

**137-055-5120**

**Child Attending School – Arrears**

(1) For purposes of this rule "arrears" means past due support which has accrued but does not include support for the current month even if the due date for that month has passed.

(2) Unless otherwise provided by a support judgment, a child attending school is not a judgment creditor to the support order and the provisions of this rule apply.

(3) Notwithstanding section (2), beginning 1/1/18, support for a child attending school that is not paid when due will accrue to a child attending school account and any arrears payment received will be distributed to that child, as outlined in OAR 137-055-6021.

(4)(a) When an obligee requests establishment of arrears for any time period during which a child was a child attending school and services were being provided under ORS 25.080, the arrears will be established to the child's account.

(b)(A) If the child attending school is the only or last remaining child on the case, the administrator will not establish arrears for any time period when services were not being provided and support is only being paid for the child attending school. Arrears may only accrue to the child attending school account from the date the administrator begins providing child support services.

(B) Notwithstanding subsection (b)(A), the administrator may establish arrears for any time period when services were not being provided if the judicial order found that the child qualified as a child attending school during the time period for which arrears are being established.

(5) A child attending school may not satisfy arrears but may agree to a credit for direct payment, pursuant to OAR 137-055-5240, against arrears which have accrued to the child attending school account only, not to exceed the balance owing to the child's account at the time the credit is applied to the case.

Stat. Auth.: ORS 25.020 & 180.345

Stats. Implemented: ORS 25.020 & 107.108

Effective: February 5, 2020