

ENROLLED HOUSE
BILL NO. 2767

By: Hamilton (James) and
Steidley of the House

and

Taylor and Haney of the
Senate

An Act relating to marriage and family; amending 43 O.S. 1991, Section 137, as last amended by Section 17 of Enrolled House Bill No. 1492 of the 2nd Session of the 44th Oklahoma Legislature, which relates to past due child support; modifying dormancy requirements for child support judgments; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 1991, Section 137, as last amended by Section 17 of Enrolled House Bill No. 1492 of the 2nd Session of the 44th Oklahoma Legislature, 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. ~~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~~ 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 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 2. This act shall become effective September 1, 1994.

Passed the House of Representatives the 27th day of May, 1994.

Speaker of the House of
Representatives

Passed the Senate the 27th day of May, 1994.

President of the Senate