

Oklahoma Statutes Citationized

Title 43. Marriage

Section 135 - Lien for Child Support Arrearages - Notice and Hearing

This Statute Will Go Into Effect

On: 11/01/2007

See Historical Data for Current Version

Cite as: O.S. §, __ __

A. An arrearage in payment of child support reduced to an order of the court or administrative order of the Department of Human Services or any past due payment or installment of child support that is a judgment and lien by operation of law may be a lien against the real and personal property of the person ordered to make the support payments.

B. Past due amounts of child support shall become a lien by operation of law upon the real and personal property of the person ordered to make the payments at the time they become past due.

C. 1. A judgment or order providing for the payment of current support or an arrearage of child support shall be a lien upon real property owned by the person obligated to pay support or upon any real property which may be acquired by the person prior to the release of the lien. Notice of the lien on real property shall be given by the filing of a statement of judgment pursuant to Section 706 of Title 12 of the Oklahoma Statutes with the county clerk of the county where the property is located.

2. If child support services are being provided under the state child support plan as provided under Section 237 of Title 56 of the Oklahoma Statutes, the amount reflected in the official records of the Centralized Support Registry provided for in Section 413 of this title shall constitute the amount of the lien on the obligor's real property, regardless of the amount reflected in the statement of judgment.

3. The judgment or order shall not become a lien for any sums prior to the date they severally become due and payable. A child support judgment shall become dormant as a lien upon real property five (5) years from the date the statement of judgment is filed of record with the county clerk unless the judgment lien is extended in accordance with subsection C of Section 759 of Title 12 of the Oklahoma Statutes.

D. A judgment providing for the payment of an arrearage of child support or pursuant to which a past due amount has accrued shall become a lien upon benefits payable as a lump sum received from a personal injury, wrongful death or workers' compensation claim of the person ordered to pay the support and shall not be subject to the exemptions from attachment of Section 1 of Title 31 of the Oklahoma Statutes or as otherwise provided by law. The lien shall be effective upon the filing a notice of lien with the court in which a proceeding for personal injury, wrongful death or workers' compensation has been initiated by or on behalf of the obligor. If a proceeding has not been initiated, a notice of lien shall be served by mail upon the entity responsible for paying monies to the person ordered to pay support. A court or the entity responsible for satisfying the lien may request a certified copy of the judgment or order be attached to the lien.

E. The provisions of this section shall be available to an agency of another state responsible for implementing the child support enforcement program set forth in Title IV-D, of the Social Security Act seeking to enforce a judgment for child support.

F. The provisions of this section shall not authorize a forced sale of any real property to enforce a lien which is otherwise exempted by state law.

G. A lien shall be released upon the full payment of the amount of the arrearage.

H. The person entitled to support or the Department of Human Services on behalf of its clients and recipients is authorized to enforce the liens created pursuant to this section and to execute releases or partial releases of the liens.

Historical Data

Added by Laws 1985, HB 1209, c. 297, § 20, eff. October 1, 1985; Amended by Laws 1986, HB 1581, c. 176, § 4, emerg. eff. May 15, 1986; Amended by Laws 1987, SB 151, c. 230, § 15, eff. October 1, 1987; Renumbered from 12 O.S. § 1289.1 by Laws 1989, SB 121, c. 333, § 1, eff. November 1, 1989; Amended by Laws 1994, HB 1492, c. 356, § 16, eff. September 1, 1994; Amended by Laws 1996, SB 1175, c. 233, § 2, eff. November 1, 1996; Amended by Laws 1997, SB 706, c. 402, § 15, emerg. eff. July 1, 1997 (superseded document available); Amended by Laws 1998, SB 1342, c. 323, § 11, eff. October 1, 1998 (superseded document available); Amended by Laws 2000, SB 1520, c. 384, § 6, eff. November 1, 2000 (superseded document available); Amended by Laws 2001, SB 675, c. 407, § 14, emerg. eff. July 1, 2001 (superseded document available); Amended by Laws 2007, SB 943, c. 201, § 1, eff. November 1, 2007 (superseded document available).

