

137-055-2045
Spousal Support

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

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

(b) “Public assistance” means any financial or medical assistance granted in accordance with state, federal, or Tribal law. Examples of public assistance include, but are not limited to, Supplemental Nutrition Assistance Program benefits (SNAP), Medicaid, Medicare, assistance for seniors and people with physical disabilities, Temporary Assistance for Needy Families (TANF), Social Security Disability Insurance (SSDI), and Supplemental Security Income (SSI).

(2) When an Oregon judgment or order for spousal support does not include a child support obligation or the child support obligation is paid in full, but seeks program services for enforcement of spousal support, and an application for services is received with proof that the obligee is receiving public assistance, the administrator will:

(a) Create a non-IV-D case as defined in OAR 137-055-1070;

(b) Initiate income withholding under ORS 25.372 to 25.427 for current spousal support only; and

(c) Maintain a record of the amounts received and disbursed on the case. No other accounting services or legal actions will be provided, and arrears will not be enforced.

(3) If spousal support was being enforced in combination with child support services on a IV-D case as defined in OAR 137-055-1070 but there is no longer a current child support obligation, no child support arrears are owed, and services have been continuously provided, the administrator will keep the IV-D case open for current spousal support and arrears, if any, and continue to provide state-level IV-D services. State-level IV-D services include accounting and income withholding services under ORS 25.372 to 25.427, state tax offset, lien release services, electronic payment withdrawal, services necessary to distribute payments, and services necessary to determine an accurate case balance.

(4) When a case that qualified for the services under section (3) of this rule is closed, the case may not be reopened as a IV-D case, but may be reopened as a non-IV-D spousal support only case if the criteria in section (2) of this rule are met.

(5) Any spousal support only case as described in sections (2) or (3) of this rule will be assigned to the Spousal Support office within the Division of Child Support.

(6) Regardless of whether the obligee is receiving public assistance, the administrator may initiate case closure if any of the following applies:

- (a) There is no known employer for the obligor, no active income withholding in place, and no payments have been received within the last six months;
 - (b) The obligee requests case closure;
 - (c) The obligee or obligor dies;
 - (d) In a non–IV-D spousal support only case, there is no longer a current spousal support obligation;
 - (e) The obligor cannot pay support for the duration of the order because the obligor is institutionalized in a psychiatric facility, incarcerated with no chance for parole, or has a medically verified total and permanent disability with no evidence of support potential and is without income for withholding;
 - (f) The obligor is a citizen of, and lives in, a foreign country, does not work for the federal government or for a company or state with headquarters in or offices in the United States, and has no reachable income for withholding in the United States;
 - (g) The obligor's sole income source is from SSI, or both SSI payments and either SSDI benefits or Social Security Retirement (SSR) benefits; or
 - (h) The obligee does not, on request, provide information necessary for the administrator to continue providing services, such as the obligor's employer information for the obligor or the obligee's contact information.
- (7) The administrator will notify the parties and document the justification for case closure by a notation on the case record.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.381

Effective: December 2, 2022