

An Act

ENROLLED SENATE
BILL NO. 512

By: Floyd of the Senate

and

Kannady of the House

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

SUBJECT: Child support enforcement

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

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

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

2. An appeal shall be commenced by filing a petition in error with the clerk of the district court in the county of the underlying district court order, if any, or if there is no underlying district court order filed in this state, the petition in error shall be filed in the county of residence of the custodian of the child, or if the custodian resides out-of-state, in the county of residence of the obligor within thirty (30) days from the date the order is either provided in person or mailed by OAH to all parties. The time

limit prescribed in this paragraph for filing the petition in error shall not be extended. The petition in error shall be served by certified mail on the district child support office. Further, a copy of the petition in error shall be mailed by regular mail to the Office of Administrative Hearings: Child Support.

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

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

5. The district court may affirm the decision or remand the case for further proceedings. Additionally, the district court may set aside, reverse or modify the decision if substantial rights of the appellant have been prejudiced because the findings, inferences, ~~or~~ conclusions or decisions are:

- a. in violation of constitutional provisions,
- b. in excess of the statutory authority or jurisdiction of OAH,
- c. made upon unlawful procedure,
- d. affected by other error of law,
- e. clearly erroneous as not supported by substantial evidence in the record,
- f. arbitrary or capricious, or
- g. made without findings of fact upon issues essential to the decision, although such findings of fact were requested.

B. The certified transcript, exhibits, pleadings, recordings of the hearing and any written orders that pertain to the appealable order under review may constitute the record on appeal to the district court in compliance with rules prescribed by the Oklahoma Supreme Court. OAH shall prepare or direct the preparation of the official transcript by a licensed court reporter, if a transcript is requested. The party seeking a copy of the transcript of the hearing shall prepay all costs of transcription and pay a reasonable deposit or provide adequate indemnity prior to preparation of the transcript. If a party is financially unable to pay the transcription costs, the party shall provide OAH and the district office with an in forma pauperis affidavit which verifies the inability to pay. If OAH determines the party is financially unable to pay transcription costs, a transcript will be provided by OAH. The transcript shall not be provided prior to full payment, payment of a deposit, provision of adequate indemnity for all transcription costs, or an order finding OAH will bear the costs of transcription.

SECTION 2. This act shall become effective November 1, 2019.

Passed the Senate the 20th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 3rd day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____