

137-055-6024

Distribution on Multiple Cases

The terms used in this rule have the meanings set out in OAR 137-055-6010. When an obligor has multiple support cases, the distribution sequence for each case will be as provided in OAR 137-055-6022, but Department of Justice (DOJ) will allocate support payments to each of the multiple cases as follows:

(1) When an income withholder remits a single payment that is a combined payment intended to comply with more than one income withholding order against the obligor, and the obligor's income is sufficient for the withholder to fully comply with each order to withhold income issued pursuant to ORS chapter 25, DOJ will ensure that the amount distributed to each case is consistent with the withholding order's limitations. However, when the obligor is paid on a weekly basis, for those months in which there is an extra pay period due to the manner in which weeks fall during the year, the weekly amount may be distributed to each case when it is received, even if the monthly withholding limitation has already been reached.

(2) When an income withholder 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 allocate the amount received as follows:

(a) 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 proportionate share of the total amount withheld. For each case, DOJ will determine this amount by dividing the amount ordered as current monthly support on the case by the total combined amount ordered as current support on all of the obligor's support cases for which an order to withhold is in effect, 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 current support due on all cases, but is not enough to fully comply with the order to withhold on all cases where arrears are owed, the amount received will be allocated as follows:

(A) Current support to each withholding case;

(B) Equally to each withholding case where arrears are owed. However, no case may receive more than the maximum allowable withholding amount for that case pursuant to ORS 25.414 or, as appropriate, under an expanded income withholding pursuant to ORS 25.387. Any remaining funds will be equally distributed to the obligor's other cases. No case may receive more than the total amount of current support and arrears owed on that case at the time this distribution is made.

(3) When support payments received from federal tax refund intercepts or federal

administrative offsets are not sufficient to pay the full arrears amount on each case certified for federal offset, DOJ will allocate the amount received as follows:

(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 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-assigned arrears on all of the obligor's certified cases, the amount received will be allocated as follows:

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

(B) An equal share of the remaining funds for each certified case. However, no case may receive more than the state's temporarily-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-assigned arrears on all certified cases, but is not enough to pay in full the family's arrears on all of the obligor's certified cases, the amount received will be allocated as follows:

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

(B) State's temporarily-assigned arrears to each certified case;

(C) An equal share of the remaining funds for each certified case. However, no case may receive more than the total amount of arrears owed on that case at the time this distribution is made.

(4) When support payments received from state tax refund intercepts are not sufficient to pay the current support and full arrears amount on each case certified for state tax offset, DOJ will allocate the amount received as follows:

(a) If the total amount received is not sufficient to pay the current support due on all of the obligor's certified cases, each certified case will receive a proportionate share of the total amount received. For each case, DOJ will determine this amount by dividing the amount ordered as current monthly support on the case by the total combined amount ordered as current support on all of the obligor's support cases certified for state tax offset, and then multiplying the resulting percentage by the total amount received.

(b) If the total amount received is sufficient to pay the current support due on all cases but is not sufficient to pay in full the family's arrears (both conditionally and unassigned arrears) on all of the obligor's certified cases, each certified case will be allocated an equal share. However, no case may receive more than the arrears amount due the

family on that case at the time this distribution is made.

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

(A) Family's arrears (both conditionally and unassigned arrears) on all certified cases;

(B) An equal share of the remaining funds for each certified case toward state's permanently-assigned arrears. However, no case may receive more than the state's permanently-assigned arrears on that case.

(d) If the total amount received is sufficient to pay both the family's arrears and the state's permanently-assigned arrears, but not sufficient to pay the state's temporarily-assigned arrears on all of the obligor's certified cases, the amount received will be allocated as follows:

(A) Family's arrears (both conditionally and unassigned arrears) on all certified cases;

(B) State's permanently-assigned arrears on all certified cases;

(C) An equal share of the remaining funds toward state's temporarily-assigned arrears. However, no case may receive more than the state's temporarily-assigned arrears on that case.

(e) Any remaining funds may be applied toward parentage testing fee.

(5) When a single writ of garnishment is issued for two or more cases as provided in ORS 18.645, DOJ will allocate support payments only among the cases listed in the writ of garnishment and in the manner provided in section (6) of this rule.

(6) Except as provided in OAR 137-055-6023, DOJ will allocate all other support payments received as follows:

(a) If the total amount is not sufficient to pay the current support due on all of the obligor's support cases, each case will receive a proportionate share of the total amount received. For each case, DOJ will determine this amount by dividing the amount ordered as current monthly support on the case by the total combined amount ordered as current support on all of the obligor's support cases, and then multiplying the resulting percentage by the total amount received.

(b) If the amount received is sufficient to pay the current support due on all cases, but is not enough to pay in full all cases where arrears are owed, the amount received will be allocated 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 this distribution is made. Any remaining funds will be equally distributed to the obligor's other cases.

Stat. Auth.: ORS 25.020; ORS 180.345

Stats. Implemented: ORS 18.645; 25.020; 25.387; 25.414; 25.610

Effective: January 2, 2007