

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2990

By: Seikel

AS INTRODUCED

An Act relating to child support; amending Section 4, Chapter 279, O.S.L. 1992 (43 O.S. Supp. 1995, Section 413), which relates to the Oklahoma Centralized Support Registry Act; clarifying language; creating the Oklahoma Child Support Enforcement Act; providing for amendments to chapter; specifying findings and providing for state policy; repealing Section 1, Chapter 279, O.S.L. 1992 (43 O.S. Supp. 1995, Section 410), which relates to the short title; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 4, Chapter 279, O.S.L. 1992 (43 O.S. Supp. 1995, Section 413), is amended to read as follows:

Section 413. A. This section shall be known as the "Oklahoma Centralized Support Registry Act".

B. After implementation of the Centralized Support Registry, all child support, spousal support and related support payments shall be paid through the Registry as follows:

1. In all new or modified court or administrative child support orders in which child support services are being provided under the state child support plan as provided ~~under Section 237~~ pursuant to Chapter 17 of Title 56 of the Oklahoma Statutes, the court or administrative hearing officer shall order all payments to be paid through the Registry; and

2. In all other new or modified court or administrative child support orders, the court or administrative hearing officer shall order all payments to be paid through the Registry unless:

- a. both parties are represented by counsel and agree in writing to an alternative arrangement, or
- b. the court determines that it is not in the best interest of the child.

If the court does not order payments to go through the Registry, the court shall make specific findings of fact and provide a specific method of accounting for support payments which is calculated to provide for clear and well-documented evidence of payment or nonpayment of support.

C. Any party desiring child support, spousal support or related support payments, that have been ordered by a court decree entered prior to the implementation of the Centralized Support Registry, to be paid through the Registry may request the court to order the payments to be made through the Registry. Upon such request, unless the court finds that it is not in the best interest of the child, the court shall order such payments to be made through the Registry.

D. After implementation of the Registry, all parties to a judgment, decree or order which requires payment of support through the Registry shall provide the Registry with their mailing address and residence address and shall provide in writing any changes in the mailing or residence address within one (1) month of changes in said address. Orders issued by the district court shall direct the parties to provide information regarding addresses to the Registry.

The Registry will give notice of the address change to the other parent or custodian; provided, information on the address shall not be given if it is prohibited by a court order granted for the protection of a parent or custodian who is a party to the divorce.

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

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

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

CHAPTER 5. - OKLAHOMA CHILD SUPPORT ENFORCEMENT ACT

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 550.1 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Chapter 5 of Title 43 of the Oklahoma Statutes shall be known and may be cited as the Oklahoma Child Support Enforcement Act.

B. All statutes hereinafter enacted and codified in Chapter 5 of Title 43 of the Oklahoma Statutes shall be considered and deemed part of the "Oklahoma Child Support Enforcement Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 550.2 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature finds that:

1. Growing numbers of parents, who are capable of doing so, are failing to provide adequate support for their children, thus

increasing demands on the courts and the treasury of this state, and willfully causing their children to live, unnecessarily, in impoverished circumstances;

2. Children whose parents do not provide for them are supported directly and indirectly through various programs of public assistance, increasing the potential for welfare dependence in future generations; and

3. Through their failure to meet their moral and legal responsibilities, parents are willfully diminishing the opportunities and future to which their children are entitled.

B. 1. Therefore, it shall be the policy of this state to enable the custodial parent, a guardian of the child or the Department of Human Services to vigorously pursue every legally available method of enforcing upon parents their legal obligation to provide for the support of their children to the fullest extent of their ability.

2. To this end, it is the intent of the Legislature:

- a. to make every legal tool for child support enforcement available to district attorneys and Department of Human Services personnel responsible for child support enforcement, and
- b. that district attorneys and Department of Human Services personnel aggressively utilize those tools to identify and prosecute parents who are not meeting child support obligations.

SECTION 4. REPEALER Section 1, Chapter 279, O.S.L. 1992 (43 O.S. Supp. 1995, Section 410), is hereby repealed.

SECTION 5. This act shall become effective November 1, 1996.

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