



## PERMANENT ADMINISTRATIVE ORDER

**DOJ 20-2018**  
CHAPTER 137  
DEPARTMENT OF JUSTICE

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### RULES:

137-055-1080, 137-055-4340, 137-055-4520, 137-055-4560, 137-055-5040, 137-055-5060, 137-055-5510, 137-055-6024, 137-055-7190

AMEND: 137-055-1080

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 137-055-1080 is amended to address collection of the child support annual fee in situations where enough was money was collected to meet the threshold for assessing the annual fee, but not enough money was collected in the reporting year to cover the entire fee amount. In CSEAS, the unpaid fee is only collected during the current reporting year; however, once converted to the Origin automated child support system, any unpaid fees will carry over.

### CHANGES TO RULE:

137-055-1080

Fees ¶¶

(1) As used in this rule, "reporting year" means October 1 of one year through September 30 of the following year.¶¶

(2) As required by 45 CFR 302.33, the Oregon Child Support Program (~~CSP~~) will assess:¶¶

(a) A \$1 application fee on behalf of each applicant whose family is not receiving assistance in the form of TANF cash assistance, Medicaid, foster care or Oregon Youth Authority services and who applies to the ~~CSP~~ Oregon Child Support Program for support enforcement services;¶¶

(b) A \$25 annual fee for each support case where:¶¶

(A) The obligee, child, or a child attending school as defined in OAR 137-055-5110, has never received assistance under a state program funded under Title IV-A of the Social Security Act;¶¶

(B) At least \$500 of child support has been disbursed to the family in the reporting year; and¶¶

(C) Oregon is not providing services at the request of another state pursuant to 45 CFR 303.7.¶¶

(3) The Department of Justice (~~DOJ~~) may collect the fee specified in subsection (2)(a) of this rule from each

applicant by deducting it from any unassigned support received by DOJ.¶

(4) Notwithstanding any other provision of ~~CSP~~the Oregon Child Support Program administrative rules, and except as provided in section (5), ~~DOJ~~the Department of Justice may collect the fee specified in subsection (2)(b) of this rule from each obligee or child attending school, if applicable, by deducting it from any unassigned child support received by ~~DOJ~~during the reporting year.¶

(5) Fees specified in subsection (2)(b) of this rule may not be collected from an applicant or child attending school, if applicable, who is a resident of a foreign country.¶

(6) Fees recovered pursuant to section (4) of this rule may be recovered on a pro rata basis from both the obligee and any child attending school if the provisions of OAR 137-055-5110 apply.¶

~~(7) If payment of child support is such that the entire amount of the fee cannot be collected in a single reporting year, the amount that remains owing:¶~~

~~(a) Will not accumulate or accrue from reporting year to reporting year; and¶~~

~~(b) Will be paid by DOJ for the reporting year in which the fee became due.¶~~

~~(8) Once a fee has been collected, it will not be returned, even if the obligee, child or a child attending school later receives TANF.~~

Statutory/Other Authority: ORS 180.345, 45 CFR 302.33

Statutes/Other Implemented: ORS 25.080, 25.150

AMEND: 137-055-4340

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 137-055-4340 is amended to clarify that pre-tax offset notices are only sent to the parent who pays support. Additional amendments are made to clarify that the threshold to determine whether a case qualifies for tax offset referral is based on the total amount of all arrears owed by the parent who pays support on all of their cases, combined, rather than arrears owed on an individual case.

CHANGES TO RULE:

137-055-4340

Collection of Delinquent Support Obligations Through the U.S. Secretary of the Treasury ¶

(1) The administrator may claim federal tax refunds and administrative offset of other payments from the federal government through the U.S. Secretary of the Treasury (Secretary) otherwise due to be paid to an obligor to collect support arrears. ¶

(2) The Division of Child Support (~~DCS~~) will file such claims with the Secretary according to rules and procedures established by the federal government. ¶

(3) Referral of arrears will be a liquidated claim, debt, or account established by a court or administrative order. ¶

(4) ~~DCS~~ The Division of Child Support will ~~not refer any case~~ refer arrears owed by an obligor for federal tax refund or administrative offset where the case record indicates that ~~one or more of the following is applicable:~~ ¶

~~(a) The arrears assigned to the state are less than \$150 and the support amount is less than 45 days delinquent; ¶~~

~~(b) The arrears are less than \$500 on a case where none of the arrears have been assigned to the state; or ¶~~

~~(c) The obligee has claimed "good cause" for not cooperating with efforts to establish or enforce support. ¶~~

~~(5) DCS~~ obligee is not currently claiming good cause for not cooperating with efforts to establish or enforce support; and ¶

(a) The arrears assigned to the state total at least \$150; or ¶

(b) The arrears not assigned to the state total at least \$500. ¶

(5) The Division of Child Support will distribute and, as appropriate, disburse tax refunds and other federal administrative offsets recovered by this process as set out in OARs 137-055-2360, 137-055-2380 and 137-055-6021 through 137-055-6024. ¶

(6) A one-time pre-offset notice will be sent to the ~~parties~~ obligor by either the federal government or ~~DCS~~ the Division of Child Support of the intent to claim the tax refund, or other federal payments through the Secretary, and apply them to the obligor's account. Such notice will advise the ~~parties~~ obligor of the ~~obligors~~ right to an administrative review regarding this action. The only issues that may be considered in the review are: ¶

(a) Whether the obligor is the person who owes the support as indicated by the case record; or ¶

(b) Whether the arrears indicated in the notice are correct. ¶

(7) Upon receipt of the request for review, the administrator will schedule the review and notify the parties of the date, time and place of the review.

Statutory/Other Authority: ORS 25.625, 180.345

Statutes/Other Implemented: ORS 25.625

AMEND: 137-055-4520

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: 137-055-4520 is amended to update "notarized statement" with "declaration under penalty of perjury" in the obligor's waiver to holding a collection. This change is in accordance with ORCP 1E.

CHANGES TO RULE:

137-055-4520

Garnishment ¶¶

(1) The administrator may utilize garnishment proceedings in accordance with ORS chapter 18 for the purpose of collecting past due support.¶¶

(2)(a) When the administrator receives a collection from a garnishment proceeding, the administrator will hold the collection for 40 days if the garnishee is making a payment of other than wages or 120 days if the garnishee is making a payment of wages before disbursing any amounts due a party from the collection.¶¶

(b) This requirement is to accommodate the possibility that the administrator may have to return funds from the collection to the garnishee, the obligor, or the court, as a result of the obligor or any person who has an interest in the garnished property having made a challenge to garnishment in accordance with ORS chapter 18.¶¶

(c) The administrator will waive this requirement to hold the collection, and will apply the collection to the case for immediate distribution, in any case where the obligor provides the administrator with a signed ~~and notarized statement~~declaration under penalty of perjury expressly waiving the right to make a challenge to garnishment and requesting that the administrator apply, distribute and, as appropriate, disburse the payment immediately. ¶¶

(3) Upon notice of a challenge to garnishment from the clerk of the court, the administrator will file a response to the challenge to garnishment, attaching copies of the writ of garnishment, garnishee response, debt calculation and any supporting documentation necessary or helpful to the court in making a determination of the challenge to garnishment.¶¶

(4) When a single writ of garnishment is issued for two or more cases as provided in ORS 18.645, notice of a challenge to garnishment is received and the administrator files the response required by section (3), the administrator will include copies of all judgments for which the writ is issued and a debt calculation for each referenced judgment.¶¶

(5) When the contents of a bank account are garnished and the obligor makes a timely challenge to garnishment that claims that all or some portion of the contents of the account came from lump sum payments identified in ORS 18.345, the administrator may return to the obligor the exempt portion of such lump sum payments received from that account, as appropriate.¶¶

(6) When the garnishee is a credit union, the credit union may retain the par value of the garnished account, defined as the face value of an individual credit union share necessary to maintain a customer's membership.¶¶

(7) Notwithstanding any other provision of this rule, if the administrator determines that funds garnished from an account include Supplemental Security Income or a combination of Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) benefits and the administrator is in possession of the funds, the administrator must return any SSI and SSDI benefits to the obligor within 5 business days. If the garnished funds were already sent to the court as the result of a challenge to garnishment, the administrator will advise the court that it is holding exempt funds that should be released to obligor.

Statutory/Other Authority: ORS 25.020; 180.345

Statutes/Other Implemented: ORS 18.345, 18.645, 25.020, 25.080

AMEND: 137-055-4560

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 137-055-4560 is amended to remove the provision that prohibits reporting child support balances to consumer reporting agencies if the support is not delinquent. In Origin, balances will be reported on all cases regardless of whether delinquent or not.

CHANGES TO RULE:

137-055-4560

### Consumer Credit Reporting Agencies ¶¶

(1) The Department of Justice may enter into agreements with consumer reporting agencies as defined in ORS 25.650 to disclose information under section (2) of this rule ~~only to an entity that has furnished evidence satisfactory for the Department to determine that the entity is a consumer reporting agency as defined in ORS 25.650~~. Under these agreements, the Department will provide such agencies with the names of obligors who owe ~~past due~~ support and will indicate the specific amount each obligor owes. Under these agreements, the Department will provide such information: ¶¶

(a) Whether or not the agency has requested information on any specific obligor; and ¶¶

(b) On a recurring or periodic basis. ¶¶

(2) Before issuing a periodic report to a consumer reporting agency with information on any obligor, the Department will provide the obligor with advance notice of the intent to report the obligor's support balance to the consumer reporting agencies. The notice will be sent to the obligor's last known addresses. The notice must: ¶¶

(a) Indicate the balance to be reported to the consumer reporting agencies; ¶¶

(b) Advise that the current balance will be reported to the consumer reporting agencies on a recurring basis without sending further notice to the obligor; ¶¶

(c) Advise of the obligor's right to contest the action within 30 calendar days of the date of the notice. ¶¶

(d) Explain the process for contesting and advise that objections must be in writing on the form provided with the notice; ¶¶

(e) Advise that the only reasons for contesting credit reporting are: ¶¶

(A) The obligor is not the person who owes the support balance shown on the case record; ¶¶

(B) The support balance indicated in the notice is incorrect; or ¶¶

(C) The arrears are a result of past support created in an order under ORS 416.422 or ORS 109.155(4) or by an upward modification of an order. ¶¶

(3) If the obligor does not contest the action within the allowed 30-day period, the Department will release the information to the consumer reporting agencies. ¶¶

(4) If the obligor contests the balance indicated in the notice the administrator will conduct an administrative review on the case and mail the results of the review to the parties. ¶¶

(5) Once the administrative review is complete, the Department will release the information to the consumer reporting agencies except as specified in section (12) of this rule. ¶¶

(6) Parties may contest the administrator's review and determination as provided in ORS 183.484. ¶¶

(7) If the obligee or child attending school, contests the balance in the notice, the obligee or child attending school, may initiate an arrears establishment request pursuant to OAR 137-055-3240. ¶¶

(8) If a court or agency of appropriate jurisdiction determines the balance owing is other than previously reported, the Department will update the consumer reporting agencies with the court's or agency's findings within 10 days after receiving a copy of the final order. ¶¶

(9) If at any time an obligor contacts the administrator in writing to state that the information that has been reported to the consumer reporting agency is incorrect, the administrator must, within 30 days of receiving notification of the dispute: ¶¶

(a) Provide notice to the consumer reporting agency and the parties that the information is being disputed; ¶¶

(b) Conduct an administrative review of the case; and¶

(c) Provide the results of the review to the parties and the consumer reporting agency. ¶

(10) Notwithstanding section (9), the administrator will not conduct an administrative review of the reported information more than once in any calendar year, unless an obligor presents new supporting documentation, to the administrator, that information reported to the consumer reporting agency is incorrect.¶

(11) When consumer reporting agencies ask the Department for information regarding the balance an obligor owes on a support case, the Department may provide available information after complying with the requirements of sections (1) through (8) of this rule. The Department will not charge the requesting agency a fee for this information. ¶

(12) The Department may refer to the consumer reporting agencies, the name and support balance of all obligors who meet the criteria of sections (1) or (11) of this rule unless: ¶

(a) The obligor pays the support balance in full; or¶

(b) The obligor is found to not be the person who owes the child support balance indicated by the case record; ~~or~~¶

~~(c) The administrator determines that the obligor is not delinquent in the payment of support.~~ ¶

(13) When the Department has made a report to a consumer reporting agency under section (1) of this rule, the Department will promptly notify the consumer reporting agency when the case record shows that the obligor no longer owes past due support.

Statutory/Other Authority: 42 USC § 666(a)(7), ORS 180.345

Statutes/Other Implemented: ORS 25.650

AMEND: 137-055-5040

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 137-055-5040 is amended to clarify that when determining whether support accrues in a particular month in which a support obligation is suspended or terminated, the current criteria will apply to any scenario in which support is terminated or suspended, rather than scenarios specific to a child attending school.

CHANGES TO RULE:

137-055-5040

Accrual and Due Dates ¶¶

- (1) As used in this rule, "payment due date" means the due date or beginning pay date of an installment of support or, if no such date is listed, the date the judgment states it is effective. ¶¶
- (2) For any judgment requiring the payment in installments of child support or child and spousal support through the Child Support Program, in accordance with ORS 25.020, this rule delineates the manner in which the administrator will determine billing and accrual cycles. ¶¶
- (3)(a) When a support award does not specify the payment due date, the administrator will consider the payment due date to be the date listed in the administrative order or judgment document; ¶¶
- (b) When a support award ~~or~~ specifies payments are to be made more frequently than monthly, the administrator will consider the last payment due date listed in the month to be the payment due date. ¶¶
- (4) When neither the support award nor the judgment contains the payment due date: ¶¶
  - (a) If the judgment modifies a support order but does not specify the due date of the first modified payment, the administrator will consider the payment due date to be the first day of the first month after the order is signed; ¶¶
  - (b) If the judgment terminates a support order but does not specify the effective date of the termination, the administrator will consider the date the termination was signed as the effective date of the termination. ¶¶
  - (c) If the judgment requires payment of support by a person who is not currently ordered to pay support but does not state when payment is due, the administrator will adjust the case record to show the first payment due date to be the first day of the month following the date the judgment was signed. ¶¶
- (5) If the judgment modifies a support order: ¶¶
  - (a) The support obligation will not be pro-rated for the month in which the payment due date falls, unless the judgment provides otherwise; ¶¶
  - (b) If the modification payment due date is on or before the payment due date of the existing support order, the installment due for that month will be changed to the new amount; ¶¶
  - (c) If the modification payment due date is after the payment due date of the existing order: ¶¶
    - (A) If the judgment is signed prior to the payment due date of the existing support order, the installment due for that month will be changed to the new amount; ¶¶
    - (B) If the judgment is signed after the payment due date of the existing support order, the installment due will be changed to the new amount effective the following month. ¶¶
- (6) When suspending or terminating a support obligation, including for a child attending school: ¶¶
  - (a) If the support obligation terminates or is suspended on or before the payment due date for the month, no installment will be due for that month. ¶¶
  - (b) If the support obligation terminates or is suspended after the payment due date for the month, the entire monthly installment will be due for that month. ¶¶
- (7) The Administrator will not apply any satisfaction to support that is not yet due as of the date the satisfaction is signed.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 18.225, 25.020, 25.080, ~~ORS 18.225, SB 516 (2017)~~ 25.166

AMEND: 137-055-5060

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 137-055-5060 is amended to clarify that billing for payments under a child support order will begin in the first full calendar month following receipt of the order or notice that the order should be activated.

CHANGES TO RULE:

137-055-5060

Billings for Support Payments ¶

(1) Except as provided in subsections (3)(a) and (b) of this rule, when a case with a support order is activated ~~in the Automated child Support Enforcement Automated System~~, the Division of Child Support ~~(DCS)~~ will send notice to the parties of the requirement to pay through ~~DCS~~.

~~(2) DCS the Department of Justice.~~ ¶

(2) The Division of Child Support will begin billing in the first full calendar month following 30 days from the receipt of the order or notice that the order should be activated. ¶

(3)(a) When support is paid for a period of six months by income withholding pursuant to ORS 25.378 or by electronic payment withdrawal pursuant to OAR 137-055-4080, DCS may discontinue monthly billings unless: ¶

(A) The obligor requests otherwise; or ¶

(B) The administrator determines that monthly billings should continue. ¶

(b) When the total amount due is less than ~~five dollars, DCS \$5~~, the Division of Child Support will discontinue monthly billings.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.020



AMEND: 137-055-5510

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: 137-055-5510 is amended to clarify the hierarchy for applying credit when there are arrears assigned to the state. Makes conforming changes to match OAR 137-055-6010 as we no longer have Temporarily Assigned Arrears.

CHANGES TO RULE:

137-055-5510

Request for Credit Against Child Support Arrears for Physical Custody of Child ¶

The terms used in this rule have the meanings set out in OAR 137-055-6010.¶

(1) In accordance with ORS 416.425, the administrator may allow a credit against child support arrearages for periods of time during which the obligor has physical custody of the child(ren) when:¶

(a) Physical custody was pursuant to a court ordered parenting time schedule and the court order specifically states that the obligor is allowed a credit for parenting time that is not already factored into the monthly child support amount;¶

(b) Physical custody was with the knowledge and consent of the obligee; or¶

(c) The obligor has custody of the child(ren) pursuant to court order.¶

(2) A request for credit against child support arrears under this rule must be made in writing:¶

(a) If the credit is requested for a time period immediately prior to the effective date of the modification; or¶

(b) Independently of a request for modification, for any time period within two years prior to the date of the request.¶

(3)(a) Credit for physical custody may only be given if the child(ren) is/are with the obligor for 30 consecutive days or the entire month for which credit is sought. When the obligor is seeking a credit for fewer than all of the children under a child support order, a credit may only be given if the order is not a class order as defined in OAR 137-055-~~2~~1020.¶

(b) Credit for physical custody may not be given against any arrears which have accrued to a child attending school account under ORS 107.108 and OAR 137-055-~~2~~5110.¶

(4) Notwithstanding subsections (3)(a) and (b), the credit may only be allowed to the extent it will not result in a credit balance, as defined in OAR 137-055-3490(1).¶

(5) The administrator will send to the parties by regular mail, or by service, as part of the modification action, notice and proposed order of the intended action, including the amount to be credited. Such notice will inform the parties that:¶

(a) Within 30 days from the date of this notice, a party may request an administrative hearing;¶

(b) The request for hearing must be in writing;¶

(c) The only basis upon which a party may object is that:¶

(A) The obligor did not have physical custody of all the child(ren) under the support order for the time periods requested;¶

(B) The obligor had physical custody of the child(ren), but the custody was not with the knowledge and consent of the obligee and the obligor does not have legal custody of the child(ren);¶

(C) The obligor had physical custody of the child(ren) pursuant to a court order for parenting time and the order does not allow the obligor a credit for periods of parenting time.¶

(6) Credit for physical custody will not be allowed for any child who is a child attending school or an adult child as defined in ORS 107.108 and OAR 137-055-5110.¶

(7) If a credit is allowed pursuant to this rule, the credit will be applied as follows:¶

(a) If none of the arrears are assigned to the state, the credit will be applied to the family's unassigned arrears;¶

(b) If there are arrears assigned to the state ~~and the child was receiving assistance during any time period for which the obligor had physical custody of the child(ren)~~, the credit will be applied in the following sequence:¶

~~(A) State's permanently assigned arrears, not to exceed the amount of unreimbursed assistance;~~

~~(B) State's temporarily assigned arrears, not to exceed the amount of unreimbursed assistance;~~

~~(C, the credit will be applied in the following sequence:~~

~~(A) Family's unassigned arrears;~~

~~(B) Family's conditionally assigned arrears;~~

~~(C) If there are arrears assigned to the state and the child was not receiving assistance during any time period for which the obligor had physical custody of the child(ren), the credit will be applied in the following sequence:~~

~~(A) Family's unassigned arrears;~~

~~(B) Family's conditionally assigned Family's unassigned during assistance arrears;~~

~~(D) State's permanently assigned arrears, not to exceed the amount of unreimbursed assistance;~~

~~(E) State's temporarily assigned arrears, not to exceed the amount of unreimbursed assistance.~~

(8) Any appeal of the decision made by an administrative law judge must be to the circuit court for a hearing de novo pursuant to ORS 416.427.

Statutory/Other Authority: ORS 180.345, 416.455

Statutes/Other Implemented: ORS 416.425

AMEND: 137-055-6024

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 137-055-6024 is amended to address distribution of payments towards arrears after current support is paid on all cases. For cases that continue to be managed in CSEAS pending conversion to the Origin automated child support system, money will be split equally to cases with arrears. In Origin, money will be applied pro rata based on the amount of arrears on each case. This amendment also removes provisions that purport to limit the amount that may be applied to a case towards arrears, based on the payment received, when our allocation rules could create a different result.

CHANGES TO RULE:

137-055-6024

Distribution and Disbursement on Multiple Cases ¶

Unless otherwise specified, this rule applies to cases managed in both the Child Support Automated Enforcement System (CSEAS) and the Origin child support automated system. ¶

The terms used in this rule have the meanings set out in OAR 137-055-1020 and 137-055-6010. ¶

(1) ~~W~~Except as provided for in this rule, when an obligor has multiple support cases, the distribution and, as appropriate, distribution and disbursement sequence for each case will be as provided in OAR 137-055-6022, but the Department of Justice (DOJ) will. ¶

(2) When a withholder remits a payment that is on behalf of an obligor against whom more than one income withholding order has been issued, the Department will allocate, distribute, and, as appropriate, disburse support payments to each of the multiple cases as follows: ¶

(2) ~~When~~the amount as follows: ¶

(a) To current support on each case: if the amount is not sufficient to pay the current support due on all of the obligor's support cases for which an order to withhold is in effect, each withholding case will receive a pro rata share of the total amount withholder remits a single payment that is a combined payment intended to comply with more than one income. The pro rata shares will be determined by dividing the amount of current support remaining due on the case by the total combined amount of current support remaining due on all of the obligor's support cases to which the proceeds of the order to withhold will be applied, and then multiplying the resulting percentage by the total amount withholding order against the obligor, and the obligor's income is sufficient for th ¶

(b) To arrears on each case as follows: ¶

(A) For cases that continue to be managed in CSEAS, equally to each withholding case in which arrears are owed after each case has received the monthly amount requested to be withholder to fully comply with each order to withhold income issued pursuant to ORS chapter 25, DOJ will ensure that the amount distributed and, as appropriate, disbursed to each case is consistent with the withholding order's limitations. However, when the obligor is paid more than once a month for arrears. However, no case may receive more than the total amount of current support and arrears owed on that case at the time the distribution and disbursement is made. Any remaining funds will be equally distributed and disbursed to the obligor's other cases. ¶

(B) For cases managed in the Origin child support automated system, pro rata to each case in which arrears are owed, determined by dividing the amount of arrears owed on the case by the total combined amount of arrears remaining owed on all of the obligor's support cases, and then multiplying the resulting percentage by the total amount available for distribution to arrears. However, no case may receive more than the total amount of current support and arrears owed on that case at the time this distribution and disbursement is made. Any remaining funds will be distributed and disbursed pro rata to the obligor's other cases. ¶

(3) When the obligor is paid either weekly or biweekly, for those months in which there is an extra pay period due to the manner in which pay periods fall during the year, the payment may be allocated, distributed, and, as appropriate, disbursed to each case when it is received, even if the monthly withholding limitation has already

been reached.¶¶

~~(3) When for which an income withholding order is in effect when the payment is received, even if this results in a case receiving more than the amount requested to be withheld, the obligor remits a single payment that is a combined payment intended to comply with more than one income withholding order against the obligor, but the obligor's income is not sufficient for the withholder to fully comply with each order to withhold income issued pursuant to ORS Chapter 25, DOJ will for that case for a single month. ¶¶~~

~~(4) Except as provided by section (5) of this rule, when the Department receives a single collection that is the result of an enforcement action that includes more than one case for the obligor, the Department will allocate, distribute and, as appropriate, disburse the amount received as follows:¶¶~~

~~(a) To current support on each case included in the enforcement action: if the amount is not sufficient to pay the current support due on all of the obligor's support cases for which an order to withhold is in effect, each withholding included in the enforcement action, each case will receive a pro rata share of the total amount withheld. The pro rata shares will be determined by dividing the amount of current support remaining due on the case by the total combined amount of current support remaining due on all of the obligor's support cases to which the proceeds of the order to withhold will be applied, and then multiplying the resulting percentage by the total amount withheld.¶¶~~

~~(b) If the amount withheld from the obligor's income is sufficient to pay the remaining current support due on all cases, but is not enough to fully comply with the order to withhold on all cases where received.¶¶~~

~~(b) To arrears on each case included in the enforcement action as follows:¶¶~~

~~(A) For cases that continue to be managed in CSEAS, equally to each case in which arrears are owed. However, no case may receive more than the total amount of current support and arrears are owed, the amount received owed on that case at the time this distribution and disbursement is made. Any remaining funds will be equally distributed and, as appropriate, disbursed as follows: disbursed to the obligor's other cases.¶¶~~

~~(AB) Current support to each withholding case;¶¶~~

~~(B) Equally to each withholding case where arrears are owed. However, no case may receive For cases managed in the Origin child support automated system, pro rata to each case in which arrears are owed, determined by dividing the amount of arrears owed on the case by the total combined amount of arrears remaining owed on all of the obligor's support cases, and under an expanded income withholding pursuant to 25.387. Any remaining funds will be equally distributed and, as appropriate, disbursed to the obligor's other cases. ¶¶~~

~~(45) When support payments are received from federal tax refund intercepts, the payment will first be processed under OAR 137-055-6021(912). If the payment is not sufficient to pay the full arrears amount on each case certified for federal offset, DOJ will the Department will allocate, distribute, and, as appropriate, disburse the amount received as follows:¶¶~~

~~(a) For cases that continue to be managed in CSEAS:¶¶~~

~~(A) If the total amount received is not sufficient to pay the state's permanently-assigned arrears on all of the obligor's certified cases, each certified case with permanently-assigned arrears will receive an equal share. However, no case may receive more than the state's permanently-assigned arrears on that case.¶¶~~

~~(B) If the total amount is sufficient to pay the state's permanently-assigned arrears on all certified cases, but is not enough to pay in full all the state's temporarily-conditionally-assigned arrears or the family's conditionally-assigned arrears on all of the obligor's certified cases, the amount received will be in excess of that required to pay the state's permanently assigned arrears on all certified cases will be allocated, distributed, and, as appropriate, disbursed as follows:¶¶~~

~~(Ai) State's permanent conditionally-assigned arrears to each certified case;¶¶~~

~~(B) in equal shares not to exceed the amount of state's conditionally assigned arrears on that case.¶¶~~

~~(ii) An equal share of the remaining funds for each certified case with state's temporarily-assigned or family's~~

conditionally-assigned arrears. However, no case may receive more than the state's temporarily-assigned or the family's conditionally-assigned arrears on that case.¶

(c) If the total amount is sufficient to pay the state's permanently assigned arrears and the state's temporarily conditionally-assigned or, and the family's conditionally-assigned arrears on all certified cases, but is not enough to pay in full the family's unassigned arrears on all of the obligor's certified cases, the amount received will be distributed and, as appropriate, disbursed as follows:¶

(A) State's permanently-assigned arrears to each certified case;¶

(B) State's temporarily in excess of that required to pay the state's permanently and conditionally-assigned or arrears and the family's conditionally-assigned arrears to each on all certified cases; will be allocated, distributed, and, as appropriate, disbursed as follows:¶

(C) An equal share of the remaining funds for each certified case with family's unassigned arrears. However, no case may receive more than the total amount of arrears owed on that case at the time this allocation, distribution, or disbursement is made.¶

(5) When a single writ of garnishment is issued for (i) Arrears owed to other jurisdictions, in equal shares two or more each certified cases, as provided in ORS 18.645, DOJ will distribute and, as appropriate, disburse support payments only among the cases listed in and, within a case, if multiple other jurisdictions are owed arrears, the arrears in the order in which they writ of garnishment and in the manner provided in section 6 (e) certified to Oregon. ¶

(b) For cases managed in the Origin child support automated system:¶

(A) If this rule:¶

(6) Except as provided in OAR 137-055-6023, DOJ will if the total amount is not sufficient to pay the state's permanently assigned arrears on all certified cases, the amount received will be allocated, distributed, and, as appropriate, disburse all other support payments received, including support payments received from state tax refund intercepts, as follows:¶

(a) When support payments are received from state tax refund intercepts, the payment will first be processed under OAR 137-055-6021(10) d pro rata to each case, determined by dividing the amount of assigned arrears owed on the case to the total combined amount of assigned arrears remaining owed on all of the certified cases, and then multiplying the resulting percentage by the total amount available for distribution to arrears.¶

(b) If the total amount is not sufficient to pay the current support due state's permanently assigned arrears on all certified cases, but is not enough to pay in full all the conditionally assigned and unassigned arrears on all of the obligor's support cases, each case will receive a share of the total amount received determined by dividing the amount of current support remaining due certified cases, the amount received in excess of that required to pay the state's permanently assigned arrears on all certified cases will be allocated, distributed, and, as appropriate, disbursed as follows:¶

(i) Pro rata to each certified case determined by dividing the amount of conditionally assigned and unassigned arrears owed on the case by the total combined amount of current support conditionally assigned and unassigned arrears remaining due owed on all of the obligor's support certified cases, and then multiplying the resulting percentage by the total amount received.¶

(c) If the amount received is sufficient to pay the remaining current support due available for distribution to arrears. ¶

(ii) To arrears owed to other jurisdictions, pro rata to each certified case, determined by dividing the amount of arrears owed on all the cases, but is not enough to pay in full all cases where to other jurisdictions by the total combined amount of arrears are owed, the amount received will be distributed and, as appropriate, disbursed as follows:¶

(A) Current support to each case;¶

(B) Equally to each case where arrears are owed. However, no case may receive more than the total amount of current support and arrears owed on that case at the time remaining owed on all of the obligor's support cases to other jurisdictions, and then multiplying the resulting percentage by the total amount available for distribution to arrears. Within a single case, if multiple other jurisdictions are owed arrears, pro rata to the arrears owed to other

~~jurisdictions determined by dividing the amount of arrears owed to each other jurisdiction and disbursement is made. Any remaining funds will be equally distributed and disbursed to the obligor's jurisdiction by the total combined amount of arrears remaining owed to all other jurisdictions. ¶~~

~~(6) When the Department has received a personal payment from an obligor that was not for other cases. ¶~~

~~(d) If the total amount received is sufficient to pay the arrears in full or directed to fewer than all cases for the obligor for which support is due as provided in OAR 137-055-6023, the Department will, in all cases, any remaining funds may be distributed to, distribute, and, as appropriate, disburse the party's percentage testing fees if the support pursuant to section (4) of this rule as if it were a payment is from a state tax refund intercept, or if the payment meets the provisions in OAR 137-055-6023(1) & (2) received as the result of an enforcement action that included all cases of the obligor.~~

Statutory/Other Authority: ORS 25.020, 180.345

Statutes/Other Implemented: ORS 18.645, 25.020, 25.387, 25.414, 25.610

AMEND: 137-055-7190

NOTICE FILED DATE: 07/16/2018

RULE SUMMARY: OAR 137-055-7190 is amended to clarify that if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order, any basis for personal jurisdiction over the parties is sufficient for Oregon to assume jurisdiction to modify the order.

CHANGES TO RULE:

137-055-7190

Review and Modification In Intergovernmental Cases ¶

(1) Within 15 days of a party's request for a periodic review or a request for a modification based upon a change of circumstances, the administrator will determine in which jurisdiction the review will be sought. The administrator will follow the Uniform Interstate Family Support Act (UIFSA) provisions in ORS Chapter 110 in making this decision, including:¶

(a) If the controlling order is an Oregon support order and at the time of the request one of the parties or the child resides in this state, Oregon retains continuing, exclusive jurisdiction and will review and, if appropriate, modify the order unless the parties have consented in a record to modification in another jurisdiction pursuant to ORS 110.527.¶

(b) If the controlling order is an Oregon support order, one of the parties resides in another state, and the other party resides outside the United States, Oregon will review and, if appropriate, modify the order pursuant to ORS 110.632.¶

(c) If Oregon does not have the controlling order but all the parties have filed consents in a record in the jurisdiction which has the controlling order for Oregon to modify the order, Oregon will review and, if appropriate, modify the order.¶

(d) If an order has been registered for enforcement in Oregon and none of the parties or the child resides in the jurisdiction which issued the order, the jurisdiction where the non-requesting party resides will do the review.¶

(e) If a foreign country lacks or refuses to exercise jurisdiction to modify its child support order and ~~one of the parties or the child resides in Oregon~~ Oregon has personal jurisdiction; or ~~the parties have consented in a record to Oregon's jurisdiction over all parties~~, Oregon may assume jurisdiction to modify the order pursuant to ORS 110.639.¶

(2) If the administrator determines that Oregon is not the appropriate reviewer, the administrator will:¶

(a) Determine and obtain the information needed;¶

(b) Complete any required forms; and¶

(c) Send all required documents to the reviewer within 20 calendar days of receipt;¶

(3)(a) If the reviewer is currently providing services for Oregon on the case, the administrator will transmit the documents to the appropriate office or agency working the case;¶

(b) If the request is the first contact with the reviewer for the case, the request must be sent to the reviewer's central registry.

Statutory/Other Authority: ORS 25.080, 25.287, 180.345

Statutes/Other Implemented: ORS 25.080, 110.500 ~~to~~ 110.677