

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1538

By: Hutchison

AS INTRODUCED

An Act relating to child support; amending 56 O.S. 1991, Section 240.1, as amended by Section 6, Chapter 365, O.S.L. 1994 (56 O.S. Supp. 1996, Section 240.1), which relates to child support services; requiring the Department of Human Services to expand support service collections; specifying certain services; updating and clarifying language; requiring reimbursement for services; providing for certain costs and other expenses; providing for deposit; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 240.1, as amended by Section 6, Chapter 365, O.S.L. 1994 (56 O.S. Supp. 1996, Section 240.1), is amended to read as follows:

Section 240.1 A. 1. In cases where child support services are being provided by the Child Support Enforcement Division of the Department of Human Services, the Division ~~may~~ shall:

- a. initiate enforcement proceedings to:
  - (1) obtain a judgment for arrearages; ~~to,~~
  - (2) effectuate an income assignment; ~~to,~~

(3) receive current support and judgment payments~~;~~  
~~to,~~ and

(4) review and modify support orders pursuant to  
child support guidelines in Section 118 of Title  
43 of the Oklahoma Statutes~~;~~ and ~~to~~

b. initiate any other legal proceeding in the district or  
administrative court to implement the collection of  
support and other court-ordered requirements of  
support from an obligor including but not limited to  
medical, dental, orthodontic, optometrical,  
psychological or other physical or mental health  
insurance or expenses, child care costs, schooling  
expenses, transportation costs, food and clothing  
allowances.

2. A reasonable fee ~~and costs may~~ shall be assessed for ~~the~~  
providing child support enforcement services pursuant to ~~the~~ rules  
~~and regulations~~ promulgated by the Department. ~~Such~~ The fee, not to  
exceed Twenty-five Dollars (\$25.00), shall be paid by the applicant  
~~and such other costs shall be in addition to the amount withheld~~  
~~pursuant to the income assignment.~~ In any hearing on a notice of  
delinquency or other enforcement proceeding, the district or  
administrative court ~~may~~ shall include the amount of the fee paid by  
the ~~person entitled to support payments~~ applicant in any judgment  
against the obligor.

3. a. The obligor shall reimburse the Department for all  
costs or other expenses incurred by the Department and  
any interest owed pursuant to Sections 237 through  
240.21 of this title, as authorized by the Department  
pursuant to the terms of a settlement agreement or as  
otherwise provided by law in collecting any monies  
owed.

b. In any hearing on a notice of delinquency or other enforcement proceeding pursuant to this section, the district or administrative court shall include in any judgment against the obligor the amount of any cost and other expenses for child support enforcement services provided by the Department, the amount of interest on the child support, and costs and expenses pursuant to the provisions of this subsection, as authorized by the Department pursuant to the terms of a settlement agreement or as otherwise provided by law in collecting any child support owed.

4. Any costs, expenses and interest collected pursuant to this subsection by the Department shall be in addition to the amount collected for current child support and delinquent child support. Any costs, expenses and interest shall be deposited in the Child Support Revenue Enhancement Fund.

B. The Division is authorized to initiate enforcement proceedings and receive payments pursuant to Section 240.2 of this title to effectuate an income assignment for ~~spousal~~:

1. Spousal support or the support of a ~~minor~~ child or both for an applicant or any person who is the recipient of ~~Aid to Families with Dependent Children~~. benefits under the Temporary Assistance for Needy Families (TANF) program; and

~~C. The Division is authorized to initiate enforcement proceedings and receive payments pursuant to Section 240.2 of this title to effectuate an income assignment for any~~

2. Any debt due and owing to the person entitled to receive enforcement support services by the Department or to this state by ~~the~~ a natural or adoptive ~~parents or parent~~ or other person who ~~are~~ is or was responsible for the support of a ~~minor~~ child pursuant to Section 238 of this title, or found to be responsible for the

support of a ~~minor~~ child pursuant to Sections 238.1 through 238.6 of this title.

~~D. C.~~ 1. Upon application by an obligor who requests support enforcement services from the Department, the Division is authorized to initiate any proceedings necessary to provide support enforcement services to the obligor and to receive payments of the support obligation, interest, and any other costs, expenses, reimbursements or payments authorized by law or any other judgment.

2. A reasonable fee ~~and costs may~~ shall be assessed for the services provided for in this subsection pursuant to ~~the~~ rules promulgated by the Department. Such fee, not to exceed Twenty-five Dollars (\$25.00), shall be paid by the applicant.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5064

KSM