

**137-055-5120**

**Child Attending School - Arrears**

(1) Unless otherwise provided by a support judgment, a child attending school is not a judgment creditor to the support order and the provisions of this rule apply.

(2)(a) Notwithstanding section (1), support for a child attending school that is not paid when due will accrue to a child attending school account and any arrears payment received prior to the child turning age 21 will be distributed to the child attending school as outlined in OAR 137-055-6021.

(b) When the child attending school turns age 21, any arrears in the child attending school account, will be transferred to the obligee as the judgment creditor.

(3)(a) When an obligee requests establishment of arrears for any time period during which a child was a child attending school, the arrears will be established to the child's account.

(b) If the child attending school is the only, or last remaining child on the case, the administrator will not establish arrears for any time period when services were not being provided and support is only being paid for the child attending school. Arrears may only accrue to the child attending school account from the date the administrator begins providing child support services.

(4) A child attending school may not satisfy arrears but may agree to a credit for direct payment, pursuant to OAR 137-055-5240, against arrears which have accrued to the child attending school account only.

Stat. Auth.: ORS 25.020 and 180.345

Stats. Implemented: ORS 107.108

Effective: January 3, 2006