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FILING CAPTION: Implementing Program policies for the child support automated system; hearing rights following denial of modification

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RULES:

137-055-3420, 137-055-3430, 137-055-6022, 137-055-6024

AMEND: 137-055-3420

REPEAL: Temporary 137-055-3420 from DOJ 23-2018

RULE TITLE: Periodic Review and Modification of Child Support Order Amounts

NOTICE FILED DATE: 01/04/2019

RULE SUMMARY: OAR 137-055-3420 is amended to adopt a new section that provides hearing rights pursuant to ORS 25.287.

RULE TEXT:

- (1) "Periodic Review" means a proceeding initiated under ORS 25.287(1) to modify an existing order to comply with the child support guidelines.
- (2) The administrator will initiate a periodic review if 35 months have passed since the date the most recent support order took effect, and
 - (a) The family is currently receiving TANF; or
 - (b) The requesting party submits a written request to review or modify the order (signature is not required if it can be determined who submitted the request).
- (3) For purposes of a periodic review, a child support order is not in substantial compliance with the guidelines if it has been more than 35 months since the order took effect.
- (4) The administrator must complete the modification of the existing order within 180 days of receiving a written request for a periodic review, initiating the mandatory review, or locating the non-requesting party(ies), whichever occurs later.
- (5) The administrator is responsible for conducting a periodic review in this state or for requesting that another jurisdiction conduct a review pursuant to OAR 137-055-7190.
- (6) On receipt of a written request for a periodic review or when a mandatory periodic review is required, the administrator will notify the parties of the review in writing, allowing the parties 30 days to provide information that

may affect the support calculation.

(7) If there is an adult child on the case:

(a) A tier as defined in OAR 137-055-1020 may be included for the adult child; or

(b) The order may be modified to remove support provisions for the adult child but can be modified later to include support provisions for a child attending school if the adult child qualifies for support under ORS 107.108.

(8) For all child support cases receiving support enforcement services under ORS 25.080, the Child Support Program will annually notify the parties:

(a) Of their right to request a periodic review of the amount of support ordered; and

(b) That the Child Support Program will perform a mandatory periodic review and adjustment if the family is currently receiving TANF.

(9) Pursuant to ORS 25.287, if a request under this rule is denied, the administrator will notify the parties in writing of their right to object to the determination. The objection must be submitted within 30 days after the date of the determination. If a request for an administrative hearing is received regarding the denial, the administrator will forward the request to the Office of Administrative Hearings to conduct a hearing to determine whether the modification will be granted or denied. The Office of Administrative Hearings will:

(a) Issue a final order that determines whether the request for periodic review modification as provided by ORS 25.287(1) and this rule should be granted or denied; and

(b) Issue an order remanding the case to the Program to initiate the modification, if the final order determines that the Program denied the request in error.

STATUTORY/OTHER AUTHORITY: ORS 180.345, 416.455

STATUTES/OTHER IMPLEMENTED: ORS 25.080, 25.287, 25.321 to 25.343, 107.135, 416.425

AMEND: 137-055-3430

REPEAL: Temporary 137-055-3430 from DOJ 23-2018

RULE TITLE: Substantial Change in Circumstance Modification of Child Support Order Amounts

NOTICE FILED DATE: 01/04/2019

RULE SUMMARY: OAR 137-055-3430 is amended to remove administrative hearing rights and, instead, adding appeal rights pursuant to ORS 183.484.

RULE TEXT:

(1) For purposes of this rule: "Substantial compliance" means that the difference between the existing support order and the amount calculated using current guidelines is not greater than \$50 or 15% of the current guideline amount, whichever is less.

(2) Notwithstanding OAR 137-055-3420, proceedings may be initiated at any time to review and modify a support obligation based upon a substantial change in circumstance.

(3) The administrator will conduct a review based on a request for a change of circumstance modification when:

(a) Oregon has jurisdiction to modify; and

(b) The administrator:

(A) Receives a request for modification based on a change of circumstance and at least 60 days have passed from the date the existing support order was entered. For those cases where a review is requested pursuant to paragraphs

(3)(c)(I), (J), or (K), there is no need for 60 days to have passed; or

(B) Determines that a modification should be initiated based on the administrator's motion; and

(c) At least one of the following criteria is met:

(A) A change in the written parenting time agreement or order has taken place;

(B) The financial or household circumstances of one or more of the parties are different now than they were at the time the order was entered;

(C) Social Security benefits received on behalf of a child due to a parent's disability or retirement were not previously considered in the order or they were considered in an action initiated before May 12, 2003;

(D) Veterans benefits received on behalf of a child due to a parent's disability or retirement were not previously considered in the order or they were considered in an action initiated before May 12, 2003;

(E) Survivors' and Dependents' Education Assistance benefits received by the child or on behalf of the child were not previously considered in the order;

(F) The needs of the child(ren) have changed;

(G) Since the date of the last order or January 1, 2018, whichever is later, the obligor was incarcerated for at least 180 consecutive days or was released from incarceration as defined in OAR 137-055-3300;

(H) The support order has been suspended and reinstated under OAR 137-055-3300 and qualifies for a review pursuant to ORS 25.247;

(I) There is a need to add or change medical support provisions for a child;

(J) A change in the physical custody of a minor child has taken place;

(K) An order is being modified to add or remove a child of the parties;

(L) A child who is 18 years of age or older and under 21 years of age does not qualify as a child attending school under ORS 107.108 and OAR 137-055-5110 and, pursuant to ORS 107.108(10), tiered order provisions will be added, removed, or changed. Tiered order has the meaning given in OAR 137-055-1020.

(d) And the requesting party (if other than the administrator) submits the following documentation, or its equivalent:

(A) A written request for modification based on a substantial change of circumstance (signature is not required if it can be determined who submitted the request);

(B) Appropriate information for the criteria in subsection (3)(c) showing that a substantial change of circumstance has occurred; and

(C) A completed Uniform Income and Expense Statement or Uniform Support Declaration.

- (4) Upon receipt of a request for modification, or at the administrator's initiative, the administrator will notify the parties of the review in writing, allowing the parties 30 days to provide information that may affect the support calculation.
- (5) A request for modification will be granted:
- (a) If the order is not in substantial compliance with the guidelines and the request was due to one of the criteria in paragraphs (3)(c)(A) through (3)(c)(F).
 - (b) Whether or not the order is in substantial compliance with the guidelines, so long as:
 - (A) The request was due to one of the criteria in paragraphs (3)(c)(G) through (3)(c)(L), or
 - (B) The new calculation:
 - (i) Includes consent by the parties as provided in OAR 137-050-0765;
 - (ii) Includes compelling factors as provided in OAR 137-050-0750;
 - (iii) Includes application of rebuttals, as provided in OAR 137-050-0760; or
 - (iv) Is for a modification to consider receipt of Social Security or Veterans benefits as provided in paragraphs (3)(c)(C) or (D).
 - (6) If the request for modification is granted, the administrator will advise the parties of the guideline child support obligation. Notification may be by motion for modification and will include a request for hearing form.
 - (7) If there is an adult child on the case:
 - (a) A tier as defined in OAR 137-055-1020 may be included for the adult child; or
 - (b) The order may be modified to remove support provisions for the adult child but can be modified later to include support provisions for a child attending school if the adult child qualifies for support under ORS 107.108.
 - (8) If a request under this rule is denied, a party may contest the administrator's finding as provided in ORS 183.484.
 - (9) No provision of this rule prevents the parties from obtaining the services of private legal counsel at any time to pursue modification of the support order.
 - (10) If a request for review and modification is received because a change in the physical custody of the minor child(ren) has taken place, a party may also request a credit back to the date the change in physical custody took place in accordance with OAR 137-055-5510.

STATUTORY/OTHER AUTHORITY: ORS 25.247, 180.345, 416.455

STATUTES/OTHER IMPLEMENTED: ORS 25.080, 25.247, 25.287, 25.321 to 25.343, 107.108, 107.135, 416.425

AMEND: 137-055-6022

RULE TITLE: Distribution and Disbursement

NOTICE FILED DATE: 01/04/2019

RULE SUMMARY: OAR 137-055-6022 is amended to specify that current rule provisions only apply to cases managed in the Child Support Enforcement Automated System (CSEAS). Adds a new section specifying distribution and disbursement provisions for cases managed in the Origin child support automated system, which includes the distribution hierarchy for all case types; Removes provisions regarding parentage testing fees as these are no longer collected or charged by the Program.

RULE TEXT:

The terms used in this rule have the meanings set out in OAR 137-055-1020, 137-055-6010 and 137-055-6210.

(1) Sections (2) through (7) and section (14) of this rule apply to cases that continue to be managed in the Child Support Enforcement Automated System (CSEAS) pending conversion to the Origin child support automated system.

(2) Except as provided in OAR 137-055-6021, 137-055-6023, 137-055-6024 and section (5) of this rule, the Department of Justice will distribute and, as appropriate, disburse support payments received while a family is receiving Temporary Assistance for Needy Families (TANF) cash payments in the following sequence:

- (a) Current support to the state, not to exceed the amount of unreimbursed assistance;
- (b) State's permanently assigned arrears, excluding advance payment amounts owed to the state, not to exceed the amount of unreimbursed assistance;
- (c) Advance payment amounts;
- (d) Family's unassigned during assistance arrears;
- (e) Family's unassigned arrears;
- (f) Family's conditionally assigned arrears;
- (g) Assigned arrears owed to other jurisdictions, in equal shares.

(3)(a) Except as provided in OAR 137-055-6021, 137-055-6023, 137-055-6024, and section (5) of this rule, the Department will distribute and, as appropriate, disburse support payments received on behalf of a family with a child(ren) in foster care or in Oregon Youth Authority custody in the following sequence:

- (A) Current support to the state;
 - (B) State's permanently assigned arrears, excluding advance payment amounts;
 - (C) Advance payment amounts;
 - (D) Family's unassigned during assistance arrears;
 - (E) Family's pre-assistance never assigned arrears.
- (b) If the state is making foster care maintenance payments on behalf of the child(ren), support payments in excess of the maintenance payments, up to the total support obligation owed, will be reported as excess and be paid to the Department of Human Services to be used in the manner it determines will serve the best interests of the child(ren).
- (c) If the child is in the custody of the Oregon Youth Authority, support payments in excess of unreimbursed assistance, up to the total support obligation owed, will be reported as excess and be paid to the Oregon Youth Authority.

(4) Except as provided in section (5) of this rule, the Department will distribute and, as appropriate, disburse support payments received on behalf of a family who formerly received or never received assistance in the following sequence:

- (a) Current support to the family;
- (b) Family's never assigned arrears;
- (c) Family's conditionally assigned arrears;
- (d) Advance payment arrears;
- (e) State's permanently assigned arrears, not to exceed the amount of unreimbursed assistance;
- (f) Family's unassigned during assistance arrears;
- (g) Assigned arrears owed to other jurisdictions in equal shares.

(5) The Department will distribute and, as appropriate, disburse support payments received from federal tax refund

intercepts in the following sequence:

- (a) State's permanently assigned arrears, excluding advance payment amounts, not to exceed the amount of unreimbursed assistance;
 - (b) State's temporarily assigned arrears, not to exceed the amount of unreimbursed assistance;
 - (c) Family's conditionally assigned arrears, not to exceed the amount of unreimbursed assistance;
 - (d) Advance payment amounts;
 - (e) Assigned arrears owed to other jurisdictions, in equal shares;
 - (f) Family's conditionally assigned arrears in excess of unreimbursed assistance; and
 - (g) Family's unassigned arrears of any type.
- (6) Whenever support payments are assigned to the state, the payments will be either:
- (a) Disbursed to the Department of Human Services if Title IV-E funds were expended to provide foster care assistance to the family;
 - (b) Disbursed to the Oregon Youth Authority if funds were expended by the Oregon Youth Authority to provide assistance to a member of the family;
 - (c) Disbursed to the Oregon Health Authority if current cash medical support or arrears are assigned based on medical assistance to the child; or
 - (d) Retained by the Department if Title IV-A funds were expended to provide TANF cash assistance to the family, except:
 - (A) From payments collected toward current child support, the Department will pass through to the obligee no more than \$50 for each dependent child on the case for which the collection was received, up to a maximum of \$200 per month, not to exceed the current child support due that month.
 - (B) Current child support collected from each obligor may only be passed through for the child(ren) of that obligor on the case for which the collection was made, even if the maximum pass-through has not been met because the obligee has other cases for which current support was not collected and a pass through payment was not made.
 - (C) The Department will forward the federal share of the retained payments to the federal Office of Child Support Enforcement.
- (7) Whenever support payments are assigned to a Tribe, the Tribe's share of the payments will be disbursed to the Tribe as provided in 42 USC 657.
- (8) Sections (9) through (14) of this rule apply to cases managed in the Origin child support automated system.
- (9) Except as provided in OAR 137-055-6021, 137-055-6023, 137-055-6024, and section (10) of this rule, the Department will distribute and, as appropriate, disburse support payments received while a family is receiving TANF cash payments in Oregon, in the following sequence:
- (a) To the state, in priority of child support (or family support) first, cash medical support second, and spousal support third, according to the following sequence:
 - (A) Current support;
 - (B) Permanently assigned arrears principal; and
 - (C) Permanently assigned arrears interest.
 - (b) To the family, in priority of child support (or family support) first, cash medical support second, and spousal support third, according to the following sequence:
 - (A) Unassigned pre-assistance arrears principal;
 - (B) Unassigned pre-assistance arrears interest;
 - (C) Conditionally assigned arrears principal;
 - (D) Conditionally assigned arrears interest;
 - (E) Never assigned arrears principal;
 - (F) Never assigned arrears interest;
 - (G) Unassigned during assistance arrears principal; and
 - (H) Unassigned during assistance arrears interest.

- (c) To Oregon tribes, in priority of child support (or family support) first, cash medical support second, and spousal support third, in pro rata shares according to the following sequence:
 - (A) Permanently assigned arrears principal; and
 - (B) Permanently assigned arrears interest.
- (d) To other jurisdictions or non-Oregon tribes, in priority of child support (or family support) first, cash medical support second, and spousal support third, in pro rata shares according to the following sequence:
 - (A) Permanently assigned arrears principal; and
 - (B) Permanently assigned arrears interest.
- (e) To the Department, according to the following sequence:
 - (A) Fees; and
 - (B) Futures, to be held until the next support accrual and distributed as if collected in the month of such accrual.
- (10) The Department will distribute and, as appropriate, disburse support payments received from federal tax refund intercepts in the following sequence:
 - (a) To the state, not to exceed the amount of unreimbursed assistance, in priority of child support (or family support) first, cash medical support second, and spousal support third, according to the following sequence:
 - (A) Permanently assigned arrears principal; and
 - (B) Permanently assigned arrears interest.
 - (b) To Oregon tribes, in priority of child support (or family support) first, cash medical support second, and spousal support third, in pro rata shares according to the following sequence:
 - (A) Permanently assigned arrears principal; and
 - (B) Permanently assigned arrears interest.
 - (c) To other jurisdictions or non-Oregon tribes, in priority of child support (or family support) first, cash medical support second, and spousal support third, in pro rata shares according to the following sequence:
 - (A) Permanently assigned arrears principal; and
 - (B) Permanently assigned arrears interest.
 - (d) To the state, not to exceed the amount of unreimbursed assistance, in priority of child support (or family support) first, and spousal support second, according to the following sequence:
 - (A) Conditionally assigned arrears principal; and
 - (B) Conditionally assigned arrears interest.
 - (e) To the family, to the extent conditionally assigned arrears exceed the amount of unreimbursed assistance, in priority of child support (or family support) first, and spousal support second, according to the following sequence:
 - (A) Conditionally assigned arrears principal; and
 - (B) Conditionally assigned arrears interest.
 - (f) To the family, in priority of child support (or family support) first, cash medical support second, and spousal support third, according to the following sequence:
 - (A) Unassigned pre-assistance arrears principal;
 - (B) Unassigned pre-assistance arrears interest;
 - (C) Never assigned arrears principal;
 - (D) Never assigned arrears interest;
 - (E) Unassigned during assistance arrears principal; and
 - (F) Unassigned during assistance arrears interest.
- (11) Whenever support payments are assigned to the state, the payments will be either:
 - (a) Disbursed to the Department of Human Services if Title IV-E funds were expended to provide foster care assistance to the family;
 - (b) Disbursed to the Oregon Youth Authority if funds were expended by the Oregon Youth Authority to provide assistance to a member of the family;
 - (c) Disbursed to the Oregon Health Authority if current cash medical support or arrears are assigned based on medical

assistance to the child; or

(d) Retained by the Department if Title IV-A funds were expended to provide TANF cash assistance to the family, except that:

(A) From payments collected toward current child support, the Department will pass through to the obligee no more than \$50 for each dependent child on the case for which the collection was received, up to a maximum of \$200 per month, not to exceed the current child support due in the case for that month.

(B) Current child support collected from each obligor may only be passed through for the child(ren) of that obligor on the case for which the collection was made, even if the maximum pass-through has not been met because the obligee has other cases for which current support was not collected and a pass through payment was not made.

(C) The Department will forward the federal share of the retained payments to the federal Office of Child Support Enforcement.

(12) Whenever support payments are assigned to a Tribe, the Tribe's share of the payments will be disbursed to the Tribe as provided in 42 USC 657.

(13) Except as provided in OAR 137-055-6021, 137-055-6023, 137-055-6024, and section (10) of this rule, the Department will distribute and, as appropriate, disburse support payments received for a family that formerly received or never received TANF cash payments in Oregon, in the following sequence:

(a) Current support owed to the family, in priority of child support (or family support) first, cash medical support second, and spousal support third.

(b) Arrears owed to the family, in priority of child support (or family support) first, cash medical support second, and spousal support third, according to the following sequence:

(A) Never assigned arrears principal;

(B) Never assigned arrears interest;

(C) Unassigned pre-assistance arrears principal;

(D) Unassigned pre-assistance arrears interest;

(E) Conditionally assigned arrears principal; and

(F) Conditionally assigned arrears interest.

(c) To the state, in priority of child support (or family support) first, cash medical support second, and spousal support third, in the following sequence:

(A) Permanently assigned arrears principal; and

(B) Permanently assigned arrears interest.

(d) To Oregon tribes, in priority of child support (or family support) first, cash medical support second, and spousal support third, in pro rata shares, according to the following sequence:

(A) Permanently assigned arrears principal; and

(B) Permanently assigned arrears interest.

(e) To the family, in priority of child support first, and spousal support second, according to the following sequence:

(A) Unassigned during assistance arrears principal; and

(B) Unassigned during assistance arrears interest.

(f) To arrears owed to other jurisdictions or non-Oregon tribes, in priority of child support (or family support) arrears first, cash medical support arrears second, and spousal support arrears third, in pro rata shares according to the following sequence:

(A) Permanently assigned arrears principal; and

(B) Permanently assigned arrears interest.

(g) To the Department, according to the following sequence:

(A) Fees; and

(B) Futures, to be held until the next support accrual and distributed as if collected in the month of such accrual.

(14) When providing services as a responding jurisdiction, the Department will forward unassigned current support and arrears that is distributed to the family to the initiating jurisdiction that is providing services to the family.

STATUTORY/OTHER AUTHORITY: ORS 25.020, 180.345

STATUTES/OTHER IMPLEMENTED: ORS 25.020, 25.150

AMEND: 137-055-6024

REPEAL: Temporary 137-055-6024 from DOJ 23-2018

RULE TITLE: Allocation of Collections to Multiple Cases

NOTICE FILED DATE: 01/04/2019

RULE SUMMARY: OAR 137-055-6024 is amended to include allocation of current support for multiple cases when a payment is not sufficient to cover all current support on all cases in Origin.

RULE TEXT:

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) Except as provided in this rule, when an obligor has multiple support cases, the distribution and disbursement sequence, as needed for each case, will be as provided in OAR 137-055-6022.

(2) When a withholder remits a payment for an obligor against whom more than one income withholding order has been issued, the Department will allocate and distribute the amount as follows:

(a) To current support on all cases for which the withholding was made. Any remaining amount, after current support is paid in full on all cases, will be allocated and distributed to the arrears on all withholding cases as provided in subsection (2)(b) of this rule.

(A) For cases that continue to be managed in CSEAS, if the payment is not sufficient to pay the current support due on each case, the payment will be allocated based on each case's pro rata share of the current support remaining due on all cases. Pro rata shares will be determined by dividing the total amount of all types of current support remaining due on the case by the total of all types 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) For cases managed in the Origin child support automated system, if the payment is not sufficient to pay each type of current support due on each case, the payment will be allocated to each case based on each case's pro rata share of each type of current support remaining due in the following priority: current cash child support first, then current cash medical support, then current spousal support. Pro rata shares for a particular type of support will be determined by dividing the amount of that type of current support remaining due on the case by the total combined amount of that type of 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) To arrears on each withholding 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 withheld 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 allocated 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 allocated 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 to each case 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 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 and distribute the amount received as follows:

(a) To current support on each case included in the enforcement action. Any remaining amount, after current support is paid in full on all cases, will be allocated and distributed to the arrears on all cases included in the enforcement action as provided in subsection (4)(b) of this rule.

(A) For cases that continue to be managed in CSEAS, if the payment is not sufficient to pay the current support due on each case, the payment will be allocated based on each case's pro rata share of the current support remaining due on all cases. Pro rata shares will be determined by dividing the total amount of all types of current support remaining due on the case by the total of all types of current support remaining due on all of the obligor's support cases to which the proceeds of the enforcement action will be applied, and then multiplying the resulting percentage by the total amount received.

(B) For cases managed in the Origin child support automated system, if the payment is not sufficient to pay each type of current support due on each case, the payment will be allocated to each case based on each case's pro rata share of each type of current support remaining due in the following priority: current cash child support first, then current cash medical support, then current spousal support. Pro rata shares for a particular type of support will be determined by dividing the amount of that type of current support remaining due on the case by the total combined amount of that type of support remaining due on all of the obligor's support cases to which the proceeds of the enforcement action will be applied, and then multiplying the resulting percentage by the total amount 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 owed on that case at the time this distribution and disbursement is made. Any remaining funds will be equally allocated 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 allocated pro rata to the obligor's other cases.

(5) When support payments are received from federal tax refund intercepts, the payment will first be processed under OAR 137-055-6021(12). If the payment is not sufficient to pay the full arrears amount on each case certified for federal offset, the Department will allocate and distribute 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 conditionally assigned arrears or the family's conditionally assigned arrears on all of the obligor's 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) State's conditionally assigned arrears to each certified case 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 family's conditionally assigned arrears. However, no case may receive more than the family's conditionally assigned arrears on that case.

(C) If the total amount is sufficient to pay the state's permanently assigned arrears, the state's conditionally assigned, 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 in excess of that required to pay the state's permanently and conditionally assigned arrears and the family's conditionally assigned arrears on all certified

cases will be allocated, distributed, and, as appropriate, disbursed as follows:

(i) 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.

(ii) Arrears owed to other jurisdictions, in equal shares to each certified case and, within a case, if multiple other jurisdictions are owed arrears, the arrears in the order in which they were certified to Oregon.

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

(A) 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 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 sufficient to pay the 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 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 conditionally assigned and unassigned arrears remaining owed on all of the obligor's support certified cases, and then multiplying the resulting percentage by the total amount 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 the case to other jurisdictions by the total combined amount of arrears 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 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 directed to fewer than all cases for the obligor for which support is due as provided in OAR 137-055-6023, the Department will allocate, distribute, and, as appropriate, disburse the payment pursuant to section (4) of this rule as if it were a payment 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