

137-055-4080

Exceptions to Income Withholding

(1) An exception to income withholding may be granted in any case as set out in ORS 25.396.

(2) The administrator may allow payment by EFT as an exception to income withholding if:

(a) The obligee consents to payment by EFT; or

(b) The only payee on the case is a child attending school (CAS) under ORS 107.108 and OAR 137-055-5110, and the CAS consents to payment by EFT;

(c) The obligor submits a completed request for payment by EFT on a form provided by the Division of Child Support (DCS); and

(d) The obligor continues to pay the amount due for current support each month until DCS activates the EFT.

(3) If payment by EFT is allowed as provided in section (2) of this rule, payment by EPW may be allowed only if:

(a) The obligor's financial institution is a participant in the National Automated Clearinghouse Association;

(b) The request for EPW:

(A) Is signed by all signatories to the obligor's account at the financial institution; and

(B) Establishes a monthly withdrawal date, no later than the monthly support due date, and the amount to be paid on each withdrawal date.

(4) Payment by EPW will not be allowed if the order is a contingency order as provided in ORS 416.417, unless the child is in the care of the Oregon Youth Authority.

(5) If the EFT request is approved, DCS will notify the parties by mail, including the initial withdrawal date.

(6) An obligor may make additional payments by EFT even if the obligor does not qualify for an exception to withholding, as long as the obligor designates a withdrawal date.

(7) The administrator will not process a request to obtain consent to payment by EFT if the obligee or child attending school has failed to consent at any time within the previous six months.

(8) The administrator will terminate income withholding when:

(a) There is no longer a current order for support and all arrears have been paid or

satisfied; or

(b) The court or administrator allows an exception to withholding pursuant to ORS 25.396 and this rule.

(9) The administrator will reinstate income withholding and cancel payment by EFT if :

(a) At least one month of arrears accrues;

(b) The obligor cancels the request to pay by EFT; or

(c) The obligee, or if appropriate, CAS, withdraws consent to the EFT and the administrator agrees EFT should be canceled.

Stat. Auth.: ORS 25.396; 25.427; 180.345

Stats. Implemented: ORS 25.378 and 25.396

Effective: July 1, 2011