

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1343

By: Boyd (Laura)

AS INTRODUCED

An Act relating to poor persons; amending 56 O.S.

1991, Section 237, as amended by Section 2, Chapter 153, O.S.L. 1992 (56 O.S. Supp. 1992, Section 237), which relates to child support collection; requiring the notification of certain licensing board upon nonpayment of child support; allowing suspension of certain licenses; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 237, as amended by Section 2, Chapter 153, O.S.L. 1992 (56 O.S. Supp. 1992, 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~~†~~L
- 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~~†~~L
- c. the style and cause number of the case in which support was ordered~~†~~L 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.

D. The Department may, when support rights have been assigned to it or upon proper application by an individual not receiving aid to families with dependent children, establish medical support and child support, enforce orders for medical support or other support, and make collection and distribution of child support monies, assist in the judicial determination of the paternity of a child born out of wedlock and in location of absent parents, in cooperation with federal agencies, other agencies of this state and of other states. When support rights have been assigned to it or upon proper application by an individual not receiving aid to families with dependent children, the Department shall notify any state licensing or certification board that the licensee or certification holder is delinquent in child support payments. Upon an order from the court, such state licensing or certification board shall suspend the license or certification of the individual delinquent in such child support payments until the Department notifies the board that the individual is no longer delinquent in such payments. The Department may petition the court to modify any order for support. 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 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 2. This act shall become effective September 1, 1993.

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