

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE
4 FOR

HOUSE BILL NO. 2866

By: Lowe

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Department of Human Services;
9 amending 56 O.S. 2011, Section 237, which relates to
10 child support collections; prohibiting creation or
11 increase of certain fees or costs; requiring
12 legislative approval; and providing an effective
13 date.

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

14 SECTION 1. AMENDATORY 56 O.S. 2011, Section 237, is
15 amended to read as follows:

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

24 B. The Department is authorized to:

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

5 2. Adopt rules for child support services;

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

8 4. Enter into contracts or agreements necessary to administer
9 this section; and

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

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

22 2. When an order has been entered which provides for payment of
23 child support and the obligee pursuant to the order relinquishes
24 physical custody of the child to another custodian, without

1 obtaining a modification of the order to change custody or to
2 redirect the support to the new custodian, the relinquishment shall
3 transfer the child support obligation pursuant to the order to the
4 new custodian or the Department if services are being provided under
5 the state child support plan as provided in this section. The
6 transfer of the obligation shall terminate when the new custodian no
7 longer has physical custody of the child, except for the amount of
8 unpaid support still owing to the custodian or to the Department.

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

- 17 a. a statement that the assignment or application has
18 been made,
- 19 b. the style and number of the case in which support was
20 ordered,
- 21 c. a statement that all payments so ordered shall be made
22 to the Department or its designee, and
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1 d. a statement that the earnings and income of the
2 obligor are assigned for collection of support monies
3 owed.

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

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

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

24 2. Establishing paternity;

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

2 4. Enforcing orders for paternity, medical support, child
3 support, or other support;

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

8 6. Providing for collection and distribution of child support
9 monies; and

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

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

18 F. A reasonable fee and costs may be assessed for services to
19 individuals not receiving Temporary Assistance for Needy Families
20 nor receiving any other services or programs funded by Title IV,
21 Part A of the Federal Social Security Act, as amended, 42 U.S.C.,
22 Sections 602 through 619 pursuant to rules adopted by the
23 Department. The Department shall be prohibited from creating any
24 new child support fees or costs paid by the obligee or increasing

1 any current child support fees or costs paid by the obligee. Any
2 new or increased fee or cost prohibited by this subsection shall
3 require approval by the Legislature.

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

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

22 SECTION 2. This act shall become effective November 1, 2018.
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