

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2194

By: Williamson

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5  
6 AS INTRODUCED

7 An Act relating to marriage and family; requiring  
8 certain determination; requiring use of certain  
9 rates; providing for application of certain schedule;  
10 requiring promulgation of certain rules; requiring  
11 certain allocation; requiring certain documentation;  
12 authorizing certain care; providing for codification;  
13 and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 118.7 of Title 43, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. The district or administrative court shall determine the  
19 "actual" child care expenses reasonably necessary to enable either  
20 or both parents to:

- 21 1. Be employed;
- 22 2. Seek employment; or
- 23 3. Attend school or training to enhance employment income.

24 B. When the obligee is participating in the Department of Human  
Services child care subsidy program as provided under Section 230.50

1 of Title 56 of the Oklahoma Statutes, the Child Care  
2 Eligibility/Rates Schedule established by the Department shall be  
3 used to determine the amount to be treated as actual child care  
4 costs incurred. When applying the schedule to determine the family  
5 share copayment amount, the obligor's share of the base monthly  
6 obligation for child support and the obligee's gross income shall be  
7 considered as the obligee's monthly income. The actual child care  
8 costs incurred shall be the family share copayment amount indicated  
9 on the schedule which shall be allocated and paid monthly in the  
10 same proportion as base child support. The Department of Human  
11 Services shall promulgate rules, as necessary, to implement the  
12 provisions of this subparagraph.

13 C. The actual child care costs incurred for the purposes  
14 authorized by this paragraph shall be allocated and added to the  
15 base child support order, and shall be part of the final child  
16 support order.

17 D. The district or administrative court shall require the  
18 obligee to provide the obligor with timely documentation of any  
19 change in the amount of the child care costs. Upon request by the  
20 obligor, whose requests shall not exceed one each month, or upon  
21 order of the court, the obligee shall provide the documentation of  
22 the amount of incurred child care costs which are related to  
23 employment, employment search or education or training as authorized  
24 by this paragraph.

1 E. If the court determines that it will not cause detriment to  
2 the child or will not cause undue hardship to either parent, in lieu  
3 of payment of child care expenses incurred during employment,  
4 employment search, or while the obligee is attending school or  
5 training, the obligor may provide care for the child during that  
6 time.

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

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