

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 BILL NO. 1426

By: Daniels of the Senate

and

Kannady of the House

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

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

1 provided in Section 237 of this title, the Department shall ensure
2 that the amount of child support and other support ~~shall be~~ is
3 ordered and reviewed in accordance with the child support guidelines
4 provided in Section 118 of Title 43 of the Oklahoma Statutes.

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

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

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

13 2. The date the notice is issued;

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

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

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

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

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

3 8. The proposed medical support order;

4 9. The proposed child care expenses;

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

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

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

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

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

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

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

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

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

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

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

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

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

7 SECTION 2. REPEALER 43 O.S. 2021, Section 118.1, is
8 hereby repealed.

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

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11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
12 04/06/2022 - DO PASS.
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