

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3296

By: Tibbs

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5  
6 AS INTRODUCED

7 An Act relating to poor persons; amending 56 O.S.  
8 2001, Section 237, as last amended by Section 2,  
9 Chapter 140, O.S.L. 2007 (56 O.S. Supp. 2009, Section  
10 237), which relates to the collection and payment of  
11 child support; providing that the Department of Human  
12 Services shall not charge interest to obligor if the  
13 Department fails to remit child support payment to  
14 recipient; and providing an effective date.

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

15 SECTION 1. AMENDATORY 56 O.S. 2001, Section 237, as last  
16 amended by Section 2, Chapter 140, O.S.L. 2007 (56 O.S. Supp. 2009,  
17 Section 237), is amended to read as follows:

18 Section 237. A. The Oklahoma Department of Human Services,  
19 hereinafter referred to as "Department", as the single state agency  
20 designated to administer a statewide plan for child support, is  
21 authorized, in accordance with Title IV, Part D, of the Federal  
22 Social Security Act, as amended, 42 U.S.C., Section 651 et seq., to  
23 provide child support services, parent location services, and  
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1 paternity determination services to enable participation in programs  
2 established by federal law.

3 B. The Department is authorized to:

4 1. Accept, transfer, and expend funds made available by the  
5 government of the United States, the State of Oklahoma, and public  
6 or private sources, for the purpose of carrying out the provisions  
7 of this section;

8 2. Adopt rules for child support services;

9 3. Initiate legal actions and appeal orders as necessary to  
10 implement the provisions of this section;

11 4. Enter into contracts or agreements necessary to administer  
12 this section; and

13 5. Require agencies and political subdivisions of this state,  
14 its counties and municipalities, persons, sole proprietorships,  
15 corporations, utilities, partnerships, associations, organizations,  
16 and other legal entities doing business in this state to provide  
17 information to the Child Support Enforcement Division to assist in  
18 locating individuals and in establishing and enforcing court orders.

19 C. 1. An applicant for or recipient of Temporary Assistance  
20 for Needy Families, hereinafter referred to as "recipient", shall be  
21 required to assign to the Department any rights to or support from  
22 any other person which the recipient may have or for a child for  
23 whom the recipient is applying or receiving assistance in accordance  
24 with federal regulations and state law.

1           2. When an order has been entered which provides for payment of  
2 child support and the obligee pursuant to the order relinquishes  
3 physical custody of the child to another custodian, without  
4 obtaining a modification of the order to change custody or to  
5 redirect the support to the new custodian, the relinquishment shall  
6 transfer the child support obligation pursuant to the order to the  
7 new custodian or the Department if services are being provided under  
8 the state child support plan as provided in this section. The  
9 transfer of the obligation shall terminate when the new custodian no  
10 longer has physical custody of the child, except for the amount of  
11 unpaid support still owing to the custodian or to the Department.

12           3. In all cases in which support services are being provided  
13 under the state child support plan as provided in this section,  
14 support payments shall be made by the obligor to the Department or  
15 its designee. If a court has ordered support payments to be made to  
16 the recipient or to the applicant, the Department may send a notice  
17 of the assignment or application to the obligor requiring that all  
18 support payments be made to the Division or its designee. The  
19 notice shall include:

20           a. a statement that the assignment or application has  
21           been made,

22           b. the style and number of the case in which support was  
23           ordered,  
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- 1           c. a statement that all payments so ordered shall be made  
2           to the Department or its designee, and  
3           d. a statement that the earnings and income of the  
4           obligor are assigned for collection of support monies  
5           owed.

6           4. A notice to redirect the payments shall be sent to the  
7 obligor by regular mail with proof of mailing from the United States  
8 Postal Service. If, after notice of the redirection, the obligor  
9 does not make payments to the Department as provided in the notice,  
10 the payments shall not be credited to the amount owed. The obligor  
11 shall notify the Department of any change of address, the name and  
12 address of the current employer, and access to health insurance and  
13 other insurance policy information within thirty (30) days of any  
14 change.

15           D. When the right to receive support has been assigned to the  
16 Child Support Enforcement Division or upon proper application by an  
17 obligor or by an individual not receiving Temporary Assistance for  
18 Needy Families, the Division may petition the district court or the  
19 Office of Administrative Hearings: Child Support, an administrative  
20 court of the Oklahoma Department of Human Services, for an order:

21           1. Requiring the obligor to provide health insurance for the  
22 dependent children whenever it is available through employment or  
23 other group plan regardless of whether the obligor has insurance  
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1 coverage available at that time or there has been a change of  
2 circumstances;

3 2. Establishing paternity;

4 3. Requiring medical support, child support, or other support;

5 4. Enforcing orders for paternity, medical support, child  
6 support, or other support;

7 5. Requiring that the obligor keep the Division informed of the  
8 name and address of the current employer of the obligor and of any  
9 health insurance or other insurance policy information of the  
10 obligor within thirty (30) days of any change;

11 6. Providing for collection and distribution of child support  
12 monies; and

13 7. Assisting in the location of absent parents and their  
14 assets, in cooperation with federal agencies, other agencies of this  
15 state and of other states, territories, and foreign nations  
16 requesting assistance with the enforcement of support orders entered  
17 in the United States and elsewhere.

18 E. The Division may petition the district or administrative  
19 court to modify any order for support regardless of whether there  
20 has been a change of circumstances.

21 F. A reasonable fee and costs may be assessed for services to  
22 individuals not receiving Temporary Assistance for Needy Families  
23 nor receiving any other services or programs funded by Title IV,  
24 Part A of the Federal Social Security Act, as amended, 42 U.S.C.,

1 Sections 602 through 619 pursuant to rules adopted by the  
2 Department.

3 G. Child support payments made to the Division pursuant to this  
4 section shall be deposited in the Child Support Escrow Account for  
5 distribution as may be required by Section 235 of this title, or by  
6 42 U.S.C., Section 651 et seq. Fees or reimbursements of costs  
7 collected by the Department shall be deposited in the Administration  
8 Fund of the Department and may be used and expended by the  
9 Department for the purposes of carrying out the provisions of this  
10 section.

11 H. If a child support obligor makes a payment as required and  
12 the Department does not send the payment to the recipient for any  
13 reason, the Department shall not require the obligor to pay any  
14 interest accrued as a result of the Department's nonpayment to the  
15 recipient.

16 I. Except as otherwise authorized by law, all files and records  
17 concerning the assistance and services provided under this section  
18 or concerning a putative father of a child born out of wedlock are  
19 confidential. Release of information from the files and records  
20 shall be consistent with federal law and shall be restricted to  
21 purposes directly connected with the administration of the child  
22 support collection, paternity determination, parent location, or  
23 other public assistance programs. Information may be released to  
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1 public officials under rules adopted by the Department, consistent  
2 with federal rules or regulations.

3 SECTION 2. This act shall become effective November 1, 2010.

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