

137-055-6200

Adjusting Case Arrears

The purpose of this rule is to set out what the administrator will do when an adjustment to the case arrears is needed due to one of the following: an error is identified, a negative offset is received on a closed case, or the Division of Child Support does not have a complete pay record but needs to reconcile arrears between multiple Oregon orders.

(1) If the adjustment is needed for the current billing cycle, the administrator will adjust the arrears on the case record without notice to the parties.

(2) If the adjustment is needed for a timeframe prior to the current billing cycle, the administrator will adjust the arrears on the case record and send a notice to the parties advising of:

(a) The change in the case arrears; and

(b) The right to, within 30 days of the date of the notice from DCS, submit a written request for an administrative review to determine if DCS's record-keeping and accounting related to the adjustment of arrears is correct.

(3) DCS will conduct the administrative review within 30 days of receiving the party's written request and send written notification to the parties of the results of the review. The notice will include a citation of the parties' rights to appeal the decision under ORS 183.484.

(4) Notwithstanding any other provision of this rule, if under a contingency order, the error is due to a failure to accurately reflect the periods of residence of the child in state care, the administrator will adjust the arrears on the case record and notify the obligor unless the Department of Human Services directs otherwise.

(5) On a closed case:

(a) If an adjustment will result in less than \$500 of arrears assigned to the state, the administrator will adjust the arrears on the case record, and send notice to the parties as provided in section (2), but will not open the case to provide services;

(b) If an adjustment will result in at least \$500 of arrears assigned to the state, the administrator will adjust the arrears on the case record, send notice to the parties as provided in section (2), and open the case to provide services;

(c) If arrears added to the case are owed to the obligee, the administrator will adjust the arrears on the case record and send a notice to the parties as provided in section (2). If a signed request for services is received, and the arrears are at least \$25, the administrator will open the case to provide services;

(d) If arrears added to the case are owed to a child attending school or an adult child as defined in OAR 137-055-5110, the administrator will adjust the arrears on the case record and send a notice to the parties as provided in section (2). If a signed request for services is received, and the arrears are at least \$25, the administrator will open the case to provide services;

(e) Except as otherwise provided in OAR 137-055-4455 or OAR 137-055-6220, if the adjustment was due to an accounting error of the administrator and the adjustment to arrears will cause a credit balance, the administrator will return the excess amount to the obligor if the amount is at least \$5 and the payment was applied to a state account; or

(f) If the adjustment was not due to an accounting error of the administrator and the adjustment to arrears will cause a credit balance, the administrator will send an informational notice to the parties;

(g) If a case is opened for services under (5)(c)-(d), any arrears added pursuant to (5)(a) that are assigned to the state will also be enforced. If a case is opened for services under (5)(b), any arrears added pursuant to (5)(c)-(d) that are owed to an obligee or child attending school will also be enforced, regardless of the amount, and without the need for a signed request for services; and

(h) Regardless of whether a case meets the criteria in (5)(b)-(g), a case will not be opened for services if it was originally closed due to circumstances that have not changed since closure.

(6) A notice will only be sent as provided for in this rule when the amount of arrears to be adjusted is at least \$5.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.020

Effective Date: December 3, 2021