ENGROSSED SENATE
BILL NO. 1832

By: Johnson (Constance) of the Senate

and

Toure of the House

[corrections - child support – noncodification -

effective date –

emergency]

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. The Legislature hereby intends to study and address support for children whose parent or parents are incarcerated in this state by reviewing the economic issues affecting children of incarcerated parents, addressing the accumulation of unpaid court-ordered child support, identifying agency, family, employment, and child custody issues, reviewing procedures to modify child support orders while a parent is incarcerated, determining methods to collect child support for children of incarcerated parents, and studying other related issues for the continuing support of the children of this state. The Legislature intends to develop a comprehensive strategy from this study to adequately address issues relating to the support of children in this state who have one or both parents incarcerated in the Department of Corrections. By studying and addressing these issues, the Legislature believes this state may reduce child support arrearages, gain valuable knowledge to assist in child support collections, and help foster a more supportive relationship both financially and emotionally between incarcerated parents and their children and those persons who have custody of children during a parent’s term of incarceration.

B. There is hereby created the Support for Children of Incarcerated Parents Task Force. The task force shall study and make recommendations to the Legislature and Governor of issues including, but not limited to, the following:

1. Issues relating to the responsibility for child support while a parent is incarcerated;

2. Issues relating to calculation and payment of child support while a parent is incarcerated;

3. Enforcement of court-ordered child support while a parent is incarcerated;

4. Issues relating to modification of court-ordered child support while a parent is incarcerated;

5. Methods for equitable resolution of child support arrearages while a parent is incarcerated;

6. Methods to ensure the continuing ability to pay court-ordered child support while a parent is incarcerated and upon release from incarceration;

7. Methods for interagency exchange of information concerning court-ordered child support, child support collection, modification of court orders while a parent is incarcerated, and other related information to support children of incarcerated parents;

8. Methods to educate persons with custodial responsibility for children of incarcerated parents;

9. Methods to educate incarcerated parents concerning court-ordered child support obligations, child contact and visitation, the availability of court-ordered modifications for child support, child support collection methods, employment and distribution of inmate funds, obligations for support of children upon release from incarceration, and custody issues while a parent is incarcerated; and

10. Other issues concerning support of children while a parent is incarcerated.

C. The task force shall be composed of nineteen (19) voting members as follows:

1. One member shall be a member of the Commission for Human Services who shall be appointed by the Director of Human Services;

2. One member shall be the Director of the Department of Human Services, or a designee with responsibility in child support enforcement or family services;

3. One member shall be a member of the State Board of Corrections who shall be appointed by the Director of Corrections;

4. One member shall be the Director of the Department of Corrections, or a designee with responsibility for services to inmates with children;

5. One member shall be the Chair of the Pardon and Parole Board, or a designee;

6. Two members shall be members of the Oklahoma State Senate who shall be appointed by the President Pro Tempore of the Senate;

7. Two members shall be members of the Oklahoma House of Representatives who shall be appointed by the Speaker of the House;

8. One member shall be a district attorney or a representative of a Child Support Enforcement Division of an office of the district attorney who shall be appointed by the Executive Director of the District Attorneys Council;

9. Two members shall be district judges whose primary responsibility is family law who shall be appointed by the Chief Justice of the Supreme Court;

10. Two members shall be attorneys currently licensed to practice law in this state whose primary practice involves family law who shall be appointed by the Oklahoma State Bar Association;

11. One member shall be a representative of a faith-based organization that provides services for the reintegration of inmates with children or services to children of inmates who shall be appointed by the Governor;

12. One member shall be a representative of a nonprofit organization that advocates for or that provides services to inmates or the children of inmates who shall be appointed by the Governor;

13. One member shall be a representative of a child advocacy organization who shall be appointed by the Oklahoma Commission on Children and Youth;

14. Two members shall represent the citizens of this state and shall have custody of a child or children whose biological parent or parents are incarcerated who shall be appointed by the Office of Juvenile Affairs.

Other members representing other organizations, divisions, interests, or agencies involved in child support, services to children and families, judicial issues, child support enforcement issues, tax-related issues, educational issues, and other related child support issues may be selected by a majority vote of the voting task force members at any meeting held by the task force. The additional members when elected shall serve as nonvoting members of the task force for a term determined by the voting members.

D. Vacancies in membership shall be filled as provided for the original appointment. Members of the task force shall receive no compensation for serving on the task force, but may be reimbursed for necessary travel expenses by the appointing authority as provided in the State Travel Reimbursement Act. The task force may designate subcommittees as needed to complete its study.

E. The first meeting of the task force shall be held on or before July 12, 2006, and the task force may continue meeting as determined by the co-chairs until January 2007. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each select a chair from their respective appointments who shall serve as co-chairs of the task force. Every agency represented in the task force membership shall provide staff assistance when requested by the respective task force member or the

task force co-chairs. The Criminal Justice Resource Center shall provide crime and statistical information upon request.

F. A written report of the task force study and recommendations shall be prepared and submitted to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor by February 1, 2007.

SECTION 2. This act shall become effective July 1, 2006.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 15th day of March, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2006.

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Presiding Officer of the House
of Representatives