

137-055-6260

Return of Payments to Obligor or Other Jurisdiction

(1) When the Department of Justice receives a support payment directed to an account for which no current order exists for ongoing support, the Department will apply the payment to any arrears the obligor may owe on the account. If any excess funds remain from the payment after any arrears are paid in full and the Department has not forwarded the excess amount to the payee, the Department will return the excess amount to the obligor.

(2) On any account for which an ongoing support obligation exists, and the Department receives a payment that exceeds the total amount due for current support and arrears and has not forwarded the excess amount to the payee, the Department will return the excess amount to the obligor within 30 days of its discovery, except in the following situations:

(a) The excess amount results from a voluntary payment by the obligor;

(b) The excess amount is from a payment pursuant to an income withholding order for an employee who is paid weekly or biweekly and the excess amount is for a month with an extra pay period;

(c) The support order has not been entered in the child support automated system or arrears that are due under the order are in the process of being added as provided in ORS 25.015 or established as provided in ORS 25.167 or 25.540; or

(d) The obligor elects to treat the excess payment as future support as provided in subsection (7) of this rule.

(3) Notwithstanding sections (1) and (2) of this rule, on any account for which the Department receives a payment from the Oregon Department of Corrections pursuant to ORS 423.105 and that payment exceeds the total amount due, the Department will return the excess amount to the Oregon Department of Corrections.

(4) When the Department receives a payment from another jurisdiction that exceeds the balance owed for the case specified by that jurisdiction, and that jurisdiction is the recordkeeper, the Department will contact that jurisdiction to confirm the balance owed for the case specified and take one of the following actions, as appropriate:

(a) If the other jurisdiction verifies that support is owed in the amount remitted, disburse the payment to the obligee as a voluntary payment and apply it to the balance after it is updated;

(b) If the other jurisdiction indicates that the amount is an overcollection, return it to the other jurisdiction; or

(c) If the payment has already been disbursed and the other jurisdiction later claims that the payment was remitted to Oregon by mistake, the Department will not return the payment to the other jurisdiction.

(5) When the Department receives a payment that exceeds the total amount due for current support and arrears and the Department has forwarded the excess amount to the payee, the Department will notify the parties in writing, within 30 days of discovering the overcollection, that:

(a) A credit balance in the obligor's favor has resulted from the overcollection; and

(b) Within 30 days of the date of the notice, the obligee or child attending school under ORS 107.108 and OAR 137-055-5110 may submit a written request to the Department for an administrative review to determine if the Department's record-keeping and accounting related to calculation of the credit balance is correct.

(6) The Department will conduct the administrative review within 30 days of receiving the written request and will send written notification to the parties of the results of the review.

(7) In any case where the Department is required to return an excess amount to an obligor under section (2) of this rule, the obligor may elect to forego the return of some or all of the amount and to instead use any credit balance amount thus established under this rule to offset the obligor's future ongoing support obligation or arrears. An obligor wishing to elect this option must notify the Department before the Department has returned such funds to the obligor.

Stat. Auth.: ORS 25.020, 25.125 and 180.345

Stats. Implemented: ORS 25.020 and 25.125

Effective Date: June 3, 2022