

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1428

By: Sparks

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5
6 AS INTRODUCED

7 An Act relating to child support; amending 56 O.S.
8 2011, Section 237, which relates to support
9 collection; removing certain fee and costs; and
10 providing an effective date.

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

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

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

22 B. The Department is authorized to:

23 1. Accept, transfer, and expend funds made available by the
24 government of the United States, the State of Oklahoma, and public

1 or private sources, for the purpose of carrying out the provisions
2 of this section;

3 2. Adopt rules for child support services;

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

6 4. Enter into contracts or agreements necessary to administer
7 this section; and

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

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

20 2. When an order has been entered which provides for payment of
21 child support and the obligee pursuant to the order relinquishes
22 physical custody of the child to another custodian, without
23 obtaining a modification of the order to change custody or to
24 redirect the support to the new custodian, the relinquishment shall

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

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

- 15 a. a statement that the assignment or application has
16 been made,
- 17 b. the style and number of the case in which support was
18 ordered,
- 19 c. a statement that all payments so ordered shall be made
20 to the Department or its designee, and
- 21 d. a statement that the earnings and income of the
22 obligor are assigned for collection of support monies
23 owed.
24

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

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

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

21 2. Establishing paternity;

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

23 4. Enforcing orders for paternity, medical support, child
24 support, or other support;

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

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

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

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

15 ~~F. A reasonable fee and costs may be assessed for services to~~
16 ~~individuals not receiving Temporary Assistance for Needy Families~~
17 ~~nor receiving any other services or programs funded by Title IV,~~
18 ~~Part A of the Federal Social Security Act, as amended, 42 U.S.C.,~~
19 ~~Sections 602 through 619 pursuant to rules adopted by the~~
20 ~~Department.~~

21 ~~G.~~ Child support payments made to the Division pursuant to this
22 section shall be deposited in the Child Support Escrow Account for
23 distribution as may be required by Section 235 of this title, or by
24 42 U.S.C., Section 651 et seq. Fees or reimbursements of costs

1 collected by the Department shall be deposited in the Administration
2 Fund of the Department and may be used and expended by the
3 Department for the purposes of carrying out the provisions of this
4 section.

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

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

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