

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2757 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Dan Kirby \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2757

By: Kirby

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to child support; amending 43 O.S. 2011, Section 114, as amended by Section 2, Chapter 253, O.S.L. 2012 (43 O.S. Supp. 2015, Section 114), which relates to interest on past-due child support; prohibiting certain interest payments for past-due child support and other support judgments; amending 43 O.S. 2011, Sections 118A, 118C and 118I, which relate to child support guidelines; modifying term; updating statutory citation; permitting income adjustment for child born after the child in the support order; providing calculation for after-born child; directing court to apply principles of equity in modification due to change in circumstances; authorizing court to approve modification that deviates from the guidelines; removing notice requirement; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2011, Section 114, as amended by Section 2, Chapter 253, O.S.L. 2012 (43 O.S. Supp. 2015, Section 114), is amended to read as follows:

Section 114. ~~Court-ordered~~ A. Except as provided in subsection B of this section, court-ordered past-due child support payments,

1 court-ordered payments of suit ~~moneys~~ monies and judgments for  
2 support pursuant to Section 83 of Title 10 of the Oklahoma Statutes  
3 and Sections 238.1 and 238.6B of Title 56 of the Oklahoma Statutes  
4 shall draw interest at the rate of ten percent (10%) per year.

5 Past-due child support payments accruing after the establishment of  
6 the current support order shall draw interest from the date they  
7 become delinquent. Lump-sum judgments pursuant to Titles 10 and 56  
8 of the Oklahoma Statutes for support owed prior to the establishment  
9 of current support shall draw interest from the first day of the  
10 month after the lump-sum judgment is entered. The interest shall be  
11 collected in the same manner as the payments upon which the interest  
12 accrues.

13 B. Court-ordered past-due child support payments, court-ordered  
14 payments of suit monies and judgments for support pursuant to  
15 Section 83 of Title 10 of the Oklahoma Statutes and Sections 238.1  
16 and 238.6B of Title 56 of the Oklahoma Statutes entered beginning  
17 November 1, 2016, shall not draw interest.

18 SECTION 2. AMENDATORY 43 O.S. 2011, Section 118A, is  
19 amended to read as follows:

20 Section 118A. As used in this act:

21 1. "Adjusted Gross Income" (AGI) means the net determination of  
22 the income of a parent, calculated by modifying the gross income of  
23 the parent as follows:  
24

- 1 a. adding to the gross income of the parent any ~~social~~  
2 ~~security~~ Social Security benefit paid to the child on  
3 the account of the parent,
- 4 b. deducting from gross income the amount of any support  
5 alimony arising in a prior case to the extent that  
6 payment is actually made,
- 7 c. deducting from gross income any deductions as set  
8 forth for other prior-born or after-born children for  
9 whom the parent is legally responsible and is actually  
10 supporting, pursuant to Section 4 118C of this ~~act~~  
11 title, and
- 12 d. deducting the amount of reasonable expenses of the  
13 parties attributable to debt service for preexisting,  
14 jointly acquired debt of the parents;

15 2. "Base child support obligation" means the amount of support  
16 displayed on the Schedule of Basic Child Support Obligations which  
17 corresponds to the combined AGI of both parents and the number of  
18 children for whom support is being determined. This amount is  
19 rebuttably presumed to be the appropriate amount of basic child  
20 support to be provided by both parents in the case immediately under  
21 consideration, prior to consideration of any adjustments for medical  
22 and child care costs, and any other additional expenses;

23 3. "~~Current Monthly Child Support Obligation~~ monthly child  
24 support obligation" means the base child support obligation and the

1 proportional share of any medical insurance and annualized child  
2 care costs;

3 4. "Custodial person" means a parent or third-party caretaker  
4 who has physical custody of a child more than one hundred eighty-two  
5 (182) days per year;

6 5. "Noncustodial parent" means a parent who has physical  
7 custody of a child one hundred eighty-two (182) days per year or  
8 less;

9 6. "Obligor" means the person who is required to make payments  
10 under an order for support;

11 7. "Obligee" or "person entitled" means:

12 a. a person to whom a support debt or support obligation  
13 is owed,

14 b. the Department of Human Services or a public agency of  
15 another state that has the right to receive current or  
16 accrued support payments or that is providing support  
17 enforcement services, or

18 c. a person designated in a support order or as otherwise  
19 specified by the court;

20 8. "Other contributions" means recurring monthly medical  
21 expenses and visitation transportation costs that are not included  
22 in the current monthly child support obligation;

23 9. "Overnight" means the child is in the physical custody and  
24 control of a parent for an overnight period of at least twelve (12)

1 hours, and that parent has made a reasonable expenditure of  
2 resources for the care of the child;

3 10. "Parent" means an individual who has a parent-child  
4 relationship under the Uniform Parentage Act;

5 11. "Parenting time adjustment" means an adjustment to the base  
6 child support amount based upon parenting time; and

7 12. "Payor" means any person or entity paying monies, income,  
8 or earnings to an obligor. In the case of a self-employed person,  
9 the "payor" and "obligor" may be the same person.

10 SECTION 3. AMENDATORY 43 O.S. 2011, Section 118C, is  
11 amended to read as follows:

12 Section 118C. A. Deductions for other children of either  
13 parent who are qualified under this section may be considered by the  
14 court for the purpose of reducing the gross income of the parent.

15 Adjustments are available for a child:

16 1. Who is the biological, legal, or adopted child of the  
17 parent;

18 2. Who was born prior to or after the child in the case under  
19 consideration;

20 3. Whom the parent is actually supporting; and

21 4. Who is not before the court to set, modify, or enforce  
22 support in the case immediately under consideration.

23 B. Children for whom support is being determined in the case  
24 under consideration, stepchildren, and other minors in the home that

1 the parent has no legal obligation to support shall not be  
2 considered in the calculation of this deduction.

3 C. If the court finds a parent has a parent-child relationship  
4 with a child not before the court, the court may grant a deduction  
5 for that child as set forth in subsection D of this section.

6 D. Calculation of deduction for qualified other children.

7 1. Out-of-home children.

8 a. To receive a deduction against gross income for child  
9 support provided pursuant to a court order for  
10 qualified other children whose primary residence is  
11 not in the home of the parent seeking deduction, the  
12 parent shall establish the existence of a support  
13 order and provide documented proof of support paid for  
14 the other child consistently over a reasonable and  
15 extended period of time prior to the initiation of the  
16 proceeding that is immediately under consideration by  
17 the tribunal, but in any event, such time period shall  
18 not be less than twelve (12) months.

19 b. Documented proof of support includes:

- 20 (1) physical evidence of monetary payments to the  
21 caretaker of the child, such as canceled checks  
22 or money orders, and  
23 (2) evidence of payment of child support under  
24 another child support order, such as a payment

1 history from a tribunal clerk or child support  
2 office or from the Internet child support payment  
3 history of the Department of Human Services.

4 c. The available deduction against gross income for  
5 either parent's qualified children not in the home of  
6 the parent is the actual documented court-ordered  
7 current monthly child support obligation of the  
8 qualified other children, averaged to a monthly amount  
9 of support paid over the most recent twelve-month  
10 period.

11 2. In-home children.

12 a. To receive a deduction against gross income for  
13 qualified other prior-born ~~other~~ or after-born  
14 children whose primary residence is with the parent  
15 seeking deduction, but who are not part of the case  
16 being determined, the parent must establish a legal  
17 duty of support and that the child resides with the  
18 parent more than fifty percent (50%) of the time.  
19 Documents that may be used to establish that the  
20 parent and child share the same residence include the  
21 school or medical records showing the address of the  
22 child and the utility bills of the parents mailed to  
23 the same address, court orders reflecting the parent  
24 is the primary residential parent or that the parent



1 shares the parenting time of the child fifty percent  
2 (50%) of the time.

3 b. The deduction for other qualified children shall be  
4 computed as a hypothetical child support order  
5 calculated using the deduction worksheet, the gross  
6 income of the parents, the total number of qualified  
7 other children living in the home of the parent, and  
8 the Child Support Guideline Schedule. The deduction  
9 worksheet shall be prepared by the Department of Human  
10 Services and shall be published by the Administrative  
11 Office of the Courts.

12 c. The available deduction against gross income for the  
13 qualified in-home children of either parent is  
14 seventy-five percent (75%) of a hypothetical support  
15 order calculated according to these Guidelines, using  
16 the Deduction Worksheet, the gross income of the  
17 parent less any self-employment taxes paid, the total  
18 number of qualified other children living in the home  
19 of the parents, and the Child Support Guideline  
20 Schedule.

21 SECTION 4. AMENDATORY 43 O.S. 2011, Section 118I, is  
22 amended to read as follows:

23 Section 118I. A. 1. Child support orders may be modified upon  
24 a material change in circumstances which includes, but is not

1 limited to, an increase or decrease in the needs of the child, an  
2 increase or decrease in the income of the parents, changes in actual  
3 annualized child care expenses, changes in the cost of medical or  
4 dental insurance, or when one of the children in the child support  
5 order reaches the age of majority or otherwise ceases to be entitled  
6 to support pursuant to the support order. The court shall apply the  
7 principles of equity in modifying any child support order due to  
8 changes in the circumstances of either party as it relates to the  
9 best interests of the children.

10 2. Modification of the Child Support Guideline Schedule shall  
11 not alone be a material change in circumstances for child support  
12 orders.

13 3. An order of modification shall be effective upon the date  
14 the motion to modify was filed, unless the parties agree to the  
15 contrary or the court makes a specific finding of fact that the  
16 material change of circumstance did not occur until a later date.

17 B. 1. A child support order shall not be modified  
18 retroactively regardless of whether support was ordered in a  
19 temporary order, a decree of divorce, an order establishing  
20 paternity, modification of an order of support, or other action to  
21 establish or to enforce support.

22 2. All final orders shall state whether past-due support and  
23 interest have accrued pursuant to any temporary order and the amount  
24 due, if any; however, failure to state a past-due amount shall not

1 bar collection of that amount after entry of the final support  
2 order.

3 C. The amount of a child support order shall not be construed  
4 to be an amount per child unless specified by the district or  
5 administrative court in the order. A child reaching the age of  
6 majority or otherwise ceasing to be entitled to support pursuant to  
7 the support order shall constitute a material change in  
8 circumstances, but shall not automatically serve to modify the  
9 order. When the last child of the parents ceases to be entitled to  
10 support, the child support obligation is automatically terminated as  
11 to prospective child support only.

12 D. 1. When a child support order is entered or modified, the  
13 parents may agree or the district or administrative court may  
14 require a periodic exchange of information for an informal review  
15 and adjustment process.

16 2. When an existing child support order does not contain a  
17 provision which requires an informal review and adjustment process,  
18 either parent may request the other parent to provide the  
19 information necessary for the informal review and adjustment  
20 process. Information shall be provided to the requesting parent  
21 within forty-five (45) days of the request.

22 3. Requested information may include verification of income,  
23 proof and cost of medical insurance of the children, and current and  
24 projected child care costs. If shared parenting time has been

1 awarded by the court, documentation of past and prospective  
2 overnight visits shall be exchanged.

3 4. Exchange of requested information may occur once a year or  
4 less often, by regular mail.

5 5. a. If the parents agree to a modification of a child  
6 support order, their agreement shall be in writing  
7 using standard modification forms and the child  
8 support computation form provided for in Section 120  
9 of Title 43 of the Oklahoma Statutes.

10 b. The standard modification forms and the standard child  
11 support computation form shall be submitted to the  
12 district or administrative court. ~~The~~ Either court  
13 shall review the modification forms to confirm that  
14 the child support obligation complies with the child  
15 support guidelines ~~and that all necessary parties~~  
16 ~~pursuant to Section 112 of Title 43 of the Oklahoma~~  
17 ~~Statutes have been notified~~ or, if agreed to by the  
18 parties, the court may approve a deviation from the  
19 child support guidelines as provided in subsection B  
20 of Section 118H of this title. If the court approves  
21 the modification forms, they shall be filed with the  
22 court.

1 SECTION 5. This act shall become effective November 1, 2016.

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