

137-055-2045
Spousal Support

(1) For the purposes of this rule, the following applies:

(a) A “spousal support only” case is a case in which there is no current child support obligation or child support arrears; and

(b) “Public assistance” means food stamps, general assistance, medical assistance, old-age assistance, TANF, aid to the blind, aid to the permanently and totally disabled, and any other assistance granted by the Department of Human Services in accordance with state and federal laws.

(2) When an Oregon judgment or support order for spousal support only is received, the judgment does not include child support, the order seeks collection, accounting, distribution, disbursement and enforcement services, and the obligee is receiving public assistance, the administrator will:

(a) Create a limited services case, as defined in OAR 137-055-1070, on the Child Support Enforcement Automated System (CSEAS) if one does not already exist;

(b) If applicable, add arrears under ORS 25.015 or establish arrears under ORS 25.167 or ORS 416.429; and

(c) Initiate income withholding under ORS 25.372 to 25.427.

(3) When an Oregon judgment for spousal support is received, does not include child support, seeks collection, accounting, distribution, disbursement and enforcement services, and it is unknown whether the obligee is receiving public assistance, the administrator will:

(a) Create an information only case on the CSEAS; and

(b) Send the obligee an application for spousal support services or authorization to access assistance records, explaining that spousal support services may not be provided until assistance records can be checked and verified.

(4) New spousal support only cases in which the obligee is receiving assistance will be assigned to the appropriate Division of Child Support office for provision of services as required by ORS 25.381.

(5) Notwithstanding any other provisions of this rule, each county district attorney may elect to provide services in spousal support only cases, subject to the following:

(a) Written criteria must be established to determine under what circumstances services will be provided and to identify what services will be provided;

(b) The written criteria established in subsection (5)(a) must be posted in a public place;
and

(c) Claims for time spent providing services on spousal support only cases and any other expenses may not be submitted with claims for federal financial participation.

(6) When services are being provided under section (5) of this rule, accounting, distribution and disbursement services will be provided by the Department of Justice.

(7) The administrator will close a spousal support only case and notify the parties if:

(a) The obligee is not on any form of public assistance;

(b) There is no known employer for the obligor and no income withholding in place;

(c) A payment has not been received within the last six months; and

(d) Services are not being provided under section (5) of this rule.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.381

Effective: October 1, 2007