

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2598

By: Wright

AS INTRODUCED

An Act relating to marriage and family; enacting the Child Support Modification Program Act; authorizing district courts to adopt a child support modification program; stating purpose; requiring employment of certain person; providing certain responsibilities; providing application procedures and requirements; requiring certain enforcement; requiring certain filing; prohibiting the vacating or modification of a child support order; providing exceptions; providing method of review; stating application fee; providing that fee is nonrefundable; providing for sharing of costs under certain circumstances; creating certain fund; providing for deposit of certain monies; providing for expenditures of money in certain fund; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 151 of Title 43, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Child Support Modification Program Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 152 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, any district court may adopt, a child support modification program subject to rules promulgated and adopted by the Supreme Court. The program will administer a method of modifying a child support order issued under the jurisdiction of the district court of the respective county. The purpose of the program shall be to review the order of an

approved application and the applicable information pursuant to this section without the obligor or obligee retaining counsel.

B. The child support modification program shall employ a child support modification coordinator that shall develop the necessary forms and procedures in regard to the application, notice requirements, requests for financial information, hearings and orders. Any obligor or obligee may apply for review of a support order issued under the proper jurisdiction once every twenty-four (24) months whether or not the application is accepted or an order issued, if there is a material change in circumstances and the material change is related to the following considerations:

1. Increase or decrease in income;
2. Child care expenses; or
3. Medical care expenses.

C. 1. An order issued pursuant to this section, shall be binding on the parties. The district court shall enforce the award or other order issued by the program coordinator pursuant to the Child Support Modification Program Act in the same manner as an order issued by the district court. A party may make a motion to the district court to enforce an award or order of the program coordinator.

2. The applicant in an action that was submitted to the child support modification program pursuant to the Child Support Modification Program Act shall file with the district court an order within twenty-one (21) days after the award of the coordinator is issued, unless otherwise agreed to by the parties in writing or unless the coordinator or court grants an extension. If the applicant fails to comply with this subsection, another party to the action may file an order or motion to settle the judgment and may request sanctions.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 153 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in Section 4 of the Child Support Modification Program Act, the district court shall not vacate or modify an award concerning child support, unless the court finds that the award is adverse to the best interests of the child who is the subject of the award.

B. A review or modification of a child support amount shall be conducted and is subject to the standards and procedures provided in other statutes, in other applicable law, and by court rule that are applicable to child support amounts.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 154 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. If an applicant applies to the district court for vacation or modification of an award by the coordinator issued pursuant to the Child Support Modification Program Act, the court shall review the award.

B. If a party applies under this section, the court shall vacate an award under any of the following circumstances:

1. The award was procured by corruption, fraud, or other undue means;

2. The coordinator exceeded his or her powers;

3. The coordinator refused to postpone a hearing on a showing of sufficient cause, refused to hear evidence material to the controversy, or otherwise conducted the hearing to prejudice substantially the rights of a party;

4. The fact that the relief granted in a coordinator award could not be granted by a court of law or equity is not grounds for vacating or refusing to confirm the award; or

5. An application to vacate an award on grounds stated in this section shall be made within twenty-one (21) days after the grounds are known or should have been known.

C. If the award is vacated on the grounds stated in this section, the court may order a rehearing before the coordinator who made the award.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 155 of Title 43, unless there is created a duplication in numbering, reads as follows:

An appeal from an award pursuant to the Child Support Modification Program Act that the district court confirms, vacates, modifies, or corrects shall be taken in the same manner as from an order or judgment in other civil actions.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 156 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. The application fee for a modification review submitted to the child support modification coordinator shall be One Hundred Dollars (\$100.00) and shall be nonrefundable upon rejection of an application or issuance of any order. The fees and any additional costs associated with the proceedings shall be deposited in the fund pursuant to subsection B of this section. If an award is issued in favor of the applicant, then the costs of the review shall be shared equally with the other party.

B. 1. There is hereby created with the county treasurer of each county within this state a cash fund to be designated as the "Child Support Modification Coordinator Revolving Fund".

2. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received and any other monies designated by law for deposit into the fund.

3. All monies accruing to the credit of the fund are hereby appropriated and shall be expended by the child support modification

coordinator for the benefit and administration of the child support modification program.

4. Claims against the fund shall include only expenses incurred for the administration of the child support modification program and payment may be made after the claim is approved by the coordinator.

SECTION 7. This act shall become effective November 1, 2006.

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