

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1223

By: Pope (Tim)

COMMITTEE SUBSTITUTE

An Act relating to poor persons; amending 56 O.S. 1991, Sections 237, as last amended by Section 15, Chapter 323, O.S.L. 1998 and 240.7, as last amended by Section 34, Chapter 402, O.S.L. 1997 (56 O.S. Supp. 1998, Sections 237 and 240.7), which relate to support collection services; release of child support information; prohibiting submission of duplicate or additional notices; providing for continuation of certain payments until certain time; removing certain fees; making certain notice and hearings limited to certain federal program requirements; modifying requirements for release of child support information; requiring courts to make certain information available; providing certain content of orders; deleting certain fee requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 237, as last amended by Section 15, Chapter 323, O.S.L. 1998 (56 O.S. Supp. 1998, Section 237), is amended to read as follows:

Section 237. A. The Department of Human Services, hereinafter referred to as "Department", as the single state agency designated to administer a statewide plan for child support, is authorized, in accordance with Title IV, Part D, of the Federal Social Security Act, as amended, 42 U.S.C., Section 651 et seq. to provide child support services, parent location services, and paternity determination services to enable participation in programs established by federal law.

B. The Department is authorized to:

1. Accept, transfer, and expend funds made available by the government of the United States, the State of Oklahoma, and public or private sources, for the purpose of carrying out the provisions of this section;

2. Promulgate rules to provide child support services;

3. Initiate legal actions needed to implement the provisions of this section;

4. Enter into contracts or agreements necessary to administer this section; and

5. Require agencies and political subdivisions of the state, county, or municipality, persons, sole proprietorships, corporations, utilities, partnerships, associations, organizations, and other legal entities doing business in this state to provide information to the Child Support Enforcement Division to assist in locating individuals and in establishing and enforcing court orders.

C. 1. An applicant for or recipient of Temporary Assistance for Needy Families, hereinafter referred to as "recipient", shall be required to assign to the Department any rights of or support from any other person which the recipient may have in his or her own behalf or for a child for whom the recipient is applying for or receiving assistance in accordance with federal regulations and state law.

2. When an order has been entered which provides for payment of child support and the obligee pursuant to the order relinquishes physical custody of the child to another custodian, without obtaining a modification of the order to change custody or to redirect the support to the new custodian, the relinquishment shall transfer the child support obligation pursuant to the order to the new custodian or the Department if an assignment of support rights has been made. The transfer of the obligation shall terminate when the new custodian no longer has physical custody of the child,

except for the amount of unpaid support still owing to the Department pursuant to an assignment.

3. In all cases in which support services are being provided under the state child support plan as provided in this section, support payments shall be made by the obligor to the Department or its designee. If a court has ordered support payments to be made to the recipient or the applicant, the Department may send a notice of the assignment or application to the obligor requiring that all support payments be made to the Division or its designee; provided, that if a notice has already been sent to the obligor pursuant to Section 237A of this title, the notice provided for in this section shall not be sent to the obligor. The notice shall include:

- a. a statement that the assignment or application has been made,
- b. the name of the child for whom support has been ordered by the court and the name of the recipient or custodian of the child,
- c. the style and cause number of the case in which support was ordered,
- d. a statement that all payments so ordered shall be made to the Department, and
- e. a statement that a notice of income assignment will be sent to the obligor's employer or other payor of income.

4. A notice to redirect the payments shall be sent to the obligor by regular mail with proof of mailing from the United States Postal Service. If after notice of the redirection the obligor does not make payments to the Department as provided in the notice, the payments shall not be credited to the amount owed. The obligor shall notify the Department of any change of address, the name and address of the current employer, and access to health insurance and

other insurance policy information within thirty (30) days of any change.

5. ~~Effective October 1, 1998, or upon implementation of the Centralized Support Registry, whichever occurs first, the notice provided for in paragraph 3 of this subsection shall be replaced by the notice provided for in Section 16 of this act.~~ Once child support services are being provided pursuant to Title IV, Part D, of the Federal Social Security Act, as amended, (42 U.S.C., Section 651 et seq.), thereafter all monies owed for current child support and arrears shall continue to be paid through the Centralized Support Registry until current child support is no longer owed and all arrears have been paid in full, or unless the Department closes the case pursuant to federal regulations.

D. When support rights have been assigned to the Child Support Enforcement Division or upon proper application by an obligor or by an individual not receiving Temporary Assistance for Needy Families, the Division may petition the district court or the Office of Administrative Hearings: Child Support, an administrative court of the Department of Human Services, for an order:

1. Requiring the obligor to provide health insurance for the dependent children whenever it is available through employment or other group plan regardless of whether the obligor has insurance coverage available at that time or there has been a change of circumstances;

2. Establishing paternity;

3. Requiring medical support, child support, or other support;

4. Enforcing orders for paternity, medical support, child support, or other support;

5. Requiring that the obligor keep the Division informed of the name and address of the current employer of the obligor and of any health insurance or other insurance policy information of the obligor within thirty (30) days of any change;

6. Making collection and distribution of child support monies;
and

7. Assisting in the location of absent parents and their assets, in cooperation with federal agencies, other agencies of this state and of other states, territories, and foreign nations requesting assistance with the enforcement of support orders entered in the United States and elsewhere. The Division may petition the district or administrative court to modify any order for support regardless of whether there has been a change of circumstances. A reasonable fee and costs may be assessed for services to individuals not receiving Temporary Assistance for Needy Families under rules adopted by the Department.

E. Child support payments made to the Division pursuant to this section shall be deposited in the Child Support Escrow Account for distribution as may be required by Section 235 of this title, or by 42 U.S.C., Section 651 et seq. Fees or reimbursements of costs collected by the Department shall be deposited in the Administration Fund of the Department and may be used and expended by the Department for the purposes of carrying out the provisions of this section.

F. Except as otherwise authorized by law, all files and records concerning the assistance and services provided under this section or concerning a putative father of a child born out of wedlock are confidential. Release of information from the files and records shall be restricted to purposes directly connected with the administration of the child support collection, paternity determination, parent location, or Temporary Assistance for Needy Families programs. Information may be released to public officials under rules adopted by the Department, consistent with federal rules or regulations.

SECTION 2. AMENDATORY 56 O.S. 1991, Section 240.7, as last amended by Section 34, Chapter 402, O.S.L. 1997 (56 O.S. Supp. 1998, Section 240.7), is amended to read as follows:

Section 240.7 A. ~~Unless otherwise prohibited or restricted by federal law or regulation, the Commission for Human Services, by rule, shall adopt a reasonable fee that shall be paid by consumer reporting agencies for requests pursuant to this section. The fee shall not exceed the estimated average actual cost experienced by the Department in performing the duties imposed upon it by this section.~~

~~B.~~ 1. The Department of Human Services shall establish procedures for the periodic release to consumer reporting agencies of the names and amounts of child support arrearages of obligors who owe past-due support. This information shall be released if the person obligated to pay child support pursuant to a support order is in arrears for child support.

2. Any person obligated for child support shall be notified prior to the release of the information to a consumer reporting agency pursuant to this subsection and shall be given a reasonable opportunity to be heard regarding the accuracy of the information to be released.

B. For cases not enforced by the Department pursuant to the state plan for collection of child support, the Department of Human Services shall establish procedures for release to consumer reporting agencies of information contained in the child support summary forms received by the Department for filing or which are on file with the central case registry established pursuant to Section 112A of Title 43 of the Oklahoma Statutes.

C. For purposes of this section, the term "consumer reporting agency" means any person who, for a fee, dues, or on a cooperative nonprofit basis, regularly engages in the practice of assembling or evaluating consumer credit information or other information on

consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

D. Information shall not be made available to:

1. Any consumer reporting agency which the Department or other appropriate agency determines does not have sufficient capability to systematically and timely make accurate use of the information; or

2. Any entity which has not provided satisfactory proof to the Department that the entity is a consumer reporting agency.

~~E. Any person obligated for child support shall be notified prior to the release of the information to a consumer reporting agency and shall be given a reasonable opportunity to be heard regarding the accuracy of the information to be released.~~

SECTION 2. This act shall become effective November 1, 1999.

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