

137-055-4340

Collection of Delinquent Support Obligations Through the U.S. Secretary of the Treasury

(1) The administrator of the Department of Justice Division of Child Support may claim federal tax refunds and administrative offset of other payments from the federal government through the U.S. Secretary of the Treasury (Secretary) otherwise due to be paid to an obligor to collect support arrears.

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

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

(4) The Department of Justice will refer arrears owed by an obligor for federal tax refund or administrative offset where the case record indicates the obligee is not currently claiming good cause for not cooperating with efforts to establish or enforce support; and

(a) The arrears assigned to the state total at least \$150; or

(b) The arrears not assigned to the state total at least \$500.

(5) The Department of Justice will distribute and, as appropriate, disburse tax refunds and other federal administrative offsets recovered by this process as set out in OARs 137-055-2360, 137-055-2380, and 137-055-6021 through 137-055-6024.

(6) A pre-offset notice will be sent to the obligor by either the federal government or the Department of Justice of the intent to claim tax refunds, or other federal payments through the Secretary, and apply them to the obligor's account. Any past-due support that accrues after the notice is sent will be added to the debt of the obligor and be subject to offset until paid in full without further notification. If an obligor's debt is determined to be ineligible or becomes ineligible for offset and subsequently requalifies pursuant to subsection (4) of this rule, a new pre-offset notice will be sent. The pre-offset notice will advise the obligor of the right to an administrative review regarding this action.

(7) The only issues that may be considered in the administrative 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.

(8) 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 25.625 and 180.345
Stats. Implemented: ORS 25.625
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