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February 12, 2019

By: Floyd

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.

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

1 if the custodian resides out-of-state, in the county of residence of
2 the obligor within thirty (30) days from the date the order is
3 either provided in person or mailed by OAH to all parties. The time
4 limit prescribed in this paragraph for filing the petition in error
5 shall not be extended. The petition in error shall be served by
6 certified mail on the district child support office. Further, a
7 copy of the petition in error shall be mailed by regular mail to the
8 Office of Administrative Hearings: Child Support.

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

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

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

23 a. in violation of constitutional provisions,
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- 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.

1 The transcript shall not be provided prior to full payment, payment
2 of a deposit, provision of adequate indemnity for all transcription
3 costs, or an order finding OAH will bear the costs of transcription.

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

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 February 12, 2019 - DO PASS
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