

1 ENGROSSED SENATE  
2 BILL NO. 1426

By: Daniels of the Senate

3 and

4 Kannady of the House

5  
6 An Act relating to child support; amending 56 O.S.  
7 2021, Section 238.5A, which relates to use of child  
8 support guidelines; requiring Department of Human  
9 Services to ensure review of certain orders;  
10 authorizing issuance of notice to modify child  
11 support order under certain circumstances; requiring  
12 Department to provide certain notice; providing for  
13 service of certain notice; requiring Department to  
14 set hearing upon request; requiring notice of certain  
15 hearing; requiring submission of certain orders to  
16 the administrative court; requiring review of certain  
17 order; requiring filing of certain administrative  
18 order in district court; authorizing appeal of  
19 certain administrative orders; requiring Department  
20 to promulgate certain rules; repealing 43 O.S. 2021,  
21 Section 118.1, which relates to Department review of  
22 child support orders; and providing an effective  
23 date.  
24

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

SECTION 1. AMENDATORY 56 O.S. 2021, Section 238.5A, is  
amended to read as follows:

Section 238.5A. ~~The~~ A. In all cases in which child support  
services are being provided under the state child support plan as  
provided in Section 237 of this title, the Department shall ensure  
that the amount of child support and other support ~~shall be~~ is

1 ordered and reviewed in accordance with the child support guidelines  
2 provided in Section 118 of Title 43 of the Oklahoma Statutes.

3 B. Whenever the Department determines that an order for child  
4 support may not be in accordance with the child support guidelines  
5 set forth in Section 118 of Title 43 of the Oklahoma Statutes, the  
6 Department may issue a notice to modify the order for child support.

7 C. The Department shall serve notice on the obligor and the  
8 custodial person informing them of the following:

9 1. The style and case number of the child support order or  
10 orders being enforced by the Department;

11 2. The date the notice is issued;

12 3. The initials and dates of birth of the child or children who  
13 are the subject or subjects of the order for child support;

14 4. The amount of the existing monthly child support obligations  
15 as defined in Section 118 et seq. of Title 43 of the Oklahoma  
16 Statutes;

17 5. That the monthly child support obligation may not be in  
18 compliance with the child support guidelines;

19 6. That according to information in the records of the  
20 Department, the order for child support and other support should be  
21 modified;

22 7. The proposed modified amount of child support that should be  
23 paid in accordance with the child support guidelines;

24 8. The proposed medical support order;

1       9. The proposed child care expenses;

2       10. The amount of past due support owed by the obligor and a  
3 monthly judgment payment if the Department is requesting a judgment;

4       11. That unless either party requests a hearing, the proposed  
5 modified monthly child support and other support obligations shall  
6 become the monthly court-ordered child support amount;

7       12. That the modification of the child support obligation shall  
8 be effective the first day of the month following the date the  
9 notice is issued;

10       13. That an immediate income assignment shall be ordered  
11 pursuant to Section 115 of Title 43 of Oklahoma Statutes;

12       14. That all payments for child support shall be made to the  
13 Centralized Support Registry at the address specified in the notice  
14 pursuant to Section 413 of Title 43 of Oklahoma Statutes, and any  
15 payments made other than to the Centralized Support Registry may not  
16 be credited to the amount owed;

17       15. The address of record for the obligor and custodial person  
18 on file with the Central Case Registry pursuant to Section 112A of  
19 Title 43 of Oklahoma Statutes;

20       16. That either party may request an administrative hearing on  
21 a form attached to the notice within twenty (20) days of the date  
22 the notice is served; and

1       17. That the notice shall become the order of modification and  
2 shall be filed with the clerk of the district court. Such order  
3 shall have the same legal effect as an order of the court.

4       D. The notice provided for in this section shall be served by  
5 the Department upon the obligor and custodial person as provided in  
6 Section 2004 of Title 12 of the Oklahoma Statutes, or if there is an  
7 address of record on file with the Central Case Registry pursuant to  
8 Section 112A of Title 43 of the Oklahoma Statutes, the notice may be  
9 served by regular mail at the address of record.

10       E. Upon receipt of a timely request for hearing, the Department  
11 shall set the matter for a hearing. The obligor and custodial  
12 person shall be given notice of the hearing as provided in  
13 subsection B of Section 2005 of Title 12 of the Oklahoma Statutes.  
14 The notice shall state that failure to appear at the scheduled  
15 hearing may result in the notice becoming the order of the court.

16       F. When a timely hearing is not requested, the Department shall  
17 submit to the administrative court an order confirming and  
18 incorporating the notice by reference. The court shall review to  
19 confirm jurisdiction, sufficiency of the notice to modify, and  
20 service of process. The order shall be reviewed and signed by the  
21 court or returned to the Department with explanation.

22       G. An administrative order shall be filed in the district court  
23 pursuant to Section 237.10 of this title. A final administrative  
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1 order entered pursuant to this section may be appealed in accordance  
2 with the requirements of Section 240.3 of this title.

3 H. The Department shall promulgate rules as necessary to  
4 implement the provisions of this section.

5 SECTION 2. REPEALER 43 O.S. 2021, Section 118.1, is  
6 hereby repealed.

7 SECTION 3. This act shall become effective November 1, 2022.

8 Passed the Senate the 1st day of March, 2022.

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10 \_\_\_\_\_  
11 Presiding Officer of the Senate

12 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
13 2022.

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16 Presiding Officer of the House  
17 of Representatives  
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