ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 689 By: Henry of the Senate

and

Toure of the House

(child support - guidelines - forms - calculation - allocation - adjustments - effective date)

AUTHORS: Remove Toure as principal House author and substitute Vaughn as principal House author and add the following House Coauthors: Covey, Maddux, Taylor, Sullivan (John), Sullivan (Leonard) and Pettigrew

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"(child support - amending 43 O.S., Sections 118, 119 and 120 - guidelines - forms - child care expenses - amending 12 O.S., Section 1170 - child support orders - effective date)

SECTION 1. AMENDATORY 43 O.S. 1991, Section 118, as last amended by Section 8, Chapter 323, O.S.L. 1998 (43 O.S. Supp. 1998, Section 118), is amended to read as follows:

Section 118. A. 1. Except in those cases where parties represented by counsel have agreed to a different disposition, there shall be a rebuttable presumption in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the following guidelines is the correct amount of child support to be awarded. The district or administrative court ~~may~~ shall deviate from the level of child support suggested by these guidelines where the

amount of support so indicated is unjust, inequitable, unreasonable, or inappropriate under the circumstances, or not in the best interests of ~~the~~ any child ~~or children~~ involved.

2. The court shall not take into account any stepchildren of such parent in making the determination, but in making such determination, the court may take into account the reasonable support obligations of either parent as to only natural, legal, or legally adopted minor children in the custody of said parent.

3. If the district or administrative court deviates from the amount of support indicated by these guidelines, it shall make specific findings of fact supporting such action.

B. For purposes of this section and in determining child support, the noncustodial parent shall be designated the obligor and the custodial parent shall be designated the obligee.

~~Child~~ C. The child support guidelines are as follows:

1. All child support shall be computed as a percentage of the combined gross income of both parents. The Child Support Guideline Schedule as provided in Section 119 of this title shall be used for such computation. The child support obligations of each parent shall be computed~~, and the~~. The noncustodial parent's share shall be paid monthly to the custodial parent and shall be due on a specific date;

2. a. Gross income includes income from any source, except as excluded in this ~~act, Section 101 et seq. of this title~~ section and includes, but is not limited to, income from:

(1) salaries,

(2) wages,

(3) commissions,

(4) bonuses,

(5) dividends,

(6) severance pay,

(7) pensions,

(8) rent,

(9) interest income,

(10) trust income,

(11) annuities,

(12) social security benefits,

(13) workers' compensation benefits,

(14) unemployment insurance benefits,

(15) disability insurance benefits,

(16) gifts, and

(17) prizes.

b. Specifically excluded from gross income are:

(1) actual child support received for children not before the court, and

(2) benefits received from means-tested public assistance programs~~,~~ including, but not limited to:

(a) Temporary Assistance for Needy Families (TANF),

(b) Supplemental Security Income (SSI),

(c) Food Stamps, and

(d) General Assistance and State Supplemental Payments for Aged, Blind and the Disabled;

3. a. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" is defined as gross receipts minus ordinary and necessary expenses required for self-employment or business operation.

b. Specifically excluded from ordinary and necessary expenses for purposes of this ~~section~~ paragraph are amounts determined by the district or administrative

court to be inappropriate for determining gross income for purposes of calculating child support.

c. The district or administrative court shall carefully review income and expenses from self-employment or operation of a business to determine an appropriate level of gross income available to the parent to satisfy a child support obligation.

d. The district or administrative court shall deduct from self-employment gross income an amount equal to the employer contribution for F.I.C.A. tax which an employer would withhold from an employee's earnings on an equivalent gross income amount. A determination of business income for tax purposes shall not control for purposes of determining a child support obligation.

e. Expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business shall be counted as income if they are significant and reduce personal living expenses. Such payments may include but are not limited to a company car, free housing, or reimbursed meals;

4. a. For purposes of computing gross income of the parents, whichever is the most equitable, the district or administrative court shall include for each parent, either:

(1) the actual monthly income,

(2) the average of the gross monthly income for the time actually employed during the previous three (3) years, or

(3) the minimum wage paid for a forty-hour week~~,~~ ~~whichever is the most equitable~~.

b. If equitable, the district or administrative court may instead impute as gross monthly income for either parent the amount a person with comparable education, training and experience could reasonably expect to earn~~; provided, however, that if~~.

c. If a person is permanently physically or mentally incapacitated, the child support obligation shall be computed on the basis of actual monthly gross income;

5. The amount of any preexisting district or administrative court order for current child support for children not before the court or for support alimony arising in a prior case shall be deducted from gross income to the extent payment is actually made under such order;

6. The amount of reasonable expenses of the parties attributable to debt service for preexisting, jointly acquired debt of the parties may be deducted from gross income to the extent payment of such debt is actually made. In any case where deduction for such debt service is made, the district or administrative court may make provision for prospective upward adjustments of support made possible by the reasonable anticipated reduction or elimination of such debt service;

7. The results of paragraphs 2, 3, 4, 5 and 6 of this subsection shall be denominated "adjusted gross income";

8. ~~The~~ In cases in which one parent has sole custody, the adjusted monthly gross income of both parents shall be added together and the Child Support Guideline Schedule consulted for the total combined base monthly obligation for child support;

9. ~~After the total combined child support is determined, the percentage share of each parent shall be allocated by computing the percentage contribution of each parent to the combined adjusted gross income and allocating that same percentage to the child~~

~~support obligation to determine the base child support obligation of each parent;~~

~~10. The actual dependent medical insurance premium shall be determined by the district or administrative court. The premium shall be allocated between the parents in the same proportion as base child support;~~

~~11. The~~

a. In cases where shared parenting time has been ordered by a district court or agreed to by the parties, the base monthly obligation shall be adjusted. "Shared parenting time" means that each parent keeps the child or children overnight for more than ninety-two (92) nights each year.

b. An adjustment for shared parenting time shall be made to the base monthly child support obligation by the following formula: The total combined base monthly child support obligation is multiplied by one and one-half (1 1/2). The result is designated the adjusted combined child support obligation.

c. To determine each parent's adjusted child support obligation, the adjusted combined child support obligation is divided between the parents in proportion to their respective adjusted gross incomes.

d. (1) The percentage of time the children spend with each parent shall be calculated by determining the number of nights spent with each parent and dividing by three hundred and sixty-five (365).

(2) Each parent's share of the adjusted combined child support obligation shall then be multiplied by the percentage of time the children spend with the other parent to determine the base child support obligation owed to the other parent. For

each parent, this amount is then subtracted from the respective share of the adjusted combined child support obligation.

(3) The respective adjusted base child support obligations for each parent are then offset, with the parent owing more base child support paying the difference between the two amounts. The base child support for the parent owing the lesser amount is then set at zero dollars.

e. The parent owing the greater amount of child support shall owe the difference between the two amounts as a child support order. In no case, however, shall the amount of child support ordered to be paid exceed the amount of child support which would otherwise be ordered to be paid if the parents did not share parenting time;

10. a. The actual medical and dental insurance premium for the children shall be allocated between the parents in the same proportion as their adjusted gross income and shall be added to the base child support obligation. If the insurance policy covers a person other than the children before the court, only that portion of the premium apportioned to the children before the court shall be allocated and added to the base child support obligation.

b. If the obligor pays the medical insurance premium, the obligor shall receive credit against the base child support obligation for the obligee's allocated share of the medical insurance premium ~~which the obligor pays directly to the provider. The obligor shall pay his or her (obligor's) allocated share of the medical insurance premiums to obligee, if~~.

c. If the obligee pays the medical insurance premium ~~to the provider~~, the obligor shall pay the obligor's allocated share of the medical insurance premium to the obligee as part of the base child support obligation;

~~12. The district or administrative court shall then determine the "actual" child care expenses reasonably necessary to enable both parents to maintain employment or to conduct an active search for employment;~~

~~13. The actual child care costs incurred due to employment or active employment search of either parent, or incurred as a result of either parent actually attending school for the purpose of enhancing their employment or income, shall be allocated in the same proportion as base child support. If the district or administrative court determines that it will not cause detriment to the child, in lieu of payment of child care costs incurred during employment, active employment search, or while the custodial parent is attending school, the noncustodial parent may be allowed to provide care of the child during such time. The noncustodial parent shall be designated the "obligor". The custodial parent shall be designated the "obligee". Obligor's proportionate amount of the child care fee for that month shall be paid to the obligee on or before the date the child care fee is due to the provider. The district or administrative court shall require the obligee to provide obligor with timely documentation of any change in the amount of the child care fee. Upon request by the obligor whose requests shall not exceed one each month, the obligee shall provide the obligor with documentation of the amount of incurred child care costs which are related to employment or education as required by this paragraph. The court may require the obligee to periodically verify that incurred child care costs are related to employment or education as required by this paragraph;~~

~~14. Visitation transportation expenses shall be determined by the court on a case by case basis and may be allocated as an addition to or as a credit against the child support obligation of the obligor. Such expenses may be adjusted at any time the court deems it equitable;~~

~~15. Payment of reasonable and necessary medical, dental, orthodontic, optometrical, psychological or any other physical or mental health expenses of the child not reimbursed by insurance shall be determined by the district or administrative court on a case by case basis and may be allocated in addition to the child support obligation of the payor, as a percentage contribution by each parent toward future expenses;~~

~~16. If the district or administrative court adopts a joint custody plan meeting the requirements of Section 109 of this title, the plan must provide for the support of the child equivalent to the amount of combined support the child would otherwise receive under these guidelines. The district or administrative court shall have the authority, however, to accept a plan which allocates the payment of actual expenses of the children, rather than designating one custodial parent the "obligor" and one the "obligee", if the district or administrative court finds the payments allocated to each respective parent are substantially equivalent to the amount of the child support obligation of the parent under these guidelines;~~

~~17. If each parent is awarded custody of one or more children, the child support obligation of each parent shall be computed for each custodial arrangement separately using the percentage applicable for the children residing with each parent. The obligation of each parent shall be compared with the other. The difference between the obligations of each parent shall be paid to the parent with the smaller obligation in order to equalize the child support spent on all of the children, regardless of the custodial arrangements. The court shall not take into account any~~

~~stepchildren of such parent in making the determination but only natural, legal, or legally adopted minor children in the custody of either parent may be taken into account in determining child support;~~

~~18. The district or administrative court may make adjustments to child support guidelines for periods of extended visitation;~~

~~19.~~ 11. By order of the court or by agreement of the parties monthly contributions for medical, transportation, or other costs may be added to the base monthly child support obligation.

a. Medical, dental, orthodontic, optometrical, psychological, or any other physical or mental health expenses of the child incurred by either parent and not reimbursed by insurance may be allocated in the same proportion as the parents adjusted gross income as separate items that are not added to the base child support obligation. The parent who incurs the expense shall be reimbursed by the other parent within thirty (30) days of receipt of documentation of the expense.

b. Transportation expenses of a child between the homes of the parents may be divided between the parents in proportion to their adjusted gross income as separate items that are not added to the base child support obligation.

c. The following amounts shall be added to each parent's base child support obligation in proportion to their respective adjusted gross incomes: employment-related and education-related child care expenses, dependent medical insurance premium, and medical expenses.

d. The parent owing the greater amount of child support shall owe the difference between the two amounts as a child support order. In no case, however, shall the amount of child support ordered to be paid exceed the

amount of child support which would otherwise be ordered to be paid if the parents did not share parenting time;

12. a. Child care expenses shall be added to the base child support obligation. Child care expenses are actual costs incurred on behalf of children to allow a custodial parent to:

(1) be employed,

(2) seek employment, or

(3) attend school or training to enhance employment income.

b. In cases in which child care expenses will be incurred by agreement of the parties or by order of the district or administrative court, expenses shall be determined by calculating the amount paid annually for child care expenses, which is determined by the actual reasonable expenses, not to exceed the level to provide high quality care for children from a licensed provider, projected over the next twelve (12) months, and

(1) the annual child support amount is then converted to a monthly child care expense by dividing by twelve,

(2) the monthly child care expense is then reduced by subtracting one-twelfth (1/12) of the annual child care tax credit, if any. When the gross monthly income of the party claiming child care expenses falls below the level indicated in this subparagraph, the monthly child care tax credit does not apply, and the monthly child care expenses are not reduced:

(a) 1 child $1,400.00

(b) 2 children $2,050.00

(c) 3 children $2,600.00

(d) 4 children $3,100.00

(e) 5 children $3,600.00

(f) 6 children $4,100.00

(3) when the gross monthly income of the party claiming child care expenses exceeds the level indicated in this subparagraph, the monthly child care expense is reduced by the following amounts to simulate the child care tax credit:

(a) one child in child care, the lesser of:

i. twenty-five percent (25%) of the monthly child care expenses, or

ii. Fifty Dollars ($50.00) per month,

(b) two or more children in child care, the lesser of:

i. twenty-five percent (25%) of monthly child care expenses, or

ii. Eighty Dollars ($80.00) per month,

(4) the monthly child care expense, minus one-twelfth (1/12) of the annual child care tax credit, if any, shall be allocated between the obligor and the obligee in the same proportion as the base child support amount and added to the base monthly child support obligation,

c. If the court determines that it will not cause detriment to the child or will not cause undue hardship to either parent, in lieu of payment of child care expenses incurred during employment, employment search, or while the custodial parent is attending school or training, the noncustodial parent may provide care for the child during that time;

13. a. Child support orders may be modified if the support amount is not in accordance with the child support guidelines or upon other material change in circumstances. An order of modification shall be effective upon the date the motion to modify was filed, unless the parties agree to the contrary or the court makes a specific finding of fact that the material change of circumstance did not occur until a later date. ~~Unless the parties agree to the contrary, a completed child support computation form provided for in Section 120 of this title shall be required to be filed with the child support order. The child support guidelines provided in this act shall be used in computing child support, subject to the discretion of the district or administrative court to deviate from the guidelines where the amount of support is unjust, inequitable, unreasonable or inappropriate under the circumstances, or not in the best interests of the child or children involved, and such deviation is supported by specific findings. A~~ Providing support for children born to either parent after the entry of a child support order shall not be considered a material change in circumstances to warrant modification of a prior order. After the entry of a child support order, a recalculation of all pertinent and current elements of the guidelines that results in a change of less than ten percent (10%)in the amount of the order, shall not be considered a material change in circumstances to warrant modification of a prior order.

b. (1) Periodic child support payments shall not be modified retroactively regardless of whether

support was ordered in a temporary order, a decree of divorce, an order establishing paternity, modification of an order of support, or other action to establish or to enforce support.

(2) All final orders shall state how much past due support and interest has accrued pursuant to any temporary order; however, failure to state the past due amount shall not bar collection of that amount after entry of the final support order.

c. The amount of a child support order shall not be construed to be ~~a~~ an amount per child ~~order~~ unless specified by the district or administrative court in the order. ~~Child~~ A child support order for more than one child is not automatically modified ~~in a child support order which provides for more than one child~~ when one of those children reaches majority or is not otherwise entitled to support pursuant to the support order; however, such circumstance shall constitute a material change in circumstances;

~~20. The child support computation worksheet provided in Section 120 of this title shall be signed by the district judge or administrative law judge;~~

~~21.~~

14. a. When a child support order is entered or modified, the parties may agree or the district or administrative court may require the parties to periodically exchange information for the purpose of updating and modifying the order without a court hearing.

b. The information may include verification of income, children's medical insurance, a review of past and prospective overnights, and current child care costs.

c. The exchange may occur once a year or less often, by regular mail.

d. (1) If the parties agree to a modification, their stipulation must be in writing on a standard form as defined in Section 120 of this title and must comply with the child support guidelines.

(2) The stipulation, the standard child support guideline calculation form, and the standard financial affidavit form shall be submitted to the district or administrative court.

(3) Stipulations and supporting documents submitted shall be reviewed by the district or administrative court for approval to confirm that the stipulation and documents comply with the child support guidelines and that all necessary parties have been notified.

(4) If the stipulation does not comply, the matter shall be set for hearing.

e. (1) If the parties fail to cooperate in the exchange of information, either party may move for a modification hearing, or for mediation. The district or administrative court on its own motion may refer the parties to a mediator.

(2) If referred to mediation, and modification is subsequently found to be appropriate, the modification shall be effective the date of filing of the motion.

(3) Costs for mediation, if any, shall be paid by the party who failed to cooperate in the exchange of information. Otherwise, the court may assess costs equally between the parties, or as determined by the court;

15. Child support orders may include such provisions as the district or administrative court deems appropriate to assure that the child support payments to the custodial parent are used for the support of the child;

~~22.~~ 16. The district or administrative court shall require and enforce a complete disclosure of assets by both parents on a financial affidavit prepared and published by the Administrative Office of the Courts; ~~and~~

~~23.~~ 17. Child support orders issued for prior-born children of the payor may not be modified for the purpose of providing support for later-born children;

18. The court, to the extent reasonably possible, shall make provision in an order for prospective adjustment of support to address any foreseen changes, including, but not limited to, changes in medical insurance, child care expenses, medical expenses, and extraordinary costs; and

19. The social security numbers of both parents and the children who are the subject of the order shall be included in all paternity or child support orders.

SECTION 2. AMENDATORY 43 O.S. 1991, Section 119, is amended to read as follows:

Section 119. A. The current child support guideline schedule shall remain in effect until a complete comprehensive study of the child support guidelines, incentives and penalties for noncompliance, and cost of living adjustments comparing Oklahoma with all states has been completed by the Child Support Enforcement Division of the Department of Human Services.

B. Child support shall be computed in accordance with the following:

CHILD SUPPORT GUIDELINE SCHEDULE

If Combined

Gross

Monthly Income is over	Total Support Amount					
	One Child	Two Children	Three Children	Four Children	Five Children	Six Children or More
50	10	17	21	27	30	33
100	17	31	39	49	55	61
150	24	45	56	72	80	89
200	32	59	73	94	106	117
250	40	71	88	113	127	140
300	47	82	103	131	146	161
350	55	94	118	148	166	181
400	62	106	133	165	185	202
450	69	117	148	183	205	223
500	77	129	163	200	224	243
550	84	141	177	217	243	264
600	91	152	192	234	262	284
650	98	163	206	251	281	303
700	105	174	221	268	300	323
750	113	185	235	284	318	343
800	120	196	249	301	337	363
850	128	208	264	317	354	381
900	136	221	280	332	370	398
950	145	234	296	346	386	414
1,000	153	246	312	361	402	431
1,050	162	259	327	376	417	448
1,100	170	272	343	391	433	464
1,150	179	285	359	405	449	481
1,200	187	297	375	420	465	498
1,250	194	308	387	433	479	513
1,300	200	316	397	445	492	525
1,350	206	325	407	456	506	538
1,400	212	333	417	468	519	551

1,450	217	342	426	479	532	564
1,500	223	350	436	491	546	577
1,550	229	359	446	502	559	590
1,600	235	367	455	514	572	602
1,650	240	375	465	526	585	616
1,700	245	382	475	537	596	630
1,750	250	389	485	549	607	644
1,800	255	396	494	560	619	659
1,850	261	403	504	572	630	673
1,900	266	410	514	583	641	687
1,950	271	417	524	595	652	701
2,000	276	424	533	606	664	716
2,050	281	431	543	618	675	730
2,100	286	439	554	630	687	743
2,150	292	448	565	641	700	756
2,200	297	457	577	653	713	769
2,250	302	465	588	665	726	782
2,300	308	474	600	676	739	795
2,350	313	483	611	688	752	807
2,400	318	492	623	699	765	820
2,450	324	500	634	711	778	833
2,500	329	509	645	723	791	846
2,550	334	518	657	734	804	858
2,600	340	527	668	746	817	871
2,650	345	535	680	758	830	884
2,700	350	544	691	769	843	897
2,750	356	553	703	781	856	909
2,800	361	562	714	793	869	922
2,850	366	570	726	804	882	935
2,900	372	579	737	816	895	948
2,950	375	583	741	821	900	953
3,000	378	587	744	826	904	959

3,050	381	591	747	830	909	964
3,100	384	594	751	835	914	970
3,150	387	598	754	840	918	975
3,200	390	602	758	845	923	981
3,250	394	606	761	850	927	986
3,300	397	610	765	854	932	992
3,350	400	613	768	859	937	997
3,400	403	617	772	864	941	1,003
3,450	406	621	775	869	946	1,009
3,500	409	625	779	874	951	1,014
3,550	412	629	782	879	955	1,020
3,600	415	632	785	883	960	1,025
3,650	419	636	789	888	964	1,031
3,700	422	640	792	893	969	1,036
3,750	425	644	796	898	974	1,042
3,800	428	648	799	903	978	1,047
3,850	431	651	803	907	983	1,053
3,900	434	655	806	912	988	1,058
3,950	437	659	810	917	992	1,064
4,000	440	663	813	922	997	1,069
4,050	444	667	817	927	1,002	1,075
4,100	447	670	820	931	1,006	1,080
4,150	450	676	826	939	1,014	1,089
4,200	454	682	834	948	1,024	1,101
4,250	458	689	843	958	1,035	1,112
4,300	462	696	851	968	1,046	1,124
4,350	466	702	860	978	1,057	1,135
4,400	470	709	868	988	1,067	1,147
4,450	474	715	877	997	1,078	1,158
4,500	478	722	885	1,007	1,089	1,170
4,550	482	729	893	1,017	1,099	1,182
4,600	486	735	902	1,027	1,110	1,193

4,650	490	742	910	1,037	1,121	1,205
4,700	494	749	919	1,046	1,131	1,216
4,750	497	755	927	1,056	1,142	1,228
4,800	501	762	936	1,066	1,153	1,240
4,850	505	769	944	1,076	1,163	1,251
4,900	509	775	953	1,086	1,174	1,263
4,950	513	782	961	1,095	1,185	1,274
5,000	517	789	969	1,105	1,196	1,286
5,050	521	795	978	1,115	1,206	1,298
5,100	525	802	986	1,125	1,217	1,309
5,150	529	808	995	1,134	1,228	1,321
5,200	533	815	1,003	1,144	1,238	1,332
5,250	537	822	1,012	1,154	1,249	1,344
5,300	541	828	1,020	1,164	1,260	1,356
5,350	545	835	1,028	1,174	1,270	1,367
5,400	549	842	1,037	1,183	1,281	1,379
5,450	553	848	1,045	1,193	1,292	1,390
5,500	557	855	1,054	1,203	1,302	1,402
5,550	561	862	1,062	1,213	1,313	1,413
5,600	564	868	1,071	1,223	1,324	1,425
5,650	568	875	1,079	1,232	1,335	1,437
5,700	572	881	1,088	1,242	1,345	1,448
5,750	576	888	1,096	1,252	1,356	1,460
5,800	580	895	1,104	1,262	1,367	1,471
5,850	584	901	1,113	1,272	1,377	1,483
5,900	588	908	1,121	1,281	1,388	1,495
5,950	592	915	1,130	1,291	1,399	1,506
6,000	596	921	1,138	1,301	1,408	1,517
6,050	599	927	1,145	1,310	1,416	1,528
6,100	602	933	1,153	1,319	1,424	1,539
6,150	605	938	1,161	1,328	1,432	1,550
6,200	608	944	1,168	1,337	1,440	1,561

6,250	611	950	1,176	1,346	1,449	1,571
6,300	614	956	1,184	1,355	1,457	1,582
6,350	618	962	1,191	1,364	1,465	1,593
6,400	621	968	1,199	1,373	1,473	1,604
6,450	624	974	1,207	1,382	1,481	1,615
6,500	627	979	1,214	1,391	1,489	1,625
6,550	630	985	1,222	1,400	1,497	1,636
6,600	633	991	1,230	1,409	1,505	1,647
6,650	637	997	1,237	1,418	1,513	1,658
6,700	640	1,003	1,245	1,427	1,521	1,669
6,750	643	1,009	1,253	1,436	1,530	1,679
6,800	646	1,015	1,260	1,445	1,538	1,690
6,850	649	1,020	1,268	1,454	1,546	1,701
6,900	652	1,026	1,276	1,463	1,554	1,712
6,950	655	1,032	1,283	1,472	1,562	1,723
7,000	659	1,038	1,291	1,481	1,570	1,733
7,050	662	1,044	1,298	1,490	1,578	1,744
7,100	665	1,050	1,306	1,499	1,586	1,755
7,150	668	1,055	1,314	1,508	1,594	1,766
7,200	671	1,061	1,321	1,517	1,602	1,777
7,250	674	1,067	1,329	1,526	1,611	1,787
7,300	677	1,073	1,337	1,535	1,619	1,798
7,350	681	1,079	1,344	1,544	1,627	1,809
7,400	684	1,085	1,352	1,553	1,635	1,820
7,450	687	1,091	1,360	1,562	1,643	1,831
7,500	690	1,096	1,367	1,571	1,651	1,841
7,550	693	1,102	1,375	1,580	1,659	1,852
7,600	696	1,108	1,383	1,589	1,667	1,863
7,650	700	1,114	1,390	1,598	1,675	1,874
7,700	703	1,120	1,398	1,607	1,683	1,885
7,750	706	1,126	1,406	1,616	1,692	1,895
7,800	709	1,132	1,413	1,625	1,700	1,906

7,850	712	1,137	1,421	1,634	1,708	1,917
7,900	715	1,143	1,429	1,643	1,716	1,928
7,950	718	1,149	1,436	1,652	1,724	1,939
8,000	721	1,154	1,443	1,660	1,732	1,949
8,050	723	1,159	1,450	1,668	1,741	1,959
8,100	726	1,164	1,457	1,676	1,749	1,969
8,150	728	1,169	1,464	1,684	1,758	1,979
8,200	730	1,174	1,470	1,692	1,766	1,989
8,250	732	1,179	1,477	1,701	1,775	1,998
8,300	735	1,184	1,484	1,709	1,784	2,008
8,350	737	1,189	1,491	1,717	1,792	2,018
8,400	739	1,194	1,497	1,725	1,801	2,028
8,450	741	1,199	1,504	1,733	1,809	2,038
8,500	744	1,204	1,511	1,741	1,818	2,048
8,550	746	1,209	1,518	1,749	1,826	2,058
8,600	748	1,214	1,524	1,757	1,835	2,068
8,650	750	1,219	1,531	1,765	1,843	2,078
8,700	753	1,224	1,538	1,773	1,852	2,088
8,750	755	1,229	1,545	1,782	1,861	2,097
8,800	757	1,234	1,551	1,790	1,869	2,107
8,850	759	1,239	1,558	1,798	1,878	2,117
8,900	762	1,244	1,565	1,806	1,886	2,127
8,950	764	1,249	1,572	1,814	1,895	2,137
9,000	766	1,253	1,578	1,822	1,903	2,147
9,050	768	1,258	1,585	1,830	1,912	2,157
9,100	771	1,263	1,592	1,838	1,920	2,167
9,150	773	1,268	1,599	1,846	1,929	2,177
9,200	775	1,273	1,605	1,854	1,937	2,187
9,250	777	1,278	1,612	1,863	1,946	2,196
9,300	780	1,283	1,619	1,871	1,955	2,206
9,350	782	1,288	1,626	1,879	1,963	2,216
9,400	784	1,293	1,632	1,887	1,972	2,226

9,450	786	1,298	1,639	1,895	1,980	2,236
9,500	789	1,303	1,646	1,903	1,989	2,246
9,550	791	1,308	1,653	1,911	1,997	2,256
9,600	793	1,313	1,659	1,919	2,006	2,266
9,650	795	1,318	1,666	1,927	2,014	2,276
9,700	798	1,323	1,673	1,935	2,023	2,286
9,750	800	1,328	1,680	1,944	2,032	2,295
9,800	802	1,333	1,686	1,952	2,040	2,305
9,850	804	1,338	1,693	1,960	2,049	2,315
9,900	807	1,343	1,700	1,968	2,057	2,325
9,950	809	1,348	1,707	1,976	2,066	2,335
10,000	811	1,352	1,713	1,984	2,074	2,345

C. In the event monthly income exceeds Ten Thousand Dollars ($10,000.00), the child support shall be that amount computed for a monthly income of Ten Thousand Dollars ($10,000.00) and such additional amount as the court may determine.

D. In the event there are more than six children, the child support shall be that amount computed for six children and an additional amount determined by the court.

SECTION 3. AMENDATORY 43 O.S. 1991, Section 120, as last amended by Section 10, Chapter 323, O.S.L. 1998 (43 O.S. Supp. 1998, Section 120), is amended to read as follows:

Section 120. ~~The following forms shall be submitted~~ A. A child support computation form shall be signed by the judge and incorporated as a part of all ~~child support~~ orders which establish or modify a child support obligation~~:~~

~~1. A child support computation form;~~

~~2. An affidavit of arrears form; and~~

~~3. A support order summary form~~.

B. When services are not being provided under the Department of Human Services State IV-D plan pursuant to Section 237 of Title 56 of the Oklahoma Statutes, a support order summary form shall be

prepared and filed with all orders which establish paternity or establish or modify support orders. For orders established or modified in district court, the clerk of the court shall forward a copy of the support order summary form to the Central Case Registry.

C. A stipulation form shall be used by all parties for any stipulations submitted to the court for approval as a part of the informal modification process in Section 118 of this title.

D. The forms shall be prepared by the Department of Human Services and shall be published by the Administrative Office of the Courts.

SECTION 4. AMENDATORY 12 O.S. 1991, Section 1170, as last amended by Section 1, Chapter 272, O.S.L. 1997 (12 O.S. Supp. 1998, Section 1170), is amended to read as follows:

Section 1170. A. For the purposes of this subsection and Sections 1171.2 through 1171.4 of this title:

1. "Arrearage" means the total amount of unpaid support obligations;

2. "Delinquency" means any payment under an order for support which becomes due and remains unpaid;

3. "Income" or "earnings" means any form of payment to an individual regardless of source including, but not limited to, wages, salary, commission, compensation as an independent contractor, workers' compensation, disability, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by law;

4. "Disposable income" means income or earnings less any amounts required by law to be withheld, including but not limited to federal, state, and local taxes, Social Security, and public assistance payments;

5. "Obligor" means the person who is required to make payments under an order for support;

6. “Person entitled” means the person to whom a duty of support is owed as designated in the support order or as otherwise specified by the court;

7. “Payor” means any person or entity paying monies, income or earnings to an obligor. In the case of a self-employed person, the “payor” and “obligor” may be the same person;

8. “Support order” means an order for the payment of child support issued by a district court or the Department of Human Services;

9. “Income assignment” is a provision of a support order which directs the obligor to assign a portion of the monies, income, or periodic earnings due and owing to the obligor to the person entitled to the support or to another person designated by the support order or assignment for payment of support or arrearages or both. ~~The income assignment may be initiated when the obligor has failed to make child support payments required by a support order in an amount equal to the support payable for one (1) month.~~ The assignment shall be in an amount which is sufficient to meet the periodic support arrearages or other maintenance payments or both imposed by the court order or administrative order. The income assignment shall be made a part of the support order; ~~and~~

10. “Child support” means and includes all payments or other obligations due and owing to the person entitled by the obligor pursuant to a child support order, including but not limited to medical insurance or health care premiums and other medical expenses, day care arrearages and any fixed day care obligations and such other expenses and requirements as specified in Section 118 of Title 43 of the Oklahoma Statutes; and

11. “Notice of income assignment” means the standardized form prescribed by the United States Secretary of Health and Human Services that is required to be used in all cases to notify a payor

of an order to withhold for payment of child support and other maintenance payments.

B. For the purposes of prejudgment garnishments, "judgment creditor" includes prejudgment garnishors.

SECTION 5. AMENDATORY 56 O.S. 1991, Section 234, is amended to read as follows:

Section 234. A. If a party in a divorce action or other civil case has disobeyed or failed to comply with an order of the court to make payments for the support or maintenance of a child for whom the Department of ~~Public Welfare~~ Human Services thereafter makes payments in its program for ~~Aid to Families with Dependent Children~~ Temporary Aid to Needy Families (TANF), the Department may file and prosecute in such action or civil case an application to have such party cited and punished for contempt of court, or any other pleading to secure a compliance with the court's order.

B. The Department of Human Services, in coordination with district attorneys, is authorized to periodically offer an amnesty program for those who owe past-due child support. The Department, in coordination with district attorneys, may announce and publicize a program that offers those who owe past-due child support an opportunity to pay off the past-due support by a certain date. If payment in full is made, the Department, in coordination with district attorneys, may forego the use of other enforcement remedies for support past-due and accrued interest on that amount owed to the state up to that date. For accrued interest owed to a parent, the parent must by affidavit waive the past-due interest.

SECTION 6. This act shall become effective November 1, 1999."

Passed the House of Representatives the 14th day of April, 1999.

_____
Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1999.

_____
President of the Senate