

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 512

By: Floyd of the Senate

and

Kannady of the House

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9 An Act relating to child support enforcement;
10 amending 56 O.S. 2011, Section 240.3, which relates
11 to appeals; modifying procedures for appeal of
12 certain final orders; establishing grounds for set
13 aside, reversal or modification of certain decisions;
14 and providing an effective date.

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

16 SECTION 1. AMENDATORY 56 O.S. 2011, Section 240.3, is
17 amended to read as follows:

18 Section 240.3. A. 1. Final orders of the Office of
19 Administrative Hearings: Child Support (OAH) may be appealed to the
20 district court pursuant to this section ~~and Sections 318 through 323~~
21 ~~of Title 75 of the Oklahoma Statutes~~ by any party directly affected
22 and showing aggrievement by the order, or by the Oklahoma Department
23 of Human Services.

1 2. An appeal shall be commenced by filing a petition in error
2 with the clerk of the district court in the county of the underlying
3 district court order, if any, or if there is no underlying district
4 court order filed in this state, the petition in error shall be
5 filed in the county of residence of the custodian of the child, or
6 if the custodian resides out-of-state, in the county of residence of
7 the obligor within thirty (30) days from the date the order is
8 either provided in person or mailed by OAH to all parties. The time
9 limit prescribed in this paragraph for filing the petition in error
10 shall not be extended. The petition in error shall be served by
11 certified mail on the district child support office. Further, a
12 copy of the petition in error shall be mailed by regular mail to the
13 Office of Administrative Hearings: Child Support.

14 3. A designation of record shall be filed prior to or
15 concurrently with the filing of the petition in error. The manner
16 of perfection of the record of the proceedings to be reviewed and
17 the time for its completion shall be in accordance with rules and
18 forms prescribed by the ~~district court~~ Oklahoma Supreme Court.

19 4. The appeal shall not stay the execution of any order of the
20 OAH unless the district court, for cause shown, shall order the
21 administrative order be stayed pending such appeal ~~pursuant to~~
22 ~~Section 319 of Title 75 of the Oklahoma Statutes.~~

23 5. The district court may affirm the decision or remand the
24 case for further proceedings. Additionally, the district court may

1 set aside, reverse or modify the decision if substantial rights of
2 the appellant have been prejudiced because the findings, inferences,
3 ~~or~~ conclusions or decisions are:

4 a. in violation of constitutional provisions,

5 b. in excess of the statutory authority or jurisdiction
6 of OAH,

7 c. made upon unlawful procedure,

8 d. affected by other error of law,

9 e. clearly erroneous as not supported by substantial
10 evidence in the record,

11 f. arbitrary or capricious, or

12 g. made without findings of fact upon issues essential to
13 the decision, although such findings of fact were
14 requested.

15 B. The certified transcript, exhibits, pleadings, recordings of
16 the hearing and any written orders that pertain to the appealable
17 order under review may constitute the record on appeal to the
18 district court in compliance with rules prescribed by the Oklahoma
19 Supreme Court. OAH shall prepare or direct the preparation of the
20 official transcript by a licensed court reporter, if a transcript is
21 requested. The party seeking a copy of the transcript of the
22 hearing shall prepay all costs of transcription and pay a reasonable
23 deposit or provide adequate indemnity prior to preparation of the
24 transcript. If a party is financially unable to pay the

1 transcription costs, the party shall provide OAH and the district
2 office with an in forma pauperis affidavit which verifies the
3 inability to pay. If OAH determines the party is financially unable
4 to pay transcription costs, a transcript will be provided by OAH.
5 The transcript shall not be provided prior to full payment, payment
6 of a deposit, provision of adequate indemnity for all transcription
7 costs, or an order finding OAH will bear the costs of transcription.

8 SECTION 2. This act shall become effective November 1, 2019.
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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/27/2019 - DO
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