

1 ENGROSSED SENATE
2 BILL NO. 476

By: Dossett and Floyd of the
Senate

3 and

4 Walke of the House

5
6 An Act relating to child support for disabled child;
7 amending 43 O.S. 2011, Section 112.1A, which relates
8 to parental rights and duties; clarifying
9 applicability of certain child support guidelines to
adult disabled child; modifying factors the court
must consider for certain determination; and
providing an effective date.

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

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

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

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

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

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

23 a. the child or adult child, whether institutionalized or
24 not, requires substantial care and personal

1 supervision because of a mental or physical disability
2 and will not be capable of self-support, and

3 b. the disability exists, or the cause of the disability
4 is known to exist, on or before the eighteenth
5 birthday of the child or adult child.

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

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

13 a. a parent of the child or adult child or another person
14 having physical custody or guardianship of the child
15 or adult child under a court order, or

16 b. the child if the child:

17 (1) is eighteen (18) years of age or older,

18 (2) does not have a mental disability, and

19 (3) is determined by the court to be capable of
20 managing the child's financial affairs.

21 2. The parent, the child, if the child is eighteen (18) years
22 of age or older, or other person may not transfer or assign the
23 cause of action to any person, including a governmental or private
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1 entity or agency, except for an assignment made to the Title IV-D
2 agency.

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

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

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

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

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

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

18 1. The Oklahoma Child Support Guidelines;

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

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

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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.

14 Passed the Senate the 12th day of March, 2019.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2019.

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Presiding Officer of the House
of Representatives

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