

SHORT TITLE: Uniform Interstate Family Support Act; allowing court to exempt petitioner from payment of certain costs upon determination of indigency; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 287

By: Fair

AS INTRODUCED

An Act relating to the Uniform Interstate Family

Support Act; amending Section 26, Chapter 160,

O.S.L. 1994 (43 O.S. Supp. 1994, Section 601-313),

which relates to costs and fees; authorizing waiver

of certain fees and costs upon determination of

indigency; and providing an effective date.

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

SECTION 1. AMENDATORY Section 26, Chapter 160, O.S.L. 1994 (43 O.S. Supp. 1994, Section 601-313), is amended to read as follows:

Section 601-313. A. The petitioner may not be required to pay a filing fee or other costs if the tribunal determines that the petitioner is indigent.

B. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

C. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Sections ~~36~~ 601-601 through ~~47~~ 601-612 of this ~~act~~ title, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

SECTION 2. This act shall become effective November 1, 1995.

45-1-0764

KSM