

137-055-4320

Collection of Delinquent Support Obligations Through the Oregon Department of Revenue

(1) The administrator, may claim Oregon tax refunds otherwise due to be paid to an obligor, to collect:

(a) Support arrearages;

(b) Unpaid award amounts from any judgment entered against the obligor for birth expenses or for the cost of parentage tests to establish a child's paternity.

(2) The Division of Child Support (DCS) will file such claims with the Oregon Department of Revenue according to rules and procedures established by the Oregon Department of Revenue.

(3) Referral of arrearages shall be a liquidated claim, debt, or account established by a court or administrative order.

(4) DCS shall not refer any case where the case record indicate that one or more of the following is applicable:

(a) The arrearages are less than \$25;

(b) The obligor has filed for bankruptcy, as defined by federal bankruptcy code, unless the bankruptcy claim has been resolved and the administrator has legal authority to proceed with collection;

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

(5) DCS shall distribute tax refunds recovered by this process as set out in OAR 137-055-6020.

(6) The Child Support Program shall send an advanced written notice to the obligor and the obligee of the intent to claim the tax refund and apply it to the obligor's account. Such notice shall advise of the obligor's right to an administrative review of the proposed 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 arrearages indicated in the notice are correct.

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

(8) At any time any refund is claimed, the Department of Revenue shall send by regular mail written notice to the obligor of the intention to apply the tax refund to the obligor's delinquent account. Such notice shall advise the obligor of the right to an administrative hearing regarding

this action that:

(a) The obligor, within 30 days from the date of this notice, may request an administrative hearing before an administrative law judge;

(b) The request for hearing must be in writing.

(9) No hearing shall be held if the obligor, after having been given due notice of rights to a hearing, has failed to exercise such rights in a timely manner as specified in the notice.

(10) No issues may be considered at the administrative hearing that have been litigated previously or where the obligor failed to exercise rights to appear and be heard or to appeal a decision which resulted in the accrual of the arrears.

Stat. Auth.: sections 2 and 35, chapter 73, Oregon Laws 2003

Stats. Implemented: ORS 25.610 and 293.250