

137-055-4540

Passport Denial and Release

(1) When the administrator submits delinquent child support accounts for administrative offset pursuant to OAR 137-055-4340, the federal Office of Child Support Enforcement (OCSE) will select individual obligors with a total delinquency in excess of \$2,500 for passport denial.

(2) Passport denial means that pursuant to 42 U.S. Code 652(k), the United States Secretary of State will refuse to issue a passport and may revoke, restrict or limit a passport which was previously issued.

(3) The parties will receive notice of passport denial with the notice of administrative offset specified in OAR 137-055-4340. The notice will advise the parties of the right to an administrative review under OAR 137-055-4340.

(4) An obligor whose passport has been denied may request an administrative review. The administrator will conduct a review and notify the parties of the decision. The only issues that may be considered in the review are whether:

(a) The administrator erroneously submitted the obligor to OCSE for passport denial, such as mistaken identity or an error in recordkeeping or accounting;

(b) The obligor has provided documentation of a life or death situation involving an immediate family member, as defined by OCSE; or

(c) The obligor has paid as ordered, but the arrearage that caused the case to be submitted for passport denial resulted solely from one or more orders for past support or upward modifications filed in court within one year of the administrator's receipt of the request for review.

(5) If at any time the administrator finds that the obligor qualifies for passport release under one or more of the criteria in subsections (4)(a) through (4)(c), the administrator will notify OCSE to release the passport.

(6) Passport denial will continue until the delinquency is paid in full, unless the administrator determines the obligor qualifies for passport release under this rule.

(7) Where a passport has been denied and the obligor has paid the delinquency in full or the administrator determines the obligor qualifies for passport release under this rule, the administrator will notify OCSE to release the passport. Notice will be by the process specified by OCSE.

Stat. Auth.: ORS 25.625 and 180.345

Stats. Implemented: ORS 25.625

Effective date: March 31, 2011