

137-055-3240**Establishment of Arrears**

(1) The administrator may establish arrears on support cases when the following conditions have been met:

(a) Services are being provided under ORS 25.080;

(b) Support was accruing during the period for which establishment was requested;

(c) Oregon is the appropriate state to determine the arrearage because:

(A) Oregon has continuing, exclusive jurisdiction because either Oregon issued the order and it has not been modified by another jurisdiction, or Oregon has modified and assumed continuing, exclusive jurisdiction over the order; or

(B) An order from another jurisdiction has been registered in Oregon, the jurisdiction with continuing, exclusive jurisdiction is unable or unwilling to provide a determination of the arrearages, and Oregon can obtain personal jurisdiction over the parties; and

(d) The administrator has no record or an incomplete accounting case record and:

(A) There has been a request for arrears establishment by a party;

(B) The administrator has determined that there is a need to establish the arrears; or

(C) An establishment of income withholding has been requested by an obligor or obligee pursuant to ORS 25.381; or

(e) Notwithstanding any other provision of this rule, when applicable, arrears will be established pursuant to ORS 25.015.

(2) A party requesting establishment of arrears must furnish an accounting that shows the payment history in as much detail as is necessary to demonstrate the periods and amounts of any arrears.

(3) The administrator may establish arrears by either:

(a) Use of the judicial process authorized under ORS 25.167; or

(b) Use of the administrative process authorized under ORS 25.540.

(4) Upon completion of the arrears establishment process in section (3) of this rule, the case record will be adjusted to include the established arrears amount.

(5) Arrears for a child attending school as defined in OAR 137-055-5110, will be as set forth in OAR 137-055-5120.

(6) Amounts collected against assigned arrears and retained by the state are reflected in the administrator's accounting records and will neither be credited to the obligee nor considered during arrears establishment.

(7) If arrears establishment results in a negative dollar amount, the case will be credited, limited to the balance owed to the obligee.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.015, 25.167, 25.381, 25.540 & 110.611

Effective Date: February 5, 2020