

**BILL SUMMARY**  
1<sup>st</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB 421</b>
<b>Version:</b>	<b>ENGR</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Rep. Echols</b>
<b>Date:</b>	<b>3/30/2021</b>
<b>Impact:</b>	<b>No fiscal implications for the state budget</b>

**Research Analysis**

Engrossed SB 421 changes the definition of current monthly child support obligation for child support to include covering a proportional share of health care coverage, cash medical support, and annualized child care costs. The measure also adds a definition of incarceration, meaning an obligor is in full-time custody. The measure also changes how gross income is determined by changing it to all current monthly gross income and supplemental income as deemed appropriated, the average of the gross monthly income for the time employed during the previous year, and gross monthly income estimated as set forth. If a parent is incarcerated for more than 180 consecutive days, the child support obligation shall be computed on the basis of current monthly gross income and child support orders may be modified. This measure will not be calculated in the way it's listed in statute unless the individual is incarcerated for a crime relating to child support. For modification, an order shall be effective on the first day of the month following when the modify motion was filed unless parties agree to another date

If evidence of current average income of a parent is unavailable or not the most equitable the court may consider average wages and hours worked in the parent's field and area as well as the parent's training, experience, and ability to work and wages the parent could earn that would be consistent with the minimum wage rate of not less than 25 hours a week. The measure removes from consideration whether a parent is receiving training or education that will ultimately benefit the child in the case being considered by raising the level of future support and adds voluntary action that reduces a parent's income. The measure also adds per diem or other allowance to the list of fringe benefits and dictates that veterans disability compensation benefits received by a child be treated the same as Social Security Title II benefits.

The measure modifies procedure for determining the actual annualized child care expenses to remove the provision that the eligibility/rates schedule used to determine costs incurred and to include share of child support and gross income of the non-responsible parent.

The measure adds that after November 1, 2021 there shall be an assumption that an obligor who is incarcerated for more than 180 consecutive days is unable to pay child support. Their child support obligation shall be abated without court action the first month following the date of entry into incarceration and shall not accrue unless the presumption is rebutted by showing a means to pay. After incarceration, the amount shall go back to the pre-incarceration amount with a 90 day lapse. This shall not affect past-due child support and if the crime is related to child support, it will continue to accrue and abatement will not be assumed.

Prepared By: Suzie Nahach

**Fiscal Analysis**

The measure provides for the computation of parental income for the purposes of determining child support amounts.

Upon review, the measure does not have any fiscal implications for the state budget.

Prepared By: Clayton Mayfield

**Other Considerations**

None.

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