

SHORT TITLE: Poor persons; neglected and dependent children;
notification of district attorney of certain parent; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 54

By: Smith

AS INTRODUCED

An Act relating to poor persons; amending 56 O.S. 1991, Section 233, as amended by Section 16, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 233), which relates to neglected and dependent children; updating language; requiring the Department of Human Services to notify certain district attorney of the name of certain parent; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 233, as amended by Section 16, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 233), is amended to read as follows:

Section 233. A. The Department of Human Services shall have authority to investigate and ascertain the reasons why parents of children for whom the Department is making payments in its Temporary Assistance to Needy Families (TANF) program ~~for Aid to Families with Dependent Children~~ are not providing for the maintenance and support of their children.

B. 1. If any parent of a child is determined by the Department to be willfully violating the provisions of Section 852 of Title 21 of the Oklahoma Statutes by not providing for the maintenance and support of the child and the amount of the child support delinquency accrues for more than one (1) year or exceeds Five Thousand Dollars

(\$5,000.00), the Department shall notify the proper district attorney of the names of pertinent witnesses and information gained from the investigation.

2. If the father of a child born to an unmarried minor sixteen (16) years of age or younger is determined by the Department to be eighteen (18) years of age or older, the Department shall notify the proper district attorney of the name of the father.

3. Complaints necessary to institute prosecutions against such parents may be made by the Department's investigators. The Department shall provide legal assistance to the district attorneys in such prosecutions.

C. A parent of a child for whom the Department is making payments in its TANF program ~~for Aid to Families with Dependent Children~~ who willfully fails or refuses to accept employment when employment is available shall be deemed to have failed to provide for the child and upon conviction thereof shall be punished as provided by subsection E of this section or pursuant to Section 852 of Title 21 of the Oklahoma Statutes.

D. A parent omitting to provide for the maintenance and support of a child shall be afforded an opportunity to report to the Department for training or assistance in finding employment without referral for prosecution on the condition that the parent provide for such maintenance and support.

E. If a parent is convicted pursuant to ~~subsection A~~ of this section it shall be mandatory that the punishment of the parent shall include imprisonment in the county jail for not more than ninety (90) days; provided, that the parent may be released on probation, subject to supervision of the Department, on condition that the parent register with the Oklahoma Employment Security Commission and obtain or accept employment or training that will enable the parent to provide for the support and maintenance of the parent's child or children.

F. These provisions shall not apply to an only parent, caring for the child or children in the home, when ~~day-care~~ child care services are not available or when it is unreasonable to place the child or children in ~~day-care~~ child care services.

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

46-1-0087

CJ