

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3273

By: Duncan

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5
6 AS INTRODUCED

7 An Act relating to guardianship; amending 30 O.S.
8 2001, Section 2-108, which relates to education and
9 maintenance expenses for minors; modifying and adding
requirements; and providing an effective date.

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

13 SECTION 1. AMENDATORY 30 O.S. 2001, Section 2-108, is
14 amended to read as follows:

15 Section 2-108. A. If any minor, having a parent or parents
16 living, has property, the income of which is sufficient for his
17 maintenance and education in a manner more expensive than such
18 parent or parents can reasonably afford, regard being had to all of
19 the circumstances of the case, the expenses of the education and
20 maintenance of such minor may be defrayed out of the income of the
21 property of the minor in whole or in part, as judged reasonable and
22 as directed by the court. The charges therefore may be allowed
23 accordingly in the settlement of the accounts of the guardian of the
24 minor.

1 B. Except as provided in subsection A of this section:

2 1. Any order appointing a guardian of the minor who has a
3 living parent ~~living~~ or other person legally responsible for the
4 support of the child shall:

5 a. provide for the payment of child support by ~~the~~ each
6 parent or other responsible party pursuant to the
7 Oklahoma child support guidelines as set forth in
8 Sections 118 and 119 of Title 43 of the Oklahoma
9 Statutes. Each parent, including parents who reside
10 together, shall be individually ordered to pay the
11 percentage of the total monthly child support
12 obligation attributable to that parent, and

13 b. contain an immediate income assignment provision
14 pursuant to Section 115 of Title 43 of the Oklahoma
15 Statutes;

16 2. ~~The provisions of this subsection shall not apply to parents~~
17 ~~whose rights and responsibilities have been terminated to the child~~
18 ~~unless the termination order requires payment of child support.~~
19 court may defer the issue of establishment or enforcement of child
20 support to the appropriate administrative or district court when
21 child support services are being provided pursuant to the state
22 child support plan as provided in Section 237 of Title 56 of the
23 Oklahoma Statutes; and

1 3. Any guardianship or conservatorship for a minor created on
2 or after December 1, 2000, shall comply with the provisions of this
3 subsection. Guardianships or conservatorships for a minor in
4 existence prior to December 1, 2000, shall comply with the
5 provisions of this subsection as ordered by the court.

6 C. In any guardianship in which provision is made for the
7 custody or support of a minor child or enforcement of an existing
8 custody or support order or before hearing the matter or signing any
9 orders, the court shall inquire whether public assistance money or
10 medical support has been provided through the Department of Human
11 Services, hereafter referred to as the Department, for the benefit
12 of each child, or whether the Department is providing child support
13 services pursuant to the state child support plan as provided in
14 Section 237 of Title 56 of the Oklahoma Statutes. If public
15 assistance money, medical support, or child support services have
16 been provided for the benefit of the child, the Department shall be
17 a necessary party for the adjudication of the debt due to the state,
18 as defined in Section 238 of Title 56 of the Oklahoma Statutes, and
19 for the adjudication of paternity, child support, and medical
20 insurance coverage for the minor children in accordance with federal
21 regulations. When a guardianship action is filed, the petitioner
22 shall give the Department notice of the action according to Section
23 2004 of Title 12 of the Oklahoma Statutes. The Department shall not
24 be required to intervene in the action to have standing to appear

1 and participate in the action. When the Department is a necessary
2 party to the action, any orders concerning paternity, child support,
3 medical support, or the debt due to the state shall be approved and
4 signed by the Department.

5 SECTION 2. This act shall become effective November 1, 2008.

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7 51-2-8996 SDR 01/04/08

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