
POLICY TRANSMITTAL NO. 04-40	DATE: JULY 26, 2004
CHILD SUPPORT ENFORCEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:25-5, Table of Contents; 25-5-110.1; 25-5-117 through 25-5-118; 25-5-169; 25-5-178; and 25-5-198.1.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

The proposed revisions to Subchapter 5 of Chapter 25: revise the method for calculating child care costs for child care subsidy participants to more accurately project the amount of prospective annual child care costs the custodian incurs and standardize the method for calculation throughout the state; and implement two new initiatives that more aggressively encourage the use of child support services by two types of customers, to reduce dependence on public assistance and ultimately the burden on taxpayers. During the 2004 legislative session, in House Bill 2527, Section 118 of Title 43 of the Oklahoma Statutes was amended to: provide the method for determining the amount to be considered "actual child care costs incurred" when the custodian is participating in the child care subsidy program; and direct the Oklahoma Department of Human Services (OKDHS) to promulgate rules as necessary to implement the provisions of the law. The new initiatives target customers who are custodians participating in OKDHS child care subsidy program and fathers who acknowledge paternity. Child Support Enforcement Division (CSED) rules are amended to comply with rules amended in OAC 340:40 that require child care subsidy recipients to pursue potential child support through CSED. Under the amended rules, the OKDHS child care subsidy program automatically makes a referral to CSED when there is a noncustodial parent. The second initiative, "Start Current, Stay Current," offers child support services to fathers who sign Form CSED-209, Affidavit Acknowledging Paternity, when the form is signed by the custodian and on file with Oklahoma State Department of Health (OSDH) Vital Records Division. These child support services are offered to all nonpublic assistance customers without the customer paying an application fee. The application fee will be reduced to one cent, paid by CSED.

340:25-5-110.1 and 340:25-5-117 are revised to: (1) delete the \$25 application fee requirement for applicants and reduce the nonpublic assistance application fee to one cent, paid by CSED to

the federal government; (2) include new procedures for offering child support services to noncustodial parents who have signed Form CSED-209, Affidavit Acknowledging Paternity, and filed it with OSDH Vital Records Division; and (3) address the procedures for processing referrals of child care subsidy cases to CSED.

340:25-5-118 is revised to describe the procedure for notifying OKDHS Family Support Services (FSS) staff when a custodian who is receiving CSED child support services and OKDHS child care subsidy services is noncooperative with CSED.

340:25-5-169 is revised to require opening a full child support services case when a custodian is a non-TANF (Temporary Assistance for Needy Families) Medicaid and child care subsidy recipient.

340:25-5-178 and 340:25-5-198.1 are revised to modify the method for determining the amount considered "actual child care costs incurred" in the Child Support Guidelines computation when the custodian is participating in the child care subsidy program.

Original signed on 7-16-04

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WF # 04-10 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS as the rulemaking agency; the “2” specifies the Chapter number; and the “1” specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

REMOVE

340:25-5, Table of Contents

340:25-5-110.1

340:25-5-117

340:25-5-118

340:25-5-169

340:25-5-178

340:25-5-198.1

INSERT

340:25-5, Table of Contents, pages 1-10,
revised 7-22-04

340:25-5-110.1, pages 1-2, revised 7-22-04

340:25-5-117, pages 1-3, revised 7-22-04

340:25-5-118, 1 page only, revised 7-22-04

340:25-5-169, 1 page only, revised 7-22-04

340:25-5-178, pages 1-3, revised 7-22-04

340:25-5-198.1, pages 1-3, revised 7-22-04

SUBCHAPTER 5. OPERATIONAL POLICIES**PART 1. MISSION, STRUCTURE AND LEGAL BASES [REVOKED]**

Section

- 340:25-5-1. Purpose **[REVOKED]**
- 340:25-5-2. Definitions **[REVOKED]**
- 340:25-5-3. Mission of program **[REVOKED]**
- 340:25-5-4. Structure of program **[REVOKED]**
- 340:25-5-5. Legal base **[REVOKED]**
- 340:25-5-6. Statewide operations **[REVOKED]**

PART 3. PATERNITY AND SUPPORT SERVICES [REVOKED]

- 340:25-5-15. Establishing paternity and securing support **[REVOKED]**
- 340:25-5-16. Support obligations **[REVOKED]**
- 340:25-5-17. Formula for determining the amount of the support obligation **[REVOKED]**
- 340:25-5-18. Collection and distribution of support payments **[REVOKED]**
- 340:25-5-19. Individuals not otherwise eligible for paternity and support services **[REVOKED]**
- 340:25-5-20. Provision of services in interstate IV-D cases **[REVOKED]**
- 340:25-5-21. Cooperation with other states **[REVOKED]**
- 340:25-5-22. Parent locator services **[REVOKED]**
- 340:25-5-23. Medical support enforcement activities **[REVOKED]**
- 340:25-5-24. Federal tax refund offset **[REVOKED]**
- 340:25-5-25. Withholding of unemployment compensation **[REVOKED]**
- 340:25-5-26. Procedures to improve program effectiveness **[REVOKED]**
- 340:25-5-27. Incentive payments to states and political subdivisions **[REVOKED]**

PART 5. GENERAL AND FINANCIAL PROGRAM ADMINISTRATION [REVOKED]

- 340:25-5-35. Cooperative arrangements **[REVOKED]**
- 340:25-5-36. Reports and maintenance of records **[REVOKED]**
- 340:25-5-37. Standards for an effective program **[REVOKED]**
- 340:25-5-38. Non-discrimination **[REVOKED]**
- 340:25-5-39. Bonding of employees **[REVOKED]**
- 340:25-5-40. Separation of cash handling and accounting functions **[REVOKED]**
- 340:25-5-41. Safeguarding information **[REVOKED]**
- 340:25-5-42. Computerized support enforcement system **[REVOKED]**
- 340:25-5-43. Publicizing the availability of support enforcement services **[REVOKED]**
- 340:25-5-44. Notice of collection of assigned support **[REVOKED]**

- 340:25-5-45. Guidelines for setting child support obligations within the state
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- 340:25-5-46. Payment of support through the IV-D agency or other entity
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- 340:25-5-47. Financial administration **[REVOKED]**
- 340:25-5-48. General plan provisions **[REVOKED]**

PART 7. THE CASE RECORD - COMPUTER FILE RECORDS AND CASE FOLDERS

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- 340:25-5-57. Legal documents to be kept in the case file folder **[REVOKED]**
- 340:25-5-58. Other materials to be kept in the case file folder **[REVOKED]**

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- 340:25-5-67. Information disclosure
- 340:25-5-67.1. Family violence
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- 340:25-5-70. Fees **[REVOKED]**
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340:25-5-333. Withholding of money from support collected by CSED - non-AFDC cases only **[REVOKED]**

- 340:25-5-334. Referral for state tax offset **[REVOKED]**
- 340:25-5-335. Status of recovery cases **[REVOKED]**
- 340:25-5-336. Inactive status and closure of overpayment recovery cases
- 340:25-5-337. Other types of overpayments **[REVOKED]**

PART 38. IV-D AND NON-IV-D CENTRAL CASE REGISTRY INFORMATION

- 340:25-5-338. Purpose
- 340:25-5-339. [Reserved]
- 340:25-5-340. Collection and maintenance of addresses of record
- 340:25-5-340.1. Disclosure of address of record

PART 39. ACCOUNTING AND DISTRIBUTION

- 340:25-5-345. Advice of deposit **[REVOKED]**
- 340:25-5-345.1. Accounting and fiscal policies and procedures
- 340:25-5-346. Deposits by district and contract offices into local bank accounts **[REVOKED]**
- 340:25-5-347. Cash payments **[REVOKED]**
- 340:25-5-348. Insufficient checks **[REVOKED]**
- 340:25-5-349. Payments not logged **[REVOKED]**
- 340:25-5-350. Collections **[REVOKED]**
- 340:25-5-350.1. Return of overcollected support amounts
- 340:25-5-350.2. Unreimbursed public assistance
- 340:25-5-350.3. Payment of support through Centralized Support Registry
- 340:25-5-351. Allocation and distribution of collections
- 340:25-5-352. Adjustments from field offices **[REVOKED]**
- 340:25-5-353. Monthly/Quarterly reports **[REVOKED]**
- 340:25-5-354. Warrants **[REVOKED]**

PART 41. CLAIMS, PURCHASING, CONTRACTS AND BUDGET [REVOKED]

- 340:25-5-360. Claims processing **[REVOKED]**
- 340:25-5-361. Purchasing and Inventory **[REVOKED]**
- 340:25-5-362. Contracts **[REVOKED]**
- 340:25-5-363. Budget **[REVOKED]**

340:25-5-110.1. Applications

(a) To apply for child support enforcement services, a person must submit a completed and signed application form, to the address on the form. A one cent application fee is paid by Child Support Enforcement Division (CSED) for each application received. Form CSED-1, Application for Child Support Services, is submitted in every circumstance except those allowing submission of Form CSED-1-C, Request for Child Support Services. ■ 1 Form CSED-1-C is submitted by applicants who:

(1) previously had a Temporary Assistance for Needy Families (TANF), Aid to Families with Dependent Children (AFDC), or non-TANF Medicaid case with the Oklahoma Department of Human Services (OKDHS);

(2) have or previously had a case with CSED; or ■ 2

(3) receive child support payments from the Centralized Support Registry.

(b) Application forms are obtained at any child support or other OKDHS office or by writing or telephoning the Child Support Enforcement Division. The mailing address to obtain an application form is: P.O. Box 53552, Oklahoma City, Oklahoma 73152-3552. The customer service toll-free telephone number is 1-800-522-2922. Printable application forms are available on the Internet at <http://www.okdhs.org/childsupport/>.

(c) CSED sends outreach letters to fathers who have filed Form CSED-209, Affidavit Acknowledging Paternity, with the Oklahoma State Department of Health, Vital Records Division. Outreach letters provide information about OKDHS services and invite fathers to participate in these services. These fathers may apply for child support services through this outreach process.

(d) An applicant who is a custodial person must give OKDHS authority to endorse and negotiate payments related to child support and to spousal support on behalf of the custodial person and child(ren).

(e) CSED does not accept applications when all children on the application have reached the age of majority.

INSTRUCTIONS TO STAFF

1. Form CSED-1, Application for Child Support Services, is known as the long application; Form CSED-1-C, Request for Child Support Services, is known as the short application.

- 2. A noncustodial parent listed on an existing medical enforcement only case may apply for services using Form CSED-1-C if requesting a review and adjustment or to open a new case. See OAC 340:25-5-198.1.**

340:25-5-117. Initiation of IV-D cases**(a) IV-A, IV-E foster care, non-TANF Medicaid, and child care subsidy referrals.**

(1) The Child Support Enforcement Division (CSED) automatically initiates child support enforcement cases without additional application for certified IV-A, IV-E foster care, non-TANF (Temporary Assistance for Needy Families) Medicaid, and child care subsidy referrals.

(2) Custodians who apply for non-TANF Medicaid on behalf of themselves and their child(ren) must assign medical support rights to the state under Section 1912 of Title XIX of the Social Security Act and Section 1396k of Title 42 of the United States Code.

(A) These custodians must cooperate in establishing paternity and obtaining medical support unless an exception exists under Sections 1902, 1912, or 1925 of Title XIX of the Social Security Act or Sections 1396a(l)(1)(A), 1396k, or 1396r-6 of Title 42 of the United States Code. ■ 1

(B) CSED must open a IV-D medical enforcement only case as described in OAC 340:25-5-169. CSED may open a full-service case to provide all appropriate IV-D services as described in OAC 340:25-1-1.2 at the custodian's request. ■ 2

(3) When CSED receives a child care subsidy referral from the Family Support Services (FSS) worker, CSED must open a full-service case. [OAC 340:40-7-9]

(4) When CSED receives a non-TANF Medicaid referral from the FSS worker in which assigned court-ordered child support is owed, CSED must open a full-service case, under OAC 340:25-5-169.

(5) Custodians who apply for non-TANF Medicaid on behalf of their child(ren) only are not required to assign medical support rights or cooperate in establishing paternity and obtaining medical support. Therefore, except when (a)(3) applies, CSED does not provide child support services unless the custodian requests services for the child(ren). The custodian may request a full-service case or a medical enforcement only case. ■ 2

(b) Termination of IV-A, IV-E foster care, and non-TANF Medicaid benefits. When a family is no longer eligible for assistance under IV-A, IV-E foster care, or Medicaid programs, all appropriate IV-D services continue without application under Section 302.33 of Title 45 of the Code of Federal Regulations. Non-TANF Medicaid cases

previously limited to medical support continue as full-service cases. If a custodian refuses continued IV-D services and subsequently requests services, the person must submit a completed and signed Form CSED-1-C, Request for Child Support Services, even if CSED has an active case because of unreimbursed assistance owed to the state.

(c) **Referrals from other jurisdictions.** CSED accepts cases referred by any state's IV-D agency and from other countries if the noncustodial parent lives in Oklahoma. CSED does not require an application for cases referred from another state's IV-D agency. CSED accepts interstate referrals for judgment only collections if the case was opened in the initiating state during the minority of any child on the case.

(d) Responses from noncustodial parents who sign a voluntary paternity acknowledgement. CSED opens full-service cases for noncustodial parents who have filed Form CSED-209, Affidavit Acknowledging Paternity, with the Oklahoma State Department of Health, Vital Records Division and requested child support services in response to outreach letters sent to them as described in OAC 340:25-5-110.1.

(e) **Other IV-D cases.** Except as provided in (a), (c), and (d) of this Section, an applicant must submit a completed and signed Form CSED-1, Application for Child Support Services, or Form CSED-1-C to receive all appropriate child support enforcement services or to receive locate services only.

INSTRUCTIONS TO STAFF

1. The exceptions to the cooperation requirement include:

(1) Medicaid eligible pregnant women during their pregnancy and postpartum period;

(2) individuals receiving continued medical benefits; and

(3) individuals with good cause.

2. When initiating child support cases on non-TANF (Temporary Assistance for Needy Families) Medicaid referrals, child support staff follow:

(1) the Child Support Manual, Volume 2 - Case Initiation and Case Closure, Case Initiation chapter for information on the application process and building the case in the Oklahoma Support Information System (OSIS). Child support staff access the Child Support Manual on the CSED InfoNet at http://s99web01/csed/epdu/CSManual/Library_Index.htm;

(2) the Child Support Manual, Volume 6 - Medical Support, Medical Support chapter for information on medical support; and

(3) the Office of Child Support Enforcement (OCSE) Dear Colleague Letter 00-122, Health Care Financing Administration Letter to State Medicaid Directors, available from the OCSE Web site at <http://www.acf.dhhs.gov/programs/cse/pol/dcl-00-122.htm>.

340:25-5-118. Noncooperation on non-TANF and child care subsidy cases

(a) The Child Support Enforcement Division (CSED) determines noncooperation in a non-TANF case on the same basis as in a Temporary Assistance for Needy Families (TANF) case. OAC 340:10-10-5 describes indications of noncooperation. If CSED determines noncooperation, CSED closes the case under Section 303.11 of Title 45 of the Code of Federal Regulations.

(b) CSED requires a new application to reopen a case closed because of noncooperation. The applicant for services must agree to cooperate with CSED. ■ 1

(c) OAC 340:40-7-9 describes the requirement, as a condition of eligibility, for custodial persons participating in the Oklahoma Department of Human Services (OKDHS) child care subsidy program to pursue child support with CSED. If CSED determines noncooperation of a custodial person receiving CSED child support services and child care subsidy services, CSED notifies the OKDHS Family Support Services (FSS) worker in the county office. CSED initiates case closure action under Section 303.11 of Title 45 of the Code of Federal Regulations. The FSS worker closes the child care subsidy case under OAC 340:40-7-9. ■ 2

INSTRUCTIONS TO STAFF

1. Child Support Enforcement Division (CSED) considers the factors listed in OAC 340:10-10-5 in making a noncooperation determination in non-TANF (Temporary Assistance for Needy Families) cases. The district child support office must document in the case record the circumstances of the noncooperation and what action the custodian failed to take that was essential for proceeding to the next step in providing child support services.

2. Documenting cooperation.

(1) Child support staff update the cooperation block on the CSED Custodial Person Data Update (CCPU) screen of the automated Oklahoma Support Information System (OSIS) to 'N' and notify the Family Support Services worker when a custodian is not cooperating with CSED.

(2) If the custodian resumes cooperation with CSED, child support staff change the cooperation block on the CCPU screen to 'Y'.

340:25-5-169. Establishment of medical support only

(a) When a person receiving non-TANF (Temporary Assistance for Needy Families) Medicaid notifies Child Support Enforcement Division (CSED) that only IV-D services related to securing medical support are requested, CSED follows Sections 302.33, 302.56, 303.30, and 303.31 of Title 45 of the Code of Federal Regulations, Section 6058A of Title 36, Sections 112, 118, 118.2, and 119 of Title 43, and Section 237 of Title 56 of the Oklahoma Statutes. CSED establishes paternity, if necessary, and a child support order. The child support order must include:

- (1) a provision for current child support as described in OAC 340:25-5-178;
- (2) a provision for support for a prior period under OAC 340:25-5-179.1 if appropriate; and
- (3) a provision for medical support as described in OAC 340:25-5-168.

(b) CSED opens a full-service case when CSED receives a non-TANF Medicaid referral from the Family Support Services worker in which:

- (1) assigned court-ordered child support is owed under OAC 340:25-5-117;
- (2) the child(ren) is in a deprived or delinquent juvenile court action; or
- (3) the custodian is a child care subsidy recipient.

340:25-5-178. Establishment of current child support

(a) The Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) establishes current child support under:

- (1) Sections 454, 456, and 466 of the Social Security Act;
- (2) Parts 302 and 303 of Title 45 of the Code of Federal Regulations; and
- (3) Chapters 1 and 3 of Title 10; Title 43; and Sections 231 through 240.23 of Title 56 of the Oklahoma Statutes.

(b) CSED uses the child support guidelines in Sections 118 and 119 of Title 43 of the Oklahoma Statutes to:

- (1) establish the amount of current support; and
- (2) prepare a child support computation form under Section 120 of Title 43 of the Oklahoma Statutes. ■ 1 through 3

(c) To establish the amount of current support, CSED considers "actual" child care expenses to be the amount paid to the child care provider by the custodian except when (d) applies. CSED determines the amount of prospective annual child care costs and allocates this amount between the parents in the same proportion as their adjusted gross income. The amount allocated to the noncustodial parent (NCP) becomes part of the fixed monthly child support obligation.

(d) When the custodian is participating in the OKDHS child care subsidy program under Section 230.50 of Title 56 of the Oklahoma Statutes, CSED uses OKDHS Appendix C-4, Child Care Eligibility/Rates Schedule to determine the family share co-payment amount to be considered as actual child care costs on the child support computation form. [43 O.S. § 118]

(1) CSED considers the NCP's share of the base monthly obligation for child support and the custodian's gross income as the custodian's monthly income when applying Appendix C-4. Upon selecting the applicable income level on Appendix C-4, CSED uses the corresponding family share co-payment amount based on the number of children in OKDHS subsidized child care. CSED allocates the family share co-payment amount indicated on Appendix C-4 in the same proportion as base child support. Child support staff perform a separate child support guidelines calculation for each NCP. ■ 4

(2) If the custodian has a child(ren) in OKDHS subsidized child care other than a child(ren) included in the child support case being established, CSED uses the proportionate share of the family share co-payment for the child(ren) included in the case.

(e) CSED establishes child support orders for a minor child(ren) only. ■ 5

(f) When the NCP is a minor, CSED establishes paternity under OAC 340:25-5-176 if necessary and establishes a child support order. If a minor NCP or a custodian is under 16 years of age, CSED does not impute gross income for the minor parent in the child support computation, unless there is evidence of actual income. If a minor NCP or custodian is between 16 and 18 years of age and regularly and continuously attending high school, CSED does impute gross income for the minor parent(s) based on minimum wage at 20 hours per week unless:

(1) there is evidence of actual income; or

(2) it is otherwise inappropriate.

(g) CSED enforces child support orders for disabled adults under Section 112.1A of Title 43 of the Oklahoma Statutes.

(h) CSED establishes or modifies child support orders to continue after the child reaches the age of majority under Section 112.1A if the application or referral for IV-D services is received during the minority of the child.

INSTRUCTIONS TO STAFF

1. Child support staff must calculate, under Section 118 of Title 43 of the Oklahoma Statutes, on the child support computation form each parent's contribution toward:

(1) the base child support according to the combined adjusted gross income of both parents following the child support guidelines schedule in Section 119 of Title 43 of the Oklahoma Statutes;

(2) any actual medical and dental insurance premium; and

(3) any actual employment related child care expenses as described in Section 118(E)(13) of Title 43 of the Oklahoma Statutes and OAC 340:25-5-178.

- 2. When the child(ren) is receiving monthly Social Security (SS) benefits from the noncustodial parent's (NCP) claim, either disability or retirement, child support staff add the amount of the child(ren)'s SS benefits to the NCP's income in preparing the child support guidelines computation form. When there is more than one child receiving SS benefits, child support staff compute the support obligation separately for each child. Child support staff then request that the court deviate from the amount of child support indicated by the computation form to give the NCP credit for the amount of the monthly SS payment to the child(ren). See Merritt vs. Merritt (2003 OK 68, 73 P.3d 878), Nazworth vs. Nazworth (1996 OK CIV APP 134, 931 P.2d 86) and Wilson vs. Stenwall (1992 OK CIV APP 34, 868 P.2d 1317).**
- 3. If the NCP or minor child is disabled and either is receiving monthly Supplemental Security Income (SSI), the Child Support Enforcement Division (CSED) excludes SSI from either parent's gross income. See Section 118(E)(2)(b) of Title 43 of the Oklahoma Statutes.**
- 4. When a custodian is participating in the Oklahoma Department of Human Services (OKDHS) child care subsidy program, child support staff use the child support guidelines computation form for child care subsidy cases.**

 - (1) Child support staff add the NCP's share of the base monthly obligation for child support (Line 6 of the child support computation form) to the custodian's gross monthly income (Line 1 of the child support computation form) to determine the total amount of income in computing the family share co-payment on OKDHS Appendix C-4, Child Care Eligibility/Rates Schedule.**
 - (2) Child support staff use the family share co-payment amount based on the number of children in child care as "actual" child care cost and enter this amount on Line 17 of the child support guidelines computation form.**
- 5. The age of majority varies by state. Child support staff may use the Office of Child Support Enforcement (OCSE) Online Interstate Roster and Referral Guide (IRG) on the Internet to obtain information about referrals to other states for establishment of support. The OCSE Web site is <http://ocse3.acf.hhs.gov/ext/irg/sps/selectastate.cfm>.**

340:25-5-198.1. Review of a support order

(a) **Purpose.** The purpose of the review process is to determine whether a child support order should be modified to ensure substantial compliance with the child support guidelines in Section 118 of Title 43 of the Oklahoma Statutes and OAC 340:25-5-178.

(b) **Notification requirements.** At least once every three years after a support order is established, reviewed, or modified, the Child Support Enforcement Division (CSED) notifies all parties in a full-service case of the right to request a review of the order and the process for requesting a review.

(c) **Initiation of review.** When CSED receives a request to review an order in a full-service case, CSED determines the state with the legal authority under the Uniform Interstate Family Support Act (UIFSA) to modify the order. If another state has the legal authority to modify the order, CSED follows the provisions of (h) of this Section. If Oklahoma has the legal authority to modify the order, CSED follows the provisions of this subsection. CSED completes the review and modification process within 180 days after a request is received or the non-requesting party is located, whichever is later.

(1) CSED reviews a support order on the written request of any party in a full-service case when the criteria described in (1)(A) and (B) of this subsection are met.

(A) It has been more than 12 months since the support order was established, reviewed, or modified. CSED uses the date the order was entered to compute time periods. If an order is not entered after the review or modification process, CSED uses the completion date of the review to compute time periods. The 12-month time period does not apply when a military reservist custodial person or noncustodial parent (NCP) is recalled to active duty. ■ 1

(B) The non-requesting party is located.

(2) Within 15 days after receiving a request for a review, CSED determines if the criteria described in (1)(A) and (B) of this subsection are met. CSED notifies the requesting person if the criteria for review are not met. If the criteria are met, CSED sends notice to all parties with instructions for submitting financial and other information needed for the review.

(3) CSED may initiate reviews of orders in full-service cases on its own initiative for any reason, at any time, without a request under Section 118.1 of Title 43 of the Oklahoma Statutes. CSED notifies the parties of the review with instructions for submitting financial and other information required for the review. ■ 2 & 3

(4) When medical insurance becomes available or the cost of existing medical insurance changes, a party in a currently active non-TANF (Temporary Assistance for Needy Families) Medicaid case where CSED is providing medical enforcement only services may request a review of the support order.

(A) If either the custodian or the (NCP) requests a review, CSED conducts the review as a full-service case. CSED notifies the parties of the intended action before changing the case from a medical enforcement only case to a full-service case.

(B) If the (NCP) requests the review, the (NCP) must complete Form CSED-1-C, Request for Child Support Services, described in OAC 340:25-5-110.1.

(5) Each party must submit any requested financial and other information as instructed within 20 days after the date the notice is sent under (c)(2) or (c)(3) of this Section.

(d) **Review.** Within 30 days after the deadline for the parties to submit requested financial and other information to CSED under (c)(5) of this Section, CSED completes the review process and notifies parties of its determination as to whether or not the support order should be modified.

(1) If CSED finds the existing support order deviates in excess of ten percent from the child support guidelines, CSED makes a determination that the support order should be modified.

(2) The notice of determination includes instructions for contesting the determination.

(e) **Contest of review determination.** Any person aggrieved by the review determination may contest the determination by submitting new or additional information within 15 days after the date on the notice of determination. CSED considers any new or additional information that is timely submitted, and within 15 days makes a final determination whether or not the support order should be modified.

(f) **Modification after review.** CSED proceeds with the modification of the order when:

(1) there is no contest within 15 days after a CSED determination that the order should be modified; or

(2) the final determination after contest of review is to modify the support order.

(g) Termination of the review process.

(1) The person requesting a review may withdraw the request after the review process begins, upon approval by CSED. CSED does not accept requests to withdraw the review after making a determination that the child support order should be modified.

(2) If the requesting person fails to supply information requested by CSED as instructed, CSED may terminate the review process, unless CSED or the non-requesting party requests the process continue. ■ 4

(h) **Interstate cases.** When another state has legal authority under UIFSA to modify an order, CSED obtains the information necessary for the review and transmits the documents to the other state within 20 days after receipt.

INSTRUCTIONS TO STAFF

1. See the federal Office of Child Support Enforcement Information Memorandum OCSE-IM-01-09 at www.acf.dhhs.gov/programs/cse/pol/im-01-09.htm regarding military reservists called to active duty.
2. Child Support Enforcement Division (CSED) may initiate a review under OAC 340:25-5-198.1(c)(3) even if it has been less than 12 months since the last order or completed review.
3. When the child(ren) is receiving Social Security benefits from the noncustodial parent's claim, either disability or retirement, child support staff follow OAC 340:25-5-178 Instructions to Staff 2 when preparing the child support guidelines computation form during the review process.
4. If CSED terminates a review because a party fails to provide information requested by CSED, CSED does not consider the review completed. When a review is terminated and a party subsequently requests a review, child support staff review the last order or completed review date to determine when it has been 12 months since the support order was reviewed at the request of a party.