

137-055-6010

Definitions for Distribution and Disbursement

For purposes of OAR 137-055-6020 through 137-055-6024, the following definitions apply:

(1) "Assistance" means cash assistance under Temporary Assistance for Needy Families (TANF) program, or foster care maintenance payments provided by the Oregon Department of Human Services (ODHS).

(2) "Current support" means the monthly support amount ordered by a court or administrative process for the benefit of a child or a former spouse.

(3) "Electronic funds transfer (EFT)" and "Electronic data interchange (EDI)" means the movement of funds and information by non-paper means, usually through a payment system including, but not limited to, an automated clearing house (ACH), the Federal Reserve's Fedwire system, magnetic tape, direct deposit, or stored value card.

(4)(a) "Family's conditionally assigned arrears" means arrears that accrued during non-assistance periods that were not permanently assigned under pre-October 1997 assignments, and were temporarily assigned to the state during an assistance period and conditionally reassigned back to the family on the latter of the following:

(A) October 1, 2000, if the family terminated assistance prior to that date;

(B) The date the family left the assistance program if on or after October 1, 2000, and before conversion to the Origin automated child support system; or

(C) Upon conversion to the Origin automated child support system.

(b) Beginning October 1, 2009, for TANF assignments, and beginning June 1, 2018, for foster care assignments, no new conditionally assigned arrears will be created.

(c) The family's conditionally assigned arrears that were in existence upon conversion to the Origin automated child support system will remain conditionally assigned and will be paid to the state only if collected through federal tax offset, not to exceed the family's unreimbursed assistance.

(5) "Family's unassigned arrears" means past-due support that accrues after the family's most recent period of assistance, that accrued between periods of assistance and are not conditionally assigned, or that accrued at any time in the case where a family has never received assistance.

(6) "Family's unassigned during assistance arrears" means:

(a) Past-due support that accumulates while a family receives assistance and exceeds

the total amount of unreimbursed assistance paid to the family; or

(b) Permanently assigned arrears that were deassigned to be payable to the family because ODHS established an overpayment claim for assistance. Permanently assigned arrears will be deassigned as follows:

(A) When the overpayment established by ODHS is the full amount of assistance for that time period, permanently assigned arrears will be deassigned by the amount that accrued as arrears during the time period of the overpayment;

(B) Unless paragraph (6)(b)(C) of this rule applies, when the overpayment established by ODHS is less than the full amount of assistance for that time period, permanently assigned arrears will be deassigned by the amount by which the permanently assigned arrears balance exceeds the unreimbursed assistance as adjusted for the overpayment; or

(C) When the overpayment established by ODHS is less than the full amount of assistance for that time period and the obligee or ODHS has provided documentation establishing that some but not all months in the time period were overpaid in full, permanently assigned arrears will be deassigned by the amount that accrued as arrears during any month for which the overpayment established by ODHS includes the entire grant amount, without regard to the unreimbursed assistance balance. If the resulting permanently assigned arrears balance exceeds the unreimbursed assistance as adjusted for the overpayment, the permanently assigned arrears will be further deassigned by the amount by which the resulting permanently assigned arrears exceeds the unreimbursed assistance as adjusted for the overpayment.

(7) “Deassigned” means the process of reassigning arrears that are owed to the state so that they are owed to the family as unassigned arrears.

(8) “Future support” means an amount received that represents payment on current support or arrears for future months.

(9) “Pass-through” means an amount collected and applied to current child support that is assigned for TANF but is disbursed to the obligee before any remaining amount of current support is retained by the state.

(10) “State’s permanently assigned arrears” means past-due support that accrues during the period the family receives assistance and past-due support that accrued before the family applied for assistance in pre-October 1997 assignments only.

(11) “State’s temporarily assigned arrears” means past-due support assigned to the state during assistance periods, but that accrued during non-assistance periods, and was not permanently assigned under pre-October 1997 assignments. Beginning October 1, 2009, for TANF assignments, and beginning June 1, 2018, for foster care assignments, state’s temporarily assigned arrears permanently revert to family’s conditionally assigned arrears

when the family is no longer receiving assistance, and unassigned family arrears that accrue during non-assistance periods will no longer be temporarily assigned to the state during assistance periods.

(12) “Unreimbursed assistance” means the cumulative amount of assistance paid to a family or on behalf of a child or children for all months that has not been recovered by assigned support collections. The total amount of unreimbursed assistance that may be recovered is limited by the total amount of the assigned support obligation.

(13) “Allocation” means the process of determining how a collection received from or on behalf of a parent will be applied to one or more cases for which that parent owes support.

(14) “Distribution” means the process of applying a collection allocated to a case to the support obligations in that case.

(15) “Disbursement” means the process of sending funds from a collection to the person or entity entitled to receive them.

Stat. Auth.: ORS 25.020; 180.345

Stats. Implemented: ORS 25.020; 412.024; 418.032

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