

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 476

By: Dossett

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5
6 AS INTRODUCED

7 An Act relating to child support for disabled child;
8 amending 43 O.S. 2011, Section 112.1A, which relates
9 to parental rights and duties; clarifying
10 applicability of certain child support guidelines to
11 adult disabled child; modifying factors the court
12 must consider for certain determination; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 43 O.S. 2011, Section 112.1A, is
16 amended to read as follows:

17 Section 112.1A. A. ~~In~~ As used in this section:

18 1. "Adult child" means a child eighteen (18) years of age or
19 older; and

20 2. "Child" means a son or daughter of any age.

21 B. 1. The court may order either or both parents to provide
22 for the support of a child or an adult child for an indefinite
23 period and may determine the rights and duties of the parents if the
24 court finds that:

- 1 a. the child or adult child, whether institutionalized or
2 not, requires substantial care and personal
3 supervision because of a mental or physical disability
4 and will not be capable of self-support, and
5 b. the disability exists, or the cause of the disability
6 is known to exist, on or before the eighteenth
7 birthday of the child or adult child.

8 2. A court that orders support under this section shall
9 designate a parent of the child or adult child or another person
10 having physical custody or guardianship of the child or adult child
11 under a court order to receive the support for the child or adult
12 child. The court may designate a child who is eighteen (18) years
13 of age or older to receive the support directly.

14 C. 1. A suit provided by this section may be filed only by:

- 15 a. a parent of the child or adult child or another person
16 having physical custody or guardianship of the child
17 or adult child under a court order, or
18 b. the child if the child:
19 (1) is eighteen (18) years of age or older,
20 (2) does not have a mental disability, and
21 (3) is determined by the court to be capable of
22 managing the child's financial affairs.

23 2. The parent, the child, if the child is eighteen (18) years
24 of age or older, or other person may not transfer or assign the

1 cause of action to any person, including a governmental or private
2 entity or agency, except for an assignment made to the Title IV-D
3 agency.

4 D. 1. A suit under this section may be filed:

5 a. regardless of the age of the child, and

6 b. as an independent cause of action or joined with any
7 other claim or remedy provided by this title.

8 2. If no court has continuing, exclusive jurisdiction of the
9 child or adult child, an action under this section may be filed as
10 an original suit.

11 3. If there is a court of continuing, exclusive jurisdiction,
12 an action under this section may be filed as a suit for modification
13 pursuant to Section 115 of this title.

14 E. In determining the amount of support to be paid after a
15 child's eighteenth birthday, the specific terms and conditions of
16 that support, and the rights and duties of both parents with respect
17 to the support of the child, the court shall determine and give
18 special consideration to:

19 1. The Oklahoma Child Support Guidelines;

20 2. Any existing or future needs of the adult child ~~directly~~;

21 3. Any existing or future needs of the adult child related to
22 the adult child's mental or physical disability and the substantial
23 care and personal supervision ~~directly~~ required by or related to
24 that disability;

1 ~~2.~~ 4. Whether the parent pays for or will pay for the care or
2 supervision of the adult child or provides or will provide
3 substantial care or personal supervision of the adult child;

4 ~~3.~~ 5. The financial resources available to both parents for the
5 support, care, and supervision of the adult child; and

6 ~~4.~~ 6. Any other financial resources or other resources or
7 programs available for the support, care, and supervision of the
8 adult child.

9 F. An order provided by this section may contain provisions
10 governing the rights and duties of both parents with respect to the
11 support of the child or adult child and may be modified or enforced
12 in the same manner as any other order provided by this title.

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

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