

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2955

By: Thomsen

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6 AS INTRODUCED

7 An Act relating to child support; amending 43 O.S.  
8 2011, Section 137, which relates to past due child  
9 support payments; mandating costs and fees be awarded  
10 to the prevailing party in indirect civil contempt  
11 proceedings; and providing an effective date.

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

13 SECTION 1. AMENDATORY 43 O.S. 2011, Section 137, is  
14 amended to read as follows:

15 Section 137. A. Any payment or installment of child support  
16 ordered pursuant to any order, judgment, or decree of the district  
17 court or administrative order of the Department of Human Services  
18 is, on and after the date it becomes past due, a judgment by  
19 operation of law. Judgments for past due support shall:

20 1. Have the full force and effect of any other judgment of this  
21 state, including the ability to be enforced by any method available  
22 under the laws of this state to enforce and collect money judgments;  
23 and  
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1        2. Be entitled to full faith and credit as a judgment in this  
2 state and any other state.

3        B. A child support judgment shall not become dormant for any  
4 purpose, except that it shall cease to be a lien upon real property  
5 five (5) years from the date it is filed of record with the county  
6 clerk in the county where the property is located, unless the  
7 judgment lien is extended in accordance with subsection C of Section  
8 759 of Title 12 of the Oklahoma Statutes.

9        1. Except as otherwise provided by court order, a judgment for  
10 past due child support shall be enforceable until paid in full.

11        2. An order that provides for payment of child support, if  
12 willfully disobeyed, may be enforced by indirect civil contempt  
13 proceedings, notwithstanding that the support payment is a judgment  
14 on and after the date it becomes past due. The prevailing party  
15 shall be entitled to recover court costs, attorney fees and any  
16 other reasonable costs and expenses incurred with the indirect civil  
17 contempt proceedings. After the implementation of the Centralized  
18 Support Registry, any amounts determined to be past due by the  
19 Department of Human Services may subsequently be enforced by  
20 indirect civil contempt proceedings.

21        C. An arrearage payment schedule set by a court or  
22 administrative order shall not exceed three (3) years, unless  
23 imposition of a payment schedule would be unjust, inequitable,  
24 unreasonable, or inappropriate under the circumstances, or not in

1 the best interests of the child or children involved. When making  
2 this determination, reasonable support obligations of either parent  
3 for other children in the custody of the parent may be considered.  
4 If an arrearage payment schedule that exceeds three (3) years is  
5 set, specific findings of fact supporting the action shall be made.

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

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8 56-2-8148 EK 12/20/17  
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