



Child Support Services
Mailing addresses:

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Child Support Services

Customer Inquiries: (918) 295-3500 or (405) 522-2273

www.okdhs.org/services/ocss

To: Parents or Attorneys preparing a divorce and/or child support order in an open child support case
Re: Statutory provisions required for DHS approval of divorce/paternity decrees or any other child support order

ATTORNEYS FOR DHS DO NOT REPRESENT CUSTODIANS OR NON-CUSTODIANS. THEY REPRESENT THE STATE OF OKLAHOMA AND NOT THE INTERESTS OF EITHER PARENT

If you are receiving TANF, have received TANF in the past, are currently receiving Medicaid/SoonerCare, are receiving child care assistance, or you have an open child support case with the Department of Human Services and are seeking a divorce and/or a support order for a minor child, Oklahoma law requires you to have DHS approve certain provisions in your Decree or Journal Entry of Judgment. If the following provisions are not included in the order, it will NOT be approved. Please include all applicable italicized provisions below in the order.

1. CHILD SUPPORT GUIDELINES: Child support must be computed according to the Oklahoma Child Support Guidelines. The guidelines calculation form must be attached to the Order. If the form is not attached, your Order will not be signed.

The TANF grant amount cannot be used as your income in the guideline computation. It is common for the Court to impute minimum wage to a party who is not employed. If one or both of the parties is not working, then use minimum wage, which is \$1,257.00 per month.

If you have more than one child for whom support is being ordered, do not take the total amount of child support and divide it by the number of children for a per child order. It must be a lump sum amount to include all children. Split, joint, and shared custody also require different treatment under the guidelines, so please seek assistance if one of those situations is applicable.

2. SUPPORT THROUGH HIGH SCHOOL: The following provision must be included in any Decree or Journal Entry:

- The [Petitioner or Respondent] shall pay child support until the minor child(ren) reaches the age of majority, or until further order of the Court; provided, however, that should the minor child(ren) be continuously enrolled in high school at the age of majority, then the [Petitioner or Respondent] shall pay child support through the month of graduation from high school, or to the age of twenty (20) years, whichever occurs first.*

3. INCOME ASSIGNMENT PROVISIONS: The following provision must be included in any Decree or journal entry:

- The Department of Human Services is currently providing child support services in accordance with the State Plan; therefore, the Department of Human Services is granted an immediate income assignment pursuant to 12 O.S. §1171.3(G).*

4. MEDICAL SUPPORT: The following provisions must be included in any Decree or Journal Entry:

A. Medical Support definitions

"Reasonable in cost" means that the pro rata share of the child(ren)'s actual premium cost paid by the insured does not exceed five percent (5%) of the gross income of the person ordered to provide coverage. The share of premium (as shown on Line 14 of the child support computation) for the parent providing the coverage should not exceed 5% (as shown on Line 24 of the child support computation) of the gross monthly income.

"Accessible" means there are available providers appropriate to meet the child(ren)'s individual health care needs within 60 miles one-way from the primary residence of the child(ren).

B. Health Coverage. Submit documentation of current health care coverage and associated costs with the order for DHS review. [insert the applicable paragraph(s) and subparagraphs]:

1. Employer Sponsored Health Coverage *is currently in place and ordered to be maintained. [Father, Mother, or Other (specify name and relationship to child)] shall provide dependent health care coverage through an employer-sponsored or other group plan whenever it is accessible and available at a reasonable cost as defined above.*

- **If ordering coverage above the reasonable cost:** *The court finds and/or the parties agree that good cause exists to order coverage in excess of the 5% reasonable cost standard. Accordingly, [Father, Mother, or Other (specify name and relationship to child)] shall provide dependent health care coverage through an employer-sponsored or other group plan and shall provide the coverage until further order of the court.*

2. Indian Health Services. *The child is enrolled in Indian Health Services through [Father or Mother, list tribal affiliation] The parents shall provide a copy of the Certificate of Degree of Indian or Native Alaska Blood (CDIB) card or other documentation of enrollment to the child support office.*

- **If ordering additional coverage:** *Even though the child(ren) are eligible for Indian Health Services, the court orders additional health care coverage for the child(ren) after having determined it is in the best interests of the child(ren). Additional health care coverage shall be provided by [Father or Mother] as set forth in this order.*

3. Defense Enrollment Eligibility Reporting System (DEERS). *Coverage through DEERS is currently in place and ordered to be maintained. The [Father, Mother, or Other (specify name and relationship to child)] s the military member/sponsor. The military member/sponsor shall enroll the dependent(s) in DEERS and provide proof of enrollment to the child support office. In the event the military member/sponsor fails to enroll the dependent,*

the other parent or custodial person shall contact the child support office to gain assistance to enroll the child.

4. Other Health Care Plan. *Child(ren) is/are covered under health care coverage provided by [Father, Mother, or Other (specify name and relationship to child)] through [specify type of coverage] and this coverage shall continue until further order of the court.*

5. Government Medical Assistance Program. *Child(ren) is/are covered under health care coverage provided by a government medical assistance program or health plan such as SoonerCare. The person who has enrolled the child(ren) shall cooperate fully with the government medical assistance program to maintain coverage as long as the child(ren) remain eligible.*If SoonerCare is the only type of coverage, then cash medical must be ordered and the language in paragraph C below must be included.*

6. No health Coverage currently in place. *If there is no health care coverage currently in place, then cash medical must be ordered and the language in paragraph C below must be included.*

C. Cash Medical Support. *Include all three paragraphs below in the decree or judgment if Cash Medical is being ordered.*

1. *The obligor shall pay cash medical support because: [choose one]*
 - *health care coverage is being provided solely through a governmental medical assistance program or health plan;*
 - *there is no dependent health care coverage available or there is no information about health care coverage;*
 - *health care coverage is available, but it is either not reasonable in cost or accessible to minor child(ren);*
 - *family violence issues exist and release of information for purposes of enrollment in health care coverage would endanger a party or child(ren); therefore, the court declines to order the obligor to obtain health insurance for the minor child(ren);*
 - *obligor is participating in a government sponsored medical assistance program; and therefore is not required to obtain health insurance coverage for the minor child(ren);*
 - *it is in the best interests of the child(ren) not to order health insurance;*

2. *The obligor shall pay cash medical support in the amount reflected on line 25 of the attached child support computation form. The cash medical support is included in the child support amount ordered above. All cash medical support shall be paid through the Oklahoma Centralized Support Registry as outlined below.*

3. **Termination of Cash Medical Support.** *The cash medical support amount shall terminate when accessible health care insurance becomes available at a reasonable cost as defined above, and the child(ren) is/are enrolled in the plan, unless it was ordered due to Family Violence issues or the court has otherwise determined an order for obligor*

to provide health insurance is not appropriate. The party providing health care insurance must provide proof to the court, CSS, and the other party that the child(ren) is/are covered before the cash medical support will be terminated. The cash medical support shall be terminated by notice sent to the parties by regular mail.

D. No Coverage or Coverage Lapsed. Please always include the following provisions:

In the event that neither parent, nor the custodial person, has health care coverage available for the child(ren), or available health care coverage ceases:

- Mother shall obtain accessible health care coverage for the minor child(ren) whenever such coverage is available through public, employer or private plan, at a reasonable cost as defined above.*
- Father shall obtain accessible health care coverage for the minor child(ren) whenever such coverage is available through public, employer or private plan, at a reasonable cost as defined above.*

E. Non-covered expenses. Please always include the following provisions:

Father shall pay _____ percent and Mother shall pay _____ percent of the reasonable and necessary medical, dental, orthodontic, optometric, psychological, or any other physical or mental health expenses for the minor child(ren) not paid or reimbursed by insurance or other third-party coverage, or included in a cash medical support order. The parent who incurs the expense shall be reimbursed by the other parent within forty-five (45) days of receipt of documentation of the non-covered portion of the expense. Non-covered expenses shall be paid directly between the parents and not paid through the Oklahoma Centralized Support Registry.

F. Exchange of Information. *The person ordered to provide health insurance shall provide the custodial person and CSS with proof of enrollment, insurance cards, policy information, policy number, and any other documents necessary for the child(ren) to use the insurance. The custodial person and non-custodial parent shall be required to exchange any information necessary to secure dependent health insurance enrollment. The parents must furnish each other and CSS with timely written documentation of any change in health insurance within 30 days of the date of the change. Upon timely notification of the change, the other parent is responsible for his/her percentage share of the changed cost of the health insurance. Failure to provide timely notice may result in a denial of the right to receive credit or reimbursement for the expense or increased premium.*

G. Fixed Ongoing Medical Costs (check only if applicable). *The current monthly child support amount includes obligor's portion of fixed ongoing medical costs for the following expenses: _____ in the amount of \$_____ (line 16 of the child support computation form).*

- The payment of fixed ongoing medical costs shall be terminated on _____, and thereafter the current monthly child support obligation shall be \$_____ unless otherwise modified by the court.*

Summary Table (line numbers correspond to the DHS guideline calculator). Please include a summary of current support and cash medical support, if applicable, in your order.

	<i>Mother</i>	<i>Father</i>
<i>Current Support (Line 26a)</i>		
<i>Cash Medical (Line 26b)</i>		
<i>Total (Line 27)</i>		

5. CHILD CARE PROVISIONS: The following paragraph must be included in all cases where child care is an issue:

- *Obligee is required to provide the obligor with timely documentation of any change in the amount of the child care costs. Upon request by the obligor, whose requests shall not exceed one each month, or upon order of the Court, the obligee shall provide the obligor with documentation of the amount of incurred child care costs which are related to employment, employment search, or education or training.*

- Please include of the following provisions as applicable to the case:

A. Privately-paid child care expenses:

If child care expenses are being paid privately and addressed in the Decree, each party is to pay his or her proportional share as determined by the guidelines. An example of a paragraph addressing privately paid child care is:

- *The non-custodial parent is ordered to pay employment or education-related child care costs in the same proportion of the combined gross income as reflected on the attached child support computation form.*

B. State-subsidized child care expenses:

If either party is receiving Child Care Subsidy Assistance from DHS, the guideline must include the anticipated family share co-payment amount. For assistance in calculating this amount, please see www.okdhs.org. Please use the following paragraph for all Child Care Subsidy Assistance cases:

- *The amount to be treated as monthly DHS family share co-payment child care costs for the child(ren) participating in the DHS child care subsidy has been addressed in the guidelines calculation attached to this Order.*

6. REIMBURSEMENT OF PUBLIC ASSISTANCE: The following provision must be included in any order:

- *The issue of TANF and/or AFDC reimbursement or cash medical arrears due and owing to the State is specifically reserved, to be reset before the Court upon proper application.*

7. ADDRESS OF RECORD FOR SERVICE OF PROCESS AND ADDRESS AND EMPLOYMENT CHANGES: The following provisions must be included in any Decree or journal entry:

- *Title 43 O.S. §112A requires all parties and custodians to keep the Central Case Registry informed of a current address of record for service of process in support, custody, and*

visitation actions. The following applies to the obligor and any custodian subject to this Order. Any changes in your address of record, your employer, or your health insurance must be provided in writing to the Central Case Registry within thirty (30) days of the change. The address is: CENTRAL CASE REGISTRY, P.O. BOX 248843, OKLAHOMA CITY, OK 73124

Your last address of record may be disclosed to a party or custodian upon request in accordance with DHS rules. The Department of Human Services does not release home addresses if prohibited by a Court order granted for the protection of a parent or custodian, or if the case has a Family Violence Indicator. The address of record does not have to be the address where you live. You may be served in child support actions filed after this date by regular mail to the last address of record provided to the Central Case Registry. If your physical address and address of record are different, you must notify the child support office of any changes in your physical address.

The following is the address of record for the non-custodial parent: _____

The following is the address of record for the custodial parent: _____

8. PAYMENT OF CHILD SUPPORT: The following provision must be included in any Decree or journal entry:

- All child support payments shall be by cashier's check or money order, made payable to the Department of Human Services, and mailed to the Oklahoma Centralized Support Registry, P.O. Box 268849, Oklahoma City, OK 73126-8849, with the number: _____ (your Family Group Number) on the face of the payment.

9. JUDGMENT FOR PAST-DUE SUPPORT. If a judgment for past-due support is ordered, please include the amounts for both principal and interest separately as well as the time frame for which the judgment encompasses. Proposed language to include in the order is as follows:

- The obligor, _____, owes past-due support in the principal amount of \$_____ and interest in the amount of \$_____ for the time period of _____, _____ through and including _____, 20____. Judgment for said amount is hereby determined and awarded to the Department of Human Services/Obligee against the obligor in accordance with 43 O.S. §137.
- _____ is hereby ordered to satisfy the above referenced judgment(s) by making monthly payments in the amount of \$_____ beginning on _____, 20____ and continuing each month thereafter until said judgment(s), together with interest thereon, are paid in full. Payments shall be made in the same manner as current child support payments as set out herein. The monthly judgment payment is in addition to the previously ordered current monthly support in the amount of \$_____ making the obligor's total monthly payment the sum of \$_____. When current support is no longer due, the amount previously applied to ongoing current support shall be applied to the past-due support and the obligor shall continue to pay the total amount of \$_____ per month until the judgment(s), together with interest thereon, are paid in full or until further order of the court.

10. AMENDED BIRTH CERTIFICATE (for paternity actions only): Please include the following language:

- *The Oklahoma Department of Health, Division of Vital Records is ordered to add the name of _____ as the father on the child(ren)'s birth certificate(s). Father's date of birth is _____ and state of birth is _____.*

11. PARENTING TIME ADJUSTMENT: 43 O.S. §118E. If your guideline calculation includes a parenting time adjustment (the non-custodial parent has at least 121 overnights per year), please include the following language:

- *Failure to exercise or exercising more than the number of overnights upon which the parenting time adjustment is based, is a material change in circumstances. If the Court finds that the obligor has failed to exercise a significant number of overnights provided in the court order necessary to receive the parenting time adjustment, in a proceeding to modify the child support order, the court may establish the amount that the obligor has underpaid due to the application of the parenting time adjustment as a child support judgment that may be enforced in the same manner as any other child support judgment.*

The court may rule that the obligor will not receive the parenting time adjustment for the next twelve-month period. After a twelve-month period during which the obligor did not receive the parenting time adjustment, the obligor may petition the court to modify the child support order. The obligor may be granted a prospective parenting time adjustment upon a showing that the obligor has actually exercised the threshold number of overnights in the preceding twelve months. No retroactive modification or credit from the child support guidelines amount shall be granted.

Custodial parents should note the following:

- When you apply for TANF and are certified to receive benefits, you assign all of your rights and interest in all current child support, support alimony, child support arrears, and support alimony arrears to the State. Your assignment applies to past support as well as future support for as long as you receive TANF benefits. When you stop receiving TANF, the assignment ends as to FUTURE child support and support alimony.
- Failure to cooperate with the Child Support Office may result in closure of your child support case. If you obtain an Order without DHS approval and TANF/AFDC benefits have been expended, the Child Support Office may seek to have your Order vacated and set aside in order to protect the interests of the State.
- If you previously received TANF or AFDC, closure of your TANF or AFDC case does NOT close your child support case. CLOSURE OF YOUR CHILD SUPPORT CASE DOES NOT AFFECT THE STATE'S RIGHT TO COLLECT CHILD SUPPORT (AND SUPPORT ALIMONY, IF APPLICABLE) ASSIGNED TO THE STATE.
- If you have never received TANF assistance and do not currently receive Medicaid/Soonercare or Child Care Subsidy Assistance, you may request closure of your child support case in writing. If you later begin receiving assistance, your case will re-open.