

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1003

By: Olsen

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6 AS INTRODUCED

7 An Act relating to motor vehicles; requiring child
8 support payments after certain vehicle accidents
9 resulting in death; requiring court to consider
10 certain factors when determining reasonable or
11 necessary child support; listing factors for
12 consideration; requiring court to be trustee for
13 support payments; requiring court remit certain
14 payments by certain time; requiring court deposit
15 certain receipts by certain time; requiring court to
16 issue order for garnishment within certain
17 limitations; allowing for a one-year grace period for
18 certain payments; requiring certain payments be made
19 in full including any arrearage; requiring certain
20 civil action judgment against a convicted person not
21 require certain child support order; allowing certain
22 civil action judgment to offset certain child support
23 orders; providing for codification; and providing an
24 effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 11-902e of Title 47, unless
there is created a duplication in numbering, reads as follows:

A. If a person is convicted of an offense of driving while
under the influence of alcohol or other intoxicating substance as

1 provided for in subsection A of Section 11-902 of Title 47 of the
2 Oklahoma Statutes and such offense caused the death of a parent or
3 parents of a child or children, such person shall be ordered by the
4 court to pay child support to the child or children until the child
5 or children reach eighteen years of age; except that, if the child
6 or children reach eighteen (18) years of age and are enrolled in and
7 attending a secondary school program of instruction, child support
8 shall continue, if the child or children continue to attend and
9 progress toward completion of such program, until the child or
10 children complete such program or reaches twenty-one (21) years of
11 age, whichever first occurs.

12 B. The court shall order the person convicted of the offense of
13 driving while intoxicated as provided under subsection A of this
14 section to pay child support in an amount that is reasonable or
15 necessary for the support of the child or children after considering
16 all relevant factors, including:

17 1. The financial needs and resources of the child or children;

18 2. The financial resources and needs of the surviving parent
19 or, if no other parent is alive or capable of caring for the child
20 or children, the guardian of the child or children, including the
21 state if the state is the guardian;

22 3. The standard of living the child or children would have
23 enjoyed;

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1 4. The physical and emotional condition of the child or
2 children and the child's or children's educational needs;

3 5. The child's or children's physical and legal custody
4 arrangements; and

5 6. The reasonable work-related child care expenses of the
6 surviving parent or guardian.

7 C. The court shall order that child support payments be made to
8 the court as trustee for remittance to the surviving parent or
9 guardian entitled to receive the payments. The court shall remit
10 such payments to the surviving parent or guardian within three (3)
11 working days of receipt by the court. The court shall deposit all
12 receipts no later than the next working day after receipt.

13 D. In addition to any other remedy provided by law for the
14 enforcement of child support, if a child support order has been
15 entered, the court shall issue an order directing any employer or
16 other payer of the person required to pay child support under this
17 section to withhold and pay over the court in the county in which a
18 trusteeship is or will be established monies due or to become due to
19 the surviving parent or guardian for the child or children in an
20 amount not to exceed federal wage garnishment limitations.

21 E. If a person ordered to pay child support under this section
22 is incarcerated and unable to pay the required support, the person
23 shall have up to one (1) year after his or her release from
24 incarceration to begin payment, including any arrearage. If any

1 obligation under this section is to terminate as provided under
2 subsection A of this section but the person's obligation is not paid
3 in full, payments shall continue until the arrearage is paid.

4 F. 1. If the surviving parent or guardian of the child or
5 children brings a civil action against the person convicted of
6 driving while intoxicated prior to any child support order under
7 this section and the surviving parent or guardian obtains a judgment
8 in his or her favor in the civil suit, no child support shall be
9 ordered under this section.

10 2. If the court orders child support under this section but the
11 surviving parent or guardian brings a civil action and obtains a
12 judgment in his or her favor, the child support order shall offset
13 the judgment awarded in the civil action.

14 SECTION 2. This act shall become effective November 1, 2023.

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