

reduce personal living expenses. Such payments may include but are not limited to a company car, free housing, or reimbursed meals;

4. For purposes of computing gross income of the parents, the district or administrative court shall include for each parent, either the actual monthly income, the average of the gross monthly income for the time actually employed during the previous three (3) years, or the minimum wage paid for a forty-hour week, whichever is the most equitable. If equitable, the district or administrative court may instead impute as gross monthly income for either parent the amount a person with comparable education, training and experience could reasonably expect to earn; provided, however, that if a person is permanently physically or mentally incapacitated, the child support obligation shall be computed on the basis of actual monthly gross income;

5. The amount of any preexisting district or administrative court order for current child support for children not before the court or for support alimony arising in a prior case shall be deducted from gross income to the extent payment is actually made under such order;

6. The amount of reasonable expenses of the parties attributable to debt service for preexisting, jointly acquired debt of the parties may be deducted from gross income to the extent payment of such ~~expenses~~ debt is actually made. In any case where deduction for such debt service is made, the district or administrative court may make provision for prospective upward adjustments of support made possible by the reasonable anticipated reduction or elimination of such debt service;

7. The results of paragraphs 2, 3, 4, 5 and 6 of this ~~section~~ subsection shall be denominated "adjusted gross income";

8. The adjusted gross income of both parents shall be added together and the Child Support Guideline Schedule consulted for the total combined child support;

9. After the total combined child support is determined, the percentage share of each parent shall be allocated by computing the percentage contribution of each parent to the combined adjusted gross income and allocating that same percentage to the child support obligation to determine the base child support obligation of each parent;

10. The actual dependent medical insurance premium shall be determined by the district or administrative court. The premium shall be allocated between the parents in the same proportion as base child support;

11. The ~~payer~~ obligor shall receive credit for the ~~payee's~~ obligee's allocated share of medical insurance premium which the ~~payer~~ obligor pays directly to the provider. The ~~payer~~ obligor shall pay his or her ~~(payer's)~~ (obligor's) allocated share of the medical insurance premiums to ~~payee~~ obligee, if ~~payee~~ obligee pays the premium to the provider;

12. The district or administrative court shall then determine the "actual" child care expenses reasonably necessary to enable both parents to maintain employment or to conduct an active search for employment;

13. The actual child care costs incurred due to employment or active employment search of either parent, or incurred as a result of either parent actually attending school for the purpose of enhancing their employment or income, shall be allocated in the same proportion as base child support. Provided, if the district or administrative court determines that it will not cause detriment to the child, in lieu of payment of child care costs incurred while the custodial parent is attending school, the noncustodial parent may be

allowed to provide alternate care of the child during such time. The noncustodial parent shall be designated the "payer" "obligor". The custodial parent shall be designated the "payee" "obligee". ~~Payer's~~ Obligor's proportionate amount of the child care fee for that month shall be paid to the ~~payee~~ obligee on or before the date the child care fee is due to the provider. The district or administrative court shall require the ~~payee~~ obligee to provide ~~payer~~ obligor with timely documentation of any change in the amount of the child care fee;

14. Visitation transportation expenses shall be determined by the court on a case by case basis and may be allocated ~~in~~ as an addition to or as a credit against the child support obligation of the ~~payer~~ obligor. Such expenses may be adjusted at any time the court deems it equitable;

15. Payment of reasonable and necessary medical, dental, orthodontic, optometrical, psychological or any other physical or mental health expenses of the child not reimbursed by insurance shall be determined by the district or administrative court on a case by case basis and may be allocated in addition to the child support obligation of the payer, as a percentage contribution by each parent toward future expenses;

16. If the district or administrative court adopts a joint custody plan meeting the requirements of Section 109 of this title, the plan must provide for the support of the child equivalent to the amount of combined support the child would otherwise receive under these guidelines. The district or administrative court shall have the authority, however, to accept a plan which allocates the payment of actual expenses of the children, rather than designating one custodial parent the "payer" "obligor" and one the "payee" "obligee", if the district or administrative court finds the payments allocated to each respective parent are substantially equivalent to the amount of the child support obligation of the parent under these guidelines;

17. If each parent is awarded custody of one or more children, the child support obligation of each parent shall be computed for each custodial arrangement separately using the percentage applicable for the children residing with each parent. The ~~payer~~ obligation of each parent shall be compared with the other. The difference between the obligations of each parent shall be paid to the parent with the smaller ~~payer~~ obligation in order to equalize the child support spent on all of the children, regardless of the custodial arrangements. ~~Other~~ The court shall not take into account any stepchildren of such parent in making the determination but only natural, legal, or legally adopted minor children of the parties in the custody of either parent may be taken into account in determining child support;

18. The district or administrative court may make adjustments to child support guidelines for periods of extended visitation;

19. Child support orders may be modified only if the support amount is not in accordance with the child support guidelines or upon a other material change in circumstances. Unless the parties agree to the contrary, a completed child support computation form provided for in Section 120 of this title shall be required to be filed with the child support order. ~~If the court finds there is a basis for modification, the~~ The child support guidelines provided in this act shall be used in computing child support, subject to the ~~court's~~ discretion of the district or administrative court to deviate from the guidelines where the amount of support is unjust, inequitable, unreasonable or inappropriate under the circumstances, or not in the best interests of the child or children involved, and

such deviation is supported by specific findings. ~~The enactment of these guidelines alone shall not constitute a material change in circumstances~~ A child support order shall not be construed to be a per child order unless specified by the district or administrative court in the order. Child support is not automatically modified in a child support order which provides for more than one child when one of those children reaches majority or is not otherwise entitled to support pursuant to the support order; however, such circumstance shall constitute a material change in circumstances;

20. The child support computation worksheet provided in Section 120 of this title shall be signed by the district judge or administrative law judge;

21. Child support orders may include such provisions as the district or administrative court deems appropriate to assure that the child support payments to the custodial parent are used for the support of the child; ~~and~~

22. The district or administrative court shall require and enforce a complete disclosure of assets by both parents; and

23. Child support orders issued for prior-born children of the payor may not be modified for the purpose of providing support for later-born children.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 118.2 of Title 43, unless there is created a duplication in numbering, reads as follows:

Where a parent is required by a court or administrative order to provide health coverage which is available through an employer doing business in this state, the employer is required:

1. To permit the parent to enroll under family coverage any child who is otherwise eligible for coverage without regard to any enrollment season restrictions;

2. If the parent is enrolled but fails to make application to obtain coverage of the child, to enroll the child under family coverage upon application by the child's other parent, by the state agency administering the Medicaid program or the state agency administering the child support program under Title IV-D of the Social Security Act;

3. Not to disenroll or eliminate coverage of any such child unless the employer is provided satisfactory written evidence that:

- a. the court order is no longer in effect,
- b. the child is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment, or
- c. the employer has eliminated family health coverage for all of its employees;

4. To provide information regarding available insurance to the custodial parent, the state agency administering the Medicaid program or the state agency administering the child support program under Title IV-D of the Social Security Act.

SECTION 16. AMENDATORY 43 O.S. 1991, Section 135, is amended to read as follows:

Section 135. A. An arrearage in payment of child support reduced to an order of the court or administrative order of the Department of Human Services or any past due payment or installment of child support that is a judgment by operation of law may be a lien against the real and personal property of the person ordered to make such support payments.

B. Past due amounts of child support shall not become a lien upon the real and personal property of the person ordered to make such payments until said person has been given notice and opportunity for a court or administrative hearing to determine the

amount that is past due, provided that if said person has been given a hearing in some other proceeding to contest the amount past due, he shall not be entitled to another hearing to determine whether amounts are past due for the same time period.

C. A certified copy of the judgment or order providing for the payment of an arrearage of child support or, subject to the provisions of subsection B of this section, a certified copy of a judgment or order providing for payment of child support pursuant to which a past due amount has accrued may be filed with the county clerk of the county where real property owned by the person obligated to pay support is situated and shall, from the time it is filed of record, become a lien upon such real property, or upon any real property which may be acquired by such person prior to the release of the lien, for the amount of the arrearage. The judgment or order shall not become a lien for any sums prior to the date they severally become due and payable.

D. 1. Judgments or orders providing for the payment of an arrearage of child support or, subject to the provisions of subsection B of this section, a judgment or order providing for payment of child support pursuant to which a past due amount has accrued shall become a lien upon the personal property of the person ordered to pay such support upon:

- a. the filing of an affidavit and a certified copy of the judgment or order in the office of the county clerk of the county in which the personal property is situated; and
- b. issuance of execution on such judgment or order and levy of execution upon such personal property; and
- c. the taking of physical possession thereof; or
- d. the filing of an affidavit and a certified copy of the judgment or order with the Administrator of the Workers' Compensation Court, if a proceeding for compensation under the Workers' Compensation Act has been initiated by or on behalf of the obligor.

2. The affidavit provided for in paragraph 1 of this subsection shall identify:

- a. the case;
- b. whether the judgment or order was rendered by the Department of Human Services or by the court, and if by the court, then the name of such court;
- c. the name of the person against whom the judgment or order was rendered;
- d. the name of the person for whom the judgment or order was rendered;
- e. the principal sum of the judgment or order for arrearages or the amount that is past due pursuant to the judgment or order; and
- f. the date on which the judgment or order was rendered.

3. Upon the filing of an affidavit pursuant to subparagraph d of paragraph 1 of this subsection, a copy of the affidavit shall be mailed by certificate of mailing to the last-known address of the obligor and to all attorneys and insurance carriers of record.

E. The provisions of this section shall not authorize a sale of any property to enforce a lien which is otherwise exempted by state law.

F. A lien shall be released upon the full payment of the amount of the arrearage.

G. The person entitled to such support or the Department of Human Services on behalf of its clients and recipients is authorized

to enforce the liens created pursuant to this section and to execute releases or partial releases of such liens.

SECTION 17. AMENDATORY 43 O.S. 1991, Section 137, as amended by Section 4, Chapter 307, O.S.L. 1993 (43 O.S. Supp. 1993, Section 137), is amended to read as follows:

Section 137. A. Any payment or installment of child support ordered pursuant to any order, judgment or decree of the district court or administrative order of the Department of Human Services is on and after the date it becomes past due a judgment by operation of law. Such judgments for past due support shall:

1. Have the full force and effect of any other judgment of this state, including the ability to be enforced by any method available under the laws of this state to enforce and collect money judgments; and

2. Be entitled to full faith and credit as a judgment in this state and any other state.

B. Such judgments shall be subject to collection action only after the child support obligor has been given notice and opportunity for a court or administrative hearing to determine the amount that is past due, provided that if the obligor has been given a hearing in some other proceeding to contest the amount past due, he shall not be entitled to another hearing to determine whether amounts are past due for the same time period.

C. ~~Unless execution is issued and filed within five (5) years from date of judgment or last execution on said judgment as required by law, a judgment for past due child support shall become dormant~~ A judgment for past due child support shall not become dormant due to the failure to timely execute until five (5) years after termination of the current support obligation for all purposes except for enforcement of the judgment by:

1. An income or wage assignment initiated pursuant to the laws of this state or any other state;

2. Periodic payments from the judgment debtor by order of the district court or of the Department of Human Services; or

3. Referral of the past due amount to the Internal Revenue Service and, if appropriate, to the Oklahoma Tax Commission or another state's taxation agency for interception of the judgment debtor's annual state and federal tax refund in cases being enforced by the Department of Human Services.

An order that provides for payment of child support, if willfully disobeyed, may be enforced by indirect civil contempt proceedings, notwithstanding that the support payment is a judgment on and after the date it becomes past due.

D. An arrearage payment schedule set by a court or administrative order shall not exceed three (3) years, unless imposition of such a payment schedule would be unjust, inequitable, unreasonable or inappropriate under the circumstances, or not in the best interests of the child or children involved. When making such determination, reasonable support obligations of either parent as to other children in the custody of said parent may be considered. If an arrearage payment schedule that exceeds three (3) years is set, specific findings of fact supporting such action shall be made.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

Any person who makes application with the Department of Human Services for medical assistance resulting from the birth of any child shall provide the name of the person or persons legally responsible for the support of such child prior to receipt of any such medical assistance.

SECTION 19. AMENDATORY 56 O.S. 1991, Section 237, as amended by Section 2, Chapter 153, O.S.L. 1992 (56 O.S. Supp. 1993, Section 237), is amended to read as follows:

Section 237. A. The Department of Human Services, hereinafter referred to as "Department", as the single state agency designated to administer a statewide plan for child support, is authorized, in accordance with Title IV, Part D, of the Federal Social Security Act, as amended, 42 U.S.C., Section 651 et seq. to provide child support collection, parent location services and paternity determination services to enable it to participate in programs established by federal law.

B. The Department is authorized to:

1. Accept, transfer and expend funds made available by the government of the United States, the State of Oklahoma and public or private sources, for the purpose of carrying out the provisions of this section;

2. Promulgate rules ~~and regulations~~ to provide child support services;

3. Initiate legal actions needed to implement the provisions of this section;

4. Enter into contracts or agreements necessary to administer this section;

5. Request agencies and political subdivisions of the state, county or municipality to search their records and furnish to the Department information concerning names and addresses to assist in the locating of absent parents; and

6. Request information to assist in locating said individuals, from any state agency, political subdivision of the state, person, sole proprietorship, corporation, utility, partnership, association or organization doing business in this state, who or which shall provide such information to the Child Support Enforcement Division when the Child Support Enforcement Division of the Department of Human Services has reason to believe that individuals are not providing for the support of their children.

C. 1. An applicant for or recipient of Aid to Families with Dependent Children, hereinafter referred to as "recipient", shall be required to assign to the Department any rights of or support from any other person which the recipient may have in his or her own behalf or for a child for whom the recipient is applying for or receiving assistance, including the right to an amount accrued at the time the assignment is executed.

2. When an order has been entered which provides for payment of child support and the legal custodian and obligee pursuant to the order relinquishes physical custody of the child to a caretaker relative who is a recipient, without obtaining a modification of the order to change legal custody, and the caretaker relative makes an assignment of support rights for that child to the Department, the relinquishment and assignment, by operation of law, shall create a presumption that the recipient has physical custody of the child and shall transfer the child support obligation pursuant to the order to the Department. The assignment and transfer of the obligation shall terminate when the caretaker relative no longer has physical custody of the child, except for the amount of unpaid support still owing to the Department pursuant to the assignment.

3. If an assignment has been made pursuant to this section or a proper application made by an individual not receiving Aid to Families with Dependent Children, support payments shall be made to the Department. If a court has ordered support payments to be made to the recipient or the applicant, the Department may file notice of

such assignment or application with the court ordering the payments. The notice shall include:

- a. a statement that the assignment or application has been made;
- b. the name of the child for whom support has been ordered by the court and the name of the recipient or custodian of the child;
- c. the style and cause number of the case in which support was ordered; and
- d. a request that payments so ordered be made to the Department. Upon receipt of the notice, and without a requirement of a hearing, the court shall order the payments to be made to the Department.

4. Said order to redirect the payments shall be sent to the obligor by regular mail with proof of mailing from the United States Postal Service. If after notice of said redirection the obligor does not make payments to the Department as ordered, said payments shall not be credited to the amount owed. The obligor shall notify the Department of any change of address, the name and address of the current employer and access to health insurance and other insurance policy information within ten (10) days of any change.

D. ~~The Department may, when~~ When support rights have been assigned to ~~it~~ the Child Support Enforcement Division or upon proper application by an obligor or by an individual not receiving Aid to Families with Dependent Children, the Division may petition the district court or the Office of Administrative Hearings: Child Support, an administrative court of the Department of Human Services, for an order requiring obligor to provide medical insurance for the dependent children whenever it is available through employment or other group plan regardless of whether obligor has insurance coverage available at that time and/or there has been a change of circumstances, establish medical support and child support, enforce orders for medical support or other support, require that the obligor keep the Division informed of the name and address of the current employer of the obligor and access to health insurance and other insurance policy information of the obligor within ten (10) days of any change, and make collection and distribution of child support monies, assist in the judicial determination of the paternity of a child born out of wedlock by a district or administrative court and in location of absent parents, in cooperation with federal agencies, other agencies of this state and of other states, territories, and foreign nations requesting assistance with the enforcement of support orders entered in the United States and elsewhere. ~~The Department~~ Division may petition the district or administrative court to modify any order for support regardless of whether there has been a change of circumstances. A reasonable fee and costs may be assessed for services to individuals not receiving Aid to Families with Dependent Children under rules and regulations adopted by the Department.

E. Child support payments made to the ~~Department~~ Division pursuant to this section shall be deposited in the Child Support Escrow Account for distribution as may be required by Section 235 of this title, or by 42 U.S.C., Section 651 et seq. Fees or reimbursements of costs collected by the Department shall be deposited in the Administration Fund of the Department and may be used and expended by the Department for the purposes of carrying out the provisions of this section.

F. Except as otherwise authorized by law, all files and records concerning the assistance and services provided under this section or concerning a putative father of a child born out of wedlock are

confidential. Release of information from the files and records shall be restricted to purposes directly connected with the administration of the child support collection, paternity determination, parent location or Aid to Families with Dependent Children programs. Information may be released to public officials under rules ~~and regulations~~ adopted by the Department, consistent with federal rules or regulations.

SECTION 20. AMENDATORY 56 O.S. 1991, Section 238.6, is amended to read as follows:

Section 238.6 A. The administrative procedures provided for by the provisions of Sections 238.1, ~~238.3~~ and 238.4 of this title and Section 5 of this act shall be available, ~~in the absence of a court order,~~ to determine the support debt accrued and accruing for children receiving public assistance in this state or in other states where said sister state has requested the assistance of the Department of Human Services in establishing and enforcing the support debt created through payment of public assistance under the program of Aid to Families with Dependent Children, pursuant to the provisions of Title IV-D of the Social Security Act, as amended.

B. ~~Said administrative~~ Administrative procedures shall also be available, ~~in the absence of a court order,~~ to determine the amount of periodic support payments due from a debtor to the custodian or guardian of minor children not receiving Aid to Families with Dependent Children who has made proper application for services in establishing and enforcing the child support obligation of a debtor, ~~pursuant to the provisions of Title IV-D of the Social Security Act, as amended,~~ whether said application was made in this state or in another state.

C. Said administrative procedures shall also be available to implement those provisions of subsection J of Section 1171.3 of Title 12 of the Oklahoma Statutes, with regard to immediate income withholding. Notice of immediate income withholding shall be sent by the Department in the same manner as prescribed in subsection E of Section 240.2 of this title.

D. Administrative procedures shall be available to any party specified in paragraph 2 of subsection C of Section 237 of Title 56 of the Oklahoma Statutes who has actual custody of a child.

SECTION 21. AMENDATORY 85 O.S. 1991, Section 48, is amended to read as follows:

Section 48. Claims for compensation or benefits due under the Workers' Compensation Act shall not be assigned, released or commuted except as provided by the Workers' Compensation Act, and shall be exempt from all claims of creditors and from levy, execution or attachment or other remedy for recovery or collection of a debt, which exemption may not be waived. Compensation and benefits shall be paid only to employees; provided, that if an employee dies as a result of his accidental personal injury or occupational disease, any unaccrued portions of an award or order for compensation benefits shall abate. Nothing in this section shall be construed to prohibit any party from the enforcement of any valid lien for child support or valid income assignment for child support.

The term "dependent", as used in this section, means actually dependent in fact upon the deceased employee, and refers only to a person who received more than half of his support from the employee.

1. An award made to a claimant for permanent partial disability under the provisions of the Workers' Compensation Act shall, in case of the death of the claimant, due to causes other than his injury for which he has been awarded permanent partial compensation, be payable to and for the benefit of the following persons:

(a) If there is a surviving spouse and no child of the deceased under the age of eighteen (18) years, to the surviving spouse.

(b) If there is a surviving child or children of the deceased under the age of eighteen (18) years, or dependent blind or dependent crippled child or children of any age, but no surviving spouse then for the support of each such child, to share and share alike until the full payment of the award.

(c) If there is a surviving spouse, a surviving child or children of the deceased under the age of eighteen (18) years, or a dependent blind or dependent crippled child or children of any age, one-half (1/2) shall be payable to the surviving spouse and the other half to the surviving child or children.

(d) If there is no surviving spouse or child under the age of eighteen (18), or dependent blind or dependent crippled child of any age, then to the dependent parents to share and share alike, and if there are no dependent parents, then to the dependent brothers and sisters, to share and share alike.

(e) In the event the claimant is survived by none of the above named, then the award for compensation benefits shall abate.

2. If claimant has been adjudged a permanent totally disabled person prior to his death, and such death has resulted from causes other than his accidental personal injury or occupational disease causing such total permanent disability, the award may be revived and made payable to the following persons:

(a) If there is a surviving spouse, to such surviving spouse, fifty percent (50%) of the average weekly wages the deceased was earning, but in no event more than a maximum of Fifty Dollars (\$50.00) per week.

(b) If there is a surviving spouse and dependent children under the age of eighteen (18) years or dependent blind or dependent crippled child of any age, the surviving spouse shall receive the amount set forth in subparagraph (a) of this paragraph and in addition the following amounts shall be paid:

(1) To one dependent child, fifteen percent (15%) of the weekly benefits awarded employee, but in no event more than a maximum of Fifteen Dollars (\$15.00) per week.

(2) To two or more dependent children, twenty-five percent (25%) of the weekly benefits awarded employee, but in no event more than a maximum of Twenty-five Dollars (\$25.00) per week, which shall be divided among the children, to share and share alike.

(c) If there is no surviving spouse, but there is a surviving child under the age of eighteen (18) years, or a dependent blind or dependent crippled child of any age, the child shall receive twenty-five percent (25%) of the weekly benefits awarded the decedent, but in no event more than a maximum of Twenty-five Dollars (\$25.00) per week.

(d) If there is no surviving spouse, but there are two or more surviving children under the age of eighteen (18) years, or dependent blind or dependent crippled children of any age, the children shall receive fifty percent (50%) of the weekly benefits awarded the decedent, but in no event more than a maximum of Fifty Dollars (\$50.00) per week, which shall be divided among the children to share and share alike.

(e) The income benefits payable for the benefit of any child under this section shall cease when ~~he~~ the child dies, marries or reaches the age of eighteen (18) years, or when a child over eighteen (18) years of age ceases to be physically or mentally incapable of self-support, or if actually dependent ceases to be actually dependent, or if enrolled as a full-time student in any accredited educational institution, ceases to be so enrolled or

reaches the age of twenty-three (23) years. A child who originally qualified as a dependent by virtue of being less than eighteen (18) years of age may, upon reaching age eighteen (18) years, continue to qualify if ~~he~~ the child satisfies the tests of being physically or mentally incapable of self-support, actually dependent or enrolled in an accredited educational institution.

(f) If there is no surviving spouse or children under the age of eighteen (18) years or dependent blind or dependent crippled children of any age, then to the surviving dependent parents of the decedent fifty percent (50%) of the weekly benefits awarded the employee, but in no event more than a maximum of Fifty Dollars (\$50.00) per week. If there is only one dependent surviving parent, then the surviving dependent parent shall receive twenty-five percent (25%) of the weekly benefits awarded employee, but in no event more than a maximum of Twenty-five Dollars (\$25.00) per week. Payments shall continue during the dependent parent's lifetime and shall abate upon the death of the dependent parent or when the dependent parent is no longer dependent.

(g) If there is no surviving dependent persons as set forth herein, the award for compensation benefits shall abate.

(h) The maximum weekly income benefits payable for all persons in case of the employee's death due to causes other than the accidental personal injury or occupational disease shall not exceed seventy-five percent (75%) of the average weekly wage of the employee, subject to the maximum limits of compensation set forth in Section 22 of this title.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 48.1 of Title 85, unless there is created a duplication in numbering, reads as follows:

A. 1. A lien against workers' compensation benefits is authorized for the purpose of enforcing a judgment for child support. Child support liens filed in accordance with Section 135 of Title 43 of the Oklahoma Statutes are specifically authorized and shall be paid in accordance with such statute without any order of the Worker's Compensation Court.

2. Additionally, all income assignments or wage assignments for child support issued pursuant to Section 1170 of Title 12 of the Oklahoma Statutes or Section 240 of Title 56 of the Oklahoma Statutes are specifically authorized and shall be paid in accordance with such statutes without any order of the Workers' Compensation Court.

B. Venue for purposes of subsection B of Section 1171.3 of Title 12 of the Oklahoma Statutes and subsection E of Section 240.2 of Title 56 of the Oklahoma Statutes shall be either the location of the employer's insurance carrier or the employer's place of business within Oklahoma.

SECTION 23. AMENDATORY 12 O.S. 1991, Section 1171.3, is amended to read as follows:

Section 1171.3 A. Any person or entity entitled to receive child support payments for the current or for any prior month or months, or such person's legal representative may initiate income assignment proceedings by filing with the court an application signed under oath specifying:

1. That the obligor has failed to make child support payments required by a child support order in an amount equal to the child support payable for at least one (1) month;

2. A certified copy of the support order and all subsequent modifications or orders relating thereto;

3. That some person or entity, known or unknown, is indebted to or has earnings in his/its possession or under his control belonging to the obligor;

4. That the indebtedness or earnings specified in the affidavit, to the best of the knowledge and belief of the person making such affidavit, are not exempt by law; and

5. The amount of the support order and the amount of arrearage.

B. 1. Upon application by the person or entity entitled to receive child support payments or such person's legal representative, the court shall mail, by certified mail, return receipt requested, to the last-known address of the obligor, or shall serve in accordance with law, a notice of delinquency. The notice of delinquency shall be postmarked or issued no later than ten (10) days after the date on which the application was filed and shall specify:

- a. that the obligor is alleged to be delinquent under a support order in a specified amount;
 - b. that an assignment will become effective against the obligor's earnings unless within fifteen (15) days of the date of mailing or service on the obligor of the delinquency notice, said date of mailing to be specified in the notice, the obligor requests a hearing with the district court pursuant to this section;
 - c. that on or prior to the date of the hearing, in any case in which services are not being provided under the state child support plan as provided under Section 237 of Title 56 of the Oklahoma Statutes, the obligor may prevent the income assignment from taking effect by paying the full amount of the arrearage plus costs and attorney's fees provided, that the obligor shall only be entitled to prevent such income assignment from taking effect under this subparagraph a maximum of two times, thereafter, payment of any arrearages will not prevent an income assignment from taking effect;
 - d. that at the hearing, if requested, the obligor may contest the claimed delinquency only with regards to mistake of identity, or to the existence or the amount of the delinquency; and
 - e. that the assignment shall remain in effect for as long as current child support is due or child support arrearages remain unpaid and that payment of any arrearages, except as provided in subparagraph c of this subsection, will not prevent an income assignment from taking effect.
2. a. An obligor may request a hearing with the court pursuant to this section on or before the fifteenth day from date of mailing or service of the delinquency notice. Upon request for hearing, the court shall set the matter for a hearing. A file-stamped copy of the request and a copy of the order for hearing shall be served in accordance with law upon the person or entity filing the affidavit for income assignment or his/its legal representative. The court shall promptly hear and determine the matter and, unless the obligor successfully shows that there is a mistake of identity or a mistake as to the existence or the amount of delinquency, the court shall order that the

income assignment take effect against the disposable earnings of the obligor;

- b. The court may order an obligor to pay all court costs and attorneys' fees involved in an income assignment proceeding pursuant to this subsection;
- c. The order shall be a final judgment for purposes of appeal. The effect of the income assignment shall not be stayed on appeal except by order of the court; and
- d. In all cases of paternity and for arrearage of child support, the court shall make inquiry to determine if the noncustodial parent has been denied reasonable visitation. If reasonable visitation has been denied by the custodial parent to the noncustodial parent, the court or administrative judge shall include visitation provisions in the support order.

C. The court shall send a notice of the income assignment to the payor to effectuate the assignment pursuant to subsection E of this section.

D. If, within fifteen (15) days of the date of mailing or service on the obligor of the delinquency notice, the obligor fails to request a hearing pursuant to subsection B of this section, the court shall send a notice of the income assignment to the payor pursuant to subsection E of this section to effectuate the assignment.

E. 1. The notice of the income assignment required pursuant to subsections B, C and D of this section shall be sent by the court to the payor listed on the application. The notice shall be sent by certified mail, return receipt requested or served according to law. The payor shall be required to comply with the provisions of this subsection as stated in the notice. The notice shall specify:

- a. the effective date of the assignment. The assignment shall take effect on the next payment of earnings to the obligor after the payor receives notice thereof and the amount withheld shall be sent to the person entitled to the child support within ten (10) days after the date upon which the obligor is paid. The payor shall include with each payment a statement reporting the date on which the obligor's support obligation was withheld;
- b. the amount specified in the support order and the amount of the arrearage to be withheld from the obligor's earnings. The amount withheld by the payor shall not exceed the limits on the percentage of an obligor's income which may be assigned for support pursuant to Section 1171.2 of this title;
- c. that the withholding is binding upon the payor until further order of the court or as long as the order for support on which it is based remains in effect;
- d. that the payor is liable for any amount up to the accumulated amount that should have been withheld if the payor fails to withhold the earnings in accordance with the provisions of the assignment;
- e. that two or more income assignments may be levied concurrently ~~up to the wage holding restrictions~~, but if the total levy exceeds the maximum permitted under Section 1171.2 of this title, all current child support due shall be paid before the payment of any arrearages. If total current child support exceeds the maximum permitted under Section 1171.2 of this title, the amount available shall be paid pro rata by

the percentage of total current support owed to all obligees. After current support, the sums due under the first assignment issued under this section shall be paid before the payment of any sums due on any subsequent income assignment; provided, that the court which issued the initial income assignment, upon notice to all interested parties, is authorized to prorate the payment of the support between two or more income assignments levied concurrently. Any current support due shall be paid before the payment of any arrearages;

f. If the amount of support due under the assignments exceeds the maximum amount authorized by Section 1171.2 of this title, the payor shall pay the amount due up to the statutory limit, and payor shall send written notice to the court and person entitled to support that the amount due exceeds the amount subject to withholding; if payor fails to pay or notify as required herein, the payor may be liable for an amount up to the accumulated amount that is due and owing upon receipt of the notice;

~~f.~~ g. that, if the payor is the obligor's employer, the payor shall notify the person entitled to the support payment, and the court when the obligor terminates employment. The payor shall provide by written notice to the person entitled to support and to the court, the obligor's last-known address and the name of the obligor's new employer, if known;

~~g.~~ h. that if the payor has no income due or to be due to the obligor in his possession or control, or if the obligor has terminated employment with the payor prior to the receipt of notice required pursuant to subsection C of this section, ~~or the amount of the assignment exceeds the amount authorized by Section 1171.2 of this title,~~ the payor shall send written notice to the court and the person entitled to support within ten (10) days of receipt of said notice. Failure to notify the person entitled to support and the court within the required time limit may subject the payor to liability for an amount up to the accumulated amount that is due and owing upon receipt of the notice; and

~~h.~~ i. that the payor may also be fined not more than Two Hundred Dollars (\$200.00) for failure to make the required deductions.

2. The payor may combine withheld amounts from earnings of two or more obligors subject to the same support order in a single payment and separately identify that portion of the single payment which is attributable to each individual obligor.

3. An income assignment issued pursuant to the provisions of this section shall have priority over any prior or subsequent garnishments of the same wages; provided, however, income assignments issued pursuant to the provisions of this section and garnishments for child support issued pursuant to the provisions of Section 1173.1 of this title shall be of equal priority, except as may otherwise be provided for in this section.

4. The payor may deduct from any earnings of the obligor a sum not exceeding Five Dollars (\$5.00) per pay period as reimbursement for costs incurred in the income assignment.

5. The assignment shall remain effective upon notice to the new payor.

6. The income assignment issued pursuant to this section shall remain in effect for as long as current child support is due or until all arrearages for support are paid, whichever is later. Payment of any arrearages shall not prevent the income assignment from taking effect.

7. The payor may not discipline, suspend, or discharge an obligor because of an assignment executed pursuant to this section. Any payor who violates this section shall be liable to such obligor for all wages and employment benefits lost by the obligor from the period of unlawful discipline, suspension, or discharge to the period of reinstatement.

F. Upon written notification of the name and address of a new employer or payor and payment of the required fees for mailing by the person or entity entitled to support, the court shall issue a new notice of income assignment pursuant to subsection E of this section.

G. Any existing support order or income assignment which is brought before the court shall be modified by such court to conform to the provisions of this section.

H. Any person obligated to pay support, who has left or is beyond the jurisdiction of the court, may be prosecuted under any other proceedings available pursuant to the laws of this state for the enforcement of the duty of support and maintenance.

I. The income assignment proceedings specified in this section shall be available to other states for the enforcement of child support and maintenance or to enforce out-of-state orders. Venue for such proceedings is, at the option of the obligee:

1. In the county in Oklahoma in which the support order was entered; or

2. In the county in Oklahoma in which the obligee resides; or

3. In the county in Oklahoma in which the obligor resides or receives income.

J. 1. Effective November 1, 1989, in all child support orders wherein child support is being paid to a recipient of Aid to Families with Dependent Children (AFDC), the wages of any parent required by court or administrative order to pay support shall be subject to immediate income assignments regardless of whether support payments by such parent are in arrears on the effective date of this act.

2. Effective November 1, 1990, in all child support orders in which child support services are being provided under the state child support plan as provided under Section 237 of Title 56 of the Oklahoma Statutes, the court or administrative hearing officer shall order the wage of any parent required by court or administrative order to pay support, be subject to immediate income assignment, regardless of whether support payments by such parent are in arrears, unless (1) one of the parties demonstrates and the court or administrative hearing officer finds that there is good cause not to require immediate income withholding or (2) a written agreement is reached between the parties which provides for an alternative arrangement.

3. Effective January 1, 1994, in all child support cases arising out of an action for divorce, paternity or other proceeding in which services are not being provided under the state child support plan as provided under Section 237 of Title 56 of the

Oklahoma Statutes, the court shall order the wages of any parent ordered to pay child support be subject to immediate income assignment regardless of whether support payments are in arrears at the time of the order, unless (1) one of the parties demonstrates and the court finds that there is good cause not to require immediate income withholding, or (2) a written agreement is reached between the parties which provides for an alternative arrangement.

K. Notwithstanding the provisions of subsection J of this section, an income assignment shall be established pursuant to subsections A through I of this section or pursuant to Section 240.2 of Title 56 of the Oklahoma Statutes when there exists a delinquency equal to at least one month's payment.

L. In all orders which are not subject to immediate income withholding pursuant to subsection J of this section and which were issued prior to November 1, 1990, the wages of any parent ordered to pay child support shall be subject to immediate income assignment without regard to whether there is an arrearage, on the earliest of:

1. The date the obligor requests that such withholding begin;
2. The date as of which the custodian requests that such

withholding begin to enforce a child support order entered on or before the date of the custodian's request for income withholding if a court of competent jurisdiction finds that immediate income withholding would be in the best interest of the child. In making such determination, the court shall consider, at a minimum, the timeliness of payment of previously ordered support and the agreement of the parent required to pay support to keep the court and custodian advised of his or her current employer and information on any employment-related health insurance coverage to which that parent has access; or

3. Such date as may be ordered by a court of competent jurisdiction.

SECTION 24. AMENDATORY 43 O.S. 1991, Section 118.1, as amended by Section 1, Chapter 153, O.S.L. 1992 (43 O.S. Supp. 1993, Section 118.1), is amended to read as follows:

Section 118.1 A. ~~Effective October 13, 1990, the~~ The Department shall commence a review of all orders in which child support ~~services are being provided under the state child support plan~~ rights have been assigned as provided under pursuant to Section 237 of Title 56 of the Oklahoma Statutes, to determine whether the amount of child support ordered is in accordance with the child support guidelines and provides for medical coverage. Such review shall be conducted every thirty-six (36) months. In all other cases in which child support services are being provided under the state child support plan as provided in Section 237 of Title 56 of the Oklahoma Statutes, the Department shall conduct a review upon the request of either party. All reviews will be conducted pursuant to rules promulgated by the Department. Prior to such review, all parties shall receive notice of the review as provided by law. If the Department determines that individual awards are not in accordance with such guidelines, ~~or upon request of the payor or payee,~~ the case shall be presented to the district or administrative court or administrative hearing officer for appropriate action. The district or administrative court or administrative hearing officer shall review the award to determine its compliance with child support guidelines ~~every three (3) years unless the payor or payee requests review prior to that time. Prior to such review, all parties shall receive notice of the review as provided by law and order modification if appropriate.~~

B. In any proceeding to establish or modify a support order, each party shall completely disclose his or her financial status.

SECTION 25. AMENDATORY 56 O.S. 1991, Section 239, is amended to read as follows:

Section 239. On or before ~~January 31~~ December 31 of each year, the Department shall file a written report with the Division of the Budget and Division of Central Accounting and Reporting, the Director of the Legislative Service Bureau, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, containing an accounting of all monies received by the Department from the federal programs pursuant to Title IV-D of the Social Security Act, as amended, and all monies received pursuant to orders for child support or administrative determinations of the Department for the preceding ~~calendar~~ federal fiscal year. The report shall also specify any expenditures made by the Department pursuant to orders for child support or administrative determinations of the Department for the preceding ~~calendar~~ federal fiscal year.

SECTION 26. AMENDATORY 10 O.S. 1991, Section 508, is amended to read as follows:

Section 508. ~~This Sections 27 through 33 of this act may be cited as the Uniform Act on Blood Tests~~ Genetic Testing to Determine Paternity Act.

SECTION 27. AMENDATORY 10 O.S. 1991, Section 501, is amended to read as follows:

Section 501. In a civil action in which paternity is a relevant fact, the court, upon its own initiative or upon suggestion made by or on behalf of any person whose blood ~~is~~ or other genetic markers are involved may, or upon motion of any party to the action shall, order the mother, child and putative father to submit to ~~blood tests~~ genetic testing. If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order if the rights of others and the interests of justice so require unless such individual is found to have good cause for refusing to cooperate.

SECTION 28. AMENDATORY 10 O.S. 1991, Section 502, is amended to read as follows:

Section 502. The tests shall be made by experts qualified as examiners of genetic markers ~~present on blood cells and blood components in the human body~~. The experts shall be called by the court or by a party as witnesses to testify as to their findings and shall be subject to cross-examination by the parties. Any party may request that other experts qualified as examiners of genetic markers ~~present on blood cells and blood components in the human body~~ perform independent tests subject to order of court, the results of which may be offered in evidence. The number and qualifications of said experts shall be determined by the court.

SECTION 29. AMENDATORY 10 O.S. 1991, Section 503, is amended to read as follows:

Section 503. The compensation of each expert witness appointed by the court or called by a party and costs of tests required pursuant to the provisions of ~~Section 501 of this title~~ the Genetic Testing to Determine Paternity Act shall be fixed at reasonable amounts by the court. Said compensation and costs shall be paid as the court shall order. The court may order that said compensation and costs be paid by the parties in such proportions and at such times as it shall prescribe, or that the proportion of payment of said compensation and costs of any indigent party be paid by the county or by any other appropriate public or charitable agency. The court may order that, after payment by the parties, or the county or other appropriate agency, or both, said compensation and costs may be taxed as costs in the action.

SECTION 30. AMENDATORY 10 O.S. 1991, Section 504, is amended to read as follows:

Section 504. A. Evidence which shows a statistical probability of paternity is admissible and shall be weighed in addition to other evidence of the paternity of the child. Evidence which shows a statistical probability of paternity may include but is not limited to:

1. ~~Blood~~ Genetic test results provided for in the ~~Uniform Act on Blood Tests~~ Genetic Testing to Determine Paternity Act; and

2. Medical, scientific, or genetic evidence relating to the paternity of the child based on tests performed by said experts.

B. If the court finds that the evidence based upon the medical, scientific, and genetic tests, shows that the defendant is not the parent of the child, said evidence shall be conclusive proof of nonpaternity and the court shall dismiss the action.

C. Evidence of statistical probability of paternity established at ninety-five percent (95%) or more creates a presumption of paternity. Said presumption is rebuttable by clear and convincing evidence admitted on behalf of the defendant.

D. Evidence of statistical probability of paternity established at ninety-eight percent (98%) or more creates a conclusive presumption of paternity.

E. The party receiving the copy of the genetic test results from the court-appointed expert shall send all parties a copy of the genetic test results by certificate of mailing to the last-known address of the parties.

F. Any objection to genetic testing results must be made in writing within fifteen (15) days from the date of mailing of the genetic test results, and any hearing on the issue of paternity may not be held any sooner than fifteen (15) days after filing of objection to genetic test. If no objection is filed within the specified time, the genetic testing results will be admitted as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.

SECTION 31. AMENDATORY 10 O.S. 1991, Section 505, is amended to read as follows:

Section 505. ~~The~~ Except as otherwise provided by law, presumption of legitimacy of a child born during wedlock is overcome if the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the tests, show that the husband is not the father of the child.

SECTION 32. AMENDATORY 10 O.S. 1991, Section 506, is amended to read as follows:

Section 506. ~~This act~~ The Genetic Testing to Determine Paternity Act shall also apply to criminal cases, subject to the following limitations and provisions:

~~(a)~~ 1. An order for the tests shall be made on the application of a defendant or the state;

~~(b)~~ 2. The compensation of the experts appointed by the court shall be paid by the county under order of court;

~~(c)~~ 3. The court may direct a verdict of acquittal upon the conclusions of all the experts under the provisions of Section ~~504~~ 30 of this ~~title act~~, but otherwise the case shall be submitted for determination upon all the evidence.

SECTION 33. AMENDATORY 10 O.S. 1991, Section 77.1, is amended to read as follows:

Section 77.1 When the paternity petition is filed, the court shall order the defendant to appear and show cause why the court should not determine him to be the father. If the defendant fails to appear, the court shall upon the findings of the judge enter an

order determining paternity. If the defendant appears and does not admit paternity, then the court shall enter at that time an order directing ~~blood tests~~ genetic testing to determine paternity.

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-802 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Employers doing business in the State of Oklahoma may report to the Department of Human Services, Child Support Enforcement Division, the hiring or employment of any person who resides or works in this state to whom the employer anticipates paying earnings.

B. Such report may contain the employee's name, address, social security number and date of birth, date of employment and information regarding availability of employee dependent health care coverage, along with the employer's name, address and federal identification number. The report may be made by mailing a copy of the employee's W-4 form, by submitting a fax transmission of the employee's W-4 form, by submitting electronic media in a format that can be used by the Child Support Enforcement Division, or by any other means authorized by the Child Support Enforcement Division.

SECTION 35. RECODIFICATION 12 O.S. 1991, Section 1277.2 shall be recodified as Section 109.2 of Title 43 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 36. REPEALER 10 O.S. 1991, Sections 55, 85 and 507, are hereby repealed.

SECTION 37. This act shall become effective September 1, 1994. Passed the House of Representatives the 23rd day of May, 1994.

Speaker of the House of
Representatives

Passed the Senate the 26th day of May, 1994.

President of the Senate