

137-055-1070

Provision of Services

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

(a) A "IV-D case" means a case in which services are being provided pursuant to ORS 25.080.

(b) A "non-IV-D case" means a case that does not meet the criteria for a IV-D case, but the administrator will maintain a record of the dollar amounts received and disbursed. No other accounting services or legal actions will be provided.

(c) A "full services case" means a case in which all of the necessary services required under ORS 25.080(4) are provided.

(d) A "limited services case" means either a case in which one jurisdiction needs limited assistance from another jurisdiction as defined in 45 CFR 303.7, or a case in which the only service requested under ORS 25.080 is paternity establishment for a minor child.

(2) When any Oregon judgment or support order for child support or child support with spousal support is received but no application for services has been received, the administrator will:

(a) Create a non-IV-D case on the child support automated system, if one does not already exist, to receive and disburse payments in accordance with OAR 137-055-6021; and

(b) Send the parties a letter explaining why disbursement only services will be provided. The letter must include a statement that the parties may apply for support enforcement services at any time if the order includes a provision for child support.

(3) When any Oregon judgment or support order for child support or child support with spousal support is received and no application for services has been received, but either the obligor or obligee has requested services sufficient for the establishment of income withholding as provided in ORS 25.381(2)(a), the administrator will:

(a) Create a non-IV-D case on the child support automated system, if one does not already exist;

(b) Establish income withholding under ORS 25.378;

(c) Receive and disburse payments in accordance with OAR 137-055-6021; and

(d) Send the parties a letter explaining why disbursement only services will be provided. The letter must include a statement that the parties may apply for support enforcement services at any time if the order includes a provision for child support.

(4) If the provisions of subsection (2) or (3) apply and a party subsequently completes an application or other written request for support enforcement services, the administrator will process the application or request in accordance with OAR 137-055-1060.

(5) When any Oregon judgment or support order is received that requires payment of spousal support only, the administrator will process the order pursuant to OAR 137-055-2045.

(6) When a person applies for services under OAR 137-055-1060 for establishment or enforcement of a child support order, and the case is a full services case, the administrator will:

(a) Perform all mandated services under state and federal law; and

(b) Determine which non-mandated services will be provided and may consider input from the applicant in making that determination.

(7)(a) When a person applies for services under OAR 137-055-1060 and there is more than one parent obligated to pay support, the applicant may apply for services to establish and collect support from only one parent or from both parents.

(b) A separate application under OAR 137-055-1060 is required for each parent from whom the applicant wishes to pursue support.

(8) A parent or alleged parent applying to establish paternity only, as described in subsection (1)(d), must complete an application for services in substantially the same form as an application under OAR 137-055-1060.

(9) When a parent or alleged parent applies to establish paternity only, as described in subsection (1)(d), the administrator will accept the application and provide limited services if:

(a) The administrator has jurisdiction to establish paternity;

(b) There is no legal presumption of parentage under ORS 109.070;

(c) Paternity is not already established;

(d) The child does not receive public assistance; and

(e) The administrator is not already providing full services.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.020, 25.080, 25.140, 25.164, 25.381 and 107.108

Effective Date: December 3, 2021