

3 ENGROSSED

4 House Bill No. 1241

5 ENGROSSED HOUSE BILL NO. 1241 - By: GILBERT of the House and EASON
6 McINTYRE of the Senate.

7 An Act relating to children; amending Section 2, Chapter
8 198, O.S.L. 2004 (10 O.S. Supp. 2004, Section 7003-8.8),
9 which relates to paternity and child support; modifying
10 procedure for certain paternity actions; modifying procedure
11 for certain child support proceedings; providing for certain
12 forms; and providing an effective date.

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

14 SECTION 1. AMENDATORY Section 2, Chapter 198, O.S.L.

15 2004 (10 O.S. Supp. 2004, Section 7003-8.8), is amended to read as
16 follows:

17 Section 7003-8.8 A. 1. When paternity of an alleged or
18 adjudicated deprived child is at issue, the court, within six (6)
19 months after the filing of a deprived petition, shall either
20 establish paternity or ~~refer~~ defer the issue of paternity
21 establishment to the ~~Department of Human Services Child Support~~
22 ~~Enforcement Division~~ appropriate administrative or district court
23 for any child for whom paternity has not been legally established
24 according to Section 70 of ~~Title 10 of the Oklahoma Statutes~~ this
25 title.

1 2. When paternity is an issue, an alleged father and mother of
2 the child named in a deprived petition shall be given notice in the
3 petition and summons that paternity may be established in a deprived
4 action. The Oklahoma Department of Human Services Child Support
5 Enforcement Division shall proceed with paternity establishment for
6 any case deferred to the administrative or other district court
7 division under this subsection.

8 3. After the establishment of paternity, the court shall
9 address the issue of current child support pursuant to subsection B
10 of this section. In addition, the court may:

11 a. order the father to pay child support for past months
12 when no child support order was in effect according to
13 the provisions of Section 83 of ~~Title 10 of the~~
14 ~~Oklahoma Statutes~~ this title, or

15 b. reserve or refer the issue of prior support to the
16 Oklahoma Department of Human Services Child Support
17 Enforcement Division.

18 ~~3.~~ 4. The order establishing paternity shall be filed as a
19 separate document and shall not be confidential. The court clerk of
20 the district court where the child support order has been filed
21 shall provide, upon request, a copy of the order establishing
22 paternity to a representative of the Oklahoma Department of Human
23 Services Child Support Enforcement Division. A court order for the

1 release of the order establishing paternity or other information
2 contained in the court record pertaining to paternity and child
3 support shall not be required. The order may be captioned with a
4 different case style in order to establish and enforce a child
5 support order in an action other than the deprived proceeding.

6 B. 1. Each parent of any child named in a deprived petition
7 shall be given notice in the petition and summons that child support
8 may be ordered or modified in the deprived action.

9 2. Within six (6) months after the filing of a deprived
10 petition, the court shall either ~~order~~ address the issue of child
11 support or ~~refer~~ defer the issue of establishment or enforcement of
12 child support to the appropriate administrative or district court.
13 The Oklahoma Department of Human Services Child Support Enforcement
14 Division shall proceed with the establishment or enforcement of
15 child support orders for any case deferred to the administrative or
16 other district court division under this subsection.

17 3. a. If there is an existing order for child support, the
18 existing order shall remain in effect unless the court
19 finds the existing order is not in the best interests
20 of the child or children involved.

21 b. The court shall use the child support guidelines as
22 provided for in Sections 118 and 119 of Title 43 of
23 the Oklahoma Statutes in determining the amount each

1 parent is to pay for care and maintenance of a child
2 and issue an order describing the finding of the
3 court.

4 c. The court may deviate from the child support
5 guidelines when it is determined necessary in order
6 for the parent to meet the obligations of a court-
7 imposed individual treatment and service plan or for
8 other reasons as the court deems appropriate. If the
9 court deviates from the amount of child support
10 indicated by the child support guidelines, the court
11 shall make specific findings of fact supporting such
12 action.

13 d. Each parent shall be individually ordered to pay his
14 or her percentage of the total monthly child support
15 obligation including parents who reside together.

16 e. The court shall order the parent to provide medical
17 insurance whenever the parent has insurance available
18 through employment or other group plan, regardless of
19 whether insurance is available at the time the order
20 is entered.

21 f. The child support order shall contain an immediate
22 income assignment provision pursuant to Section 115 of
23 Title 43 of the Oklahoma Statutes.

- 1 g. A child support computation form as provided for in
2 Section 120 of Title 43 of the Oklahoma Statutes shall
3 be signed by the judge and incorporated as a part of
4 the child support order.
- 5 h. (1) A standard child support order form shall be used
6 in the deprived action. The form shall be
7 prescribed by the Oklahoma Department of Human
8 Services Child Support Enforcement Division and
9 shall be published by the Administrative Office
10 of the Courts.
- 11 (2) The child support order shall be filed as a
12 separate document and shall not be confidential.
- 13 (3) The court clerk of the district court where the
14 child support order has been filed shall provide,
15 upon request, a copy of the support order to a
16 representative of the Oklahoma Department of
17 Human Services Child Support Enforcement
18 Division. A court order for the release of the
19 child support order or other information
20 contained in the court record pertaining to child
21 support shall not be required.

1 (4) The order may be captioned with a different case
2 style in order to enforce the child support order
3 in an action other than the deprived proceeding.

4 i. The child support order may be modified upon a
5 material change in circumstances.

6 j. The child support order may be enforced by any method
7 allowed by law.

8 k. After a deprived action is dismissed, the most recent
9 child support order entered in the deprived action
10 shall remain in full force and effect, unless the
11 judge presiding over the deprived action orders
12 otherwise. If there was no prior administrative or
13 district court case, the deprived action child support
14 order shall be docketed and filed in a new district
15 court family division action and enforced for current
16 child support and arrearages. If the judge presiding
17 over the deprived action modified a preexisting child
18 support order or if there was an existing
19 administrative or district court case, the child
20 support order entered in the deprived action shall be
21 filed in the existing case and enforced for current
22 child support and arrearages. The child support order

1 may be modified after being docketed in district
2 court.

3 C. All child support payments shall be paid through the
4 Oklahoma Centralized Support Registry as provided for in Section 413
5 of Title 43 of the Oklahoma Statutes.

6 D. When a child's placement is changed from one parent or
7 caretaker to another pursuant to the Oklahoma Children's Code, the
8 change in placement shall transfer child support payments to the new
9 caretaker unless the caretaker is receiving foster care payments or
10 Temporary Assistance to Needy Families payments for the care of the
11 child. Child support payments to the caretaker shall terminate when
12 the child no longer resides with the caretaker.

13 E. The Department of Human Services shall promulgate rules
14 necessary to implement the provisions of this section.

15 SECTION 2. This act shall become effective November 1, 2005.

16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-29-05 - DO
17 PASS.