

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 shall be a liquidated claim, debt, or account established by a court or administrative order.
- (4) DCS shall not refer any case 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;
 - (c) 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; or
 - (d) The obligee has claimed "good cause" for not cooperating with efforts to establish or enforce support.
- (5) DCS shall distribute tax refunds and other federal administrative offsets recovered by this process as set out in OAR 137-055-6020.
- (6) A one-time pre-offset notice will be sent to the obligor and obligee by either the federal government or DCS 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 shall advise of the obligor's 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 obligor and obligee of the date, time and place of the review.

Stat. Auth.: ORS 25.625 and 180.345
Stats. Implemented: ORS 25.625
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