

137-055-4320

Collection of Delinquent Support Obligations Through the Oregon Department of Revenue

(1) The administrator may claim Oregon tax refunds otherwise due to be paid to an obligor, to collect:

(a) Support arrears;

(b) Unpaid award amounts from any judgment entered against the obligor for birth expenses or for the cost of parentage tests to establish a child's paternity.

(2) The Department of Justice will file such claims with the Oregon Department of Revenue according to rules and procedures established by the Oregon Department of Revenue.

(3) Referral of arrears will be a liquidated claim, debt, or account established by a court or administrative order.

(4) The administrator will not refer any case where the case record indicates that one or more of the following is applicable:

(a) The arrears are less than \$25;

(b) The obligee has claimed "good cause" for not cooperating with efforts to establish or enforce support.

(5) The administrator will distribute and, as appropriate, disburse tax refunds recovered by this process as set out in OARs 137-055-2360, 137-055-2380 and 137-055-6021 to 137-055-6024.

(6) The administrator will send an advance written notice to the obligor of the intent to claim the tax refund and apply it to the obligor's account. The notice will advise of the obligor's right to an administrative review of the proposed action. The only issues that may be considered in the review are:

(a) Whether the obligor is the person who owes the support as indicated by the case record; or

(b) Whether the arrears indicated in the notice are correct.

(7) Upon receipt of the request for review, the administrator will schedule the review and notify the parties of the date, time and place of the review.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.610 & 293.250
Effective Date: January 1, 2018