

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2381

By: Goodwin

AS INTRODUCED

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; specifying how payments are credited; modifying interest rate for past-due child support and other support judgments; amending 43 O.S. 2011, Section 118.4, which relates to assignment of child support; modifying assignment amount payable to attorney for providing legal representation; 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 C of this section, court-ordered past-due child support payments, court-ordered payments of suit moneys and judgments for support pursuant to Section 83 of Title 10 of the Oklahoma Statutes and Sections 238.1 and 238.6B of Title 56 of the Oklahoma Statutes shall draw interest at the rate of ten percent (10%) per year.

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

10        C. Court-ordered past-due child support payments, court-ordered  
11 payments of suit moneys and judgments for support pursuant to  
12 Section 83 of Title 10 of the Oklahoma Statutes and Sections 238.1  
13 and 238.6B of Title 56 of the Oklahoma Statutes entered beginning  
14 November 1, 2016, shall draw interest at the rate in effect for  
15 judgments rendered during that calendar year as certified by the  
16 Administrative Director of the Courts pursuant to subsection I of  
17 Section 727.1 of Title 12 of the Oklahoma Statutes.

18        SECTION 2.        AMENDATORY        43 O.S. 2011, Section 118.4, is  
19 amended to read as follows:

20        Section 118.4 A. Child support or any claim thereto shall not  
21 be directly or indirectly assigned, except as provided in subsection  
22 B of this section and in subsection C of Section 237 of Title 56 of  
23 the Oklahoma Statutes. Any assignment of child support to the  
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1 Department of Human Services shall have first priority over any  
2 prior or subsequent assignment.

3 B. Child support may be assigned to an attorney for the purpose  
4 of providing legal representation in child support proceedings. The  
5 assignment shall be consistent with the Oklahoma Rules of  
6 Professional Conduct and shall not exceed ~~fifty percent (50%)~~ one-  
7 third (1/3) of the net amount of the child support collected and  
8 remitted to the obligee.

9 SECTION 3. This act shall become effective November 1, 2016.

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