
POLICY TRANSMITTAL NO. 05-27	DATE: JUNE 29, 2005
CHILD SUPPORT ENFORCEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:25, Table of Contents; 25-1, Table of Contents; 25-1-1.1; 25-1-1.2; 25-5, Table of Contents; 25-5-67; 25-5-110; 25-5-110.1; 25-5-114; 25-5-117; 25-5-118; 25-5-123; 25-5-124; 25-5-124.2; 25-5-133; 25-5-140; 25-5-140.1; 25-5-169; 25-5-178; 25-5-179.1; 25-5-185.1; 25-5-198.1; 25-5-201.1; 25-5-211.1; 25-5-212; 25-5-213; 25-5-270; 25-5-340; 25-5-350.1; and 25-5-350.3.

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

340:25-1-1.1 adds definitions for IV-E foster care and Non-IV-E foster care; amends definitions for custodial person or custodian, district office, support order, and tribunal; removes acronyms in definitions for biological parent, custodial person or custodian, and noncustodial parent.

340:25-1-1.2 adds policy to include enforcement of medical and child care costs judgments as a child support service; clarifies CSED does not establish judgments for birthing costs if paid by Medicaid, and medical or child care costs separate from judgments for past support.

340:25-5-67 clarifies direct and automated release of information to other OKDHS programs.

340:25-5-110 specifies when CSED does not initiate an action to disestablish paternity or conduct genetic tests, or request the court to order genetic tests, after paternity establishment.

340:25-5-110.1 supersedes emergency rule; removes \$25 application fee for child support services; provides information on outreach process to noncustodial parents who have filed Form CSED-209, Affidavit Acknowledging Paternity; and clarifies conditions when CSED accepts applications.

340:25-5-114 clarifies the requirement that a custodial person receiving TANF or non-TANF Medicaid must assign rights to child support; and adds indications of a custodial person's noncooperation.

340:25-5-117 supersedes emergency rule; adds policy that if any child in the household for which CSED receives a referral is eligible for a child care subsidy, CSED must open a full-service case; and adds policy to open full-service cases for noncustodial

parents who have filed Form CSED-209, Affidavit Acknowledging Paternity.

340:25-5-118 supersedes emergency rule; adds requirement to pursue child support as a condition of eligibility for participation in the child care subsidy program; and provides for case closure upon a determination of noncooperation by the custodial person.

340:25-5-123 adds criteria for case closure upon custodial person request when the custodial person is a child care subsidy program participant and is not receiving TANF or non-TANF Medicaid, receiving non-TANF Medicaid benefits for a child(ren) only, or a child care subsidy program participant and is receiving non-TANF Medicaid benefits for a child(ren) only; and clarifies policy on termination of Notice of Income Assignment with the employer when a case closes.

340:25-5-124, 340:25-5-198.1, and 340:25-5-201.1 include minor revisions, such as punctuation, syntax, and correction or clarification of statutory cites, to simplify language or improve clarity.

340:25-5-124.2 clarifies tribal office case eligibility requirements and jurisdictional boundaries; describes conditions under which cases are assigned and transferred to the tribal office; describes conditions under which CSED accepts cases returned to CSED by the tribal office; and specifies that CSED may register child support orders in state courts and may establish and enforce a child support order in tribal courts that are outside the tribal office service areas.

340:25-5-133 clarifies that CSED directs past support payments to the person CSED records indicate is owed; and provides for distribution of past support payments already collected when the custodial person dies.

340:25-5-140 clarifies the due date when the support order does not specify an effective date; provides for settlement of past support, waiver of past support due the custodial person, and negotiation of past support owed to the State of Oklahoma; and describes how CSED distributes past support payments when custodial person dies.

340:25-5-140.1 specifies CSED uses a monthly accrual and calculates simple interest unless a court orders a compound interest rate, and if a court so orders the prevailing party is responsible for preparing the interest calculation; and provides for settlement of interest, waiver of interest due the custodial person, and negotiation of interest owed to the State of Oklahoma.

340:25-5-169 supersedes emergency rule; and specifies CSED opens a full-service case upon receipt of a non-TANF Medicaid referral and the custodial person is a child care subsidy recipient.

340:25-5-178 supersedes emergency rule; adds how the child care costs are calculated in the child support computation for child care subsidy cases; clarifies when CSED can request the court to

extend child support for an adult disabled child; and provides for the effective date of current child support obligation for an incarcerated noncustodial parent.

340:24-5-179.1 specifies CSED reserves adjudication for support for a prior period until the noncustodial parent is released from incarceration.

340:25-5-185.1 specifies the time frame for promptly docketing child support orders; and describes how prompt docketing facilitates all issues filed in the same district court case number.

340:25-5-211.1 deletes duplicative statutory language; clarifies the desk review process for license reinstatement when the obligor is complying with a court-ordered payment plan; and clarifies the denial notification and administrative license reinstatement hearing processes.

340:25-5-212 describes conditions under which CSED releases funds from levy.

340:25-5-213 clarifies when and how an annual notice is served and mailed.

340:25-5-270 specifies CSED communication practices with custodial persons in interstate and international cases.

340:25-5-340 adds policy to describe process for establishing and updating an address of record.

340:25-5-350.1 describes the process for return of payment in excess of obligation or erroneous overcollection, specifically when there is an unknown address involved.

340:25-5-350.3 adds policy on support payments from employers and other payors through electronic funds transfer, issuance of payments to custodial persons or other states by paper warrant or electronic funds transfer, and the forged endorsement process when warrants are fraudulently endorsed and subsequently cashed; and defines warrants as checks.

Original signed on 5-13-05

Gary Dart, Director
Child Support Enforcement Division

Sharon Neuwald, Co-Interim Administrator
Office of Planning, Policy & Research

WF # 04-35 (DT)

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

INSERT

340:25, Table of Contents	340:25, Table of Contents, 1 page only, revised 7-1-05
340:25-1, Table of Contents	340:25-1, Table of Contents, 1 page only, revised 7-1-05
340:25-1-1.1	340:25-1-1.1, pages 1-6, revised 7-1-05
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340:25-5-117	340:25-5-117, pages 1-3, revised 7-1-05
340:25-5-118	340:25-5-118, 1 page only, revised 7-1-05
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340:25-5-124	340:25-5-124, pages 1-4, revised 7-1-05
340:25-5-124.2	340:25-5-124.2, pages 1-6, revised 7-1-05

REMOVE

INSERT

340:25-5-133

340:25-5-133, pages 1-2, revised 7-1-05

340:25-5-140

340:25-5-140, pages 1-2, revised 7-1-05

340:25-5-140.1

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340:25-5-169

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340:25-5-178

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340:25-5-270

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340:25-5-350.1

340:25-5-350.1, 1 page only, revised 7-1-05

340:25-5-350.3

340:25-5-350.3, pages 1-3, revised 7-1-05

CHAPTER 25. CHILD SUPPORT ENFORCEMENT DIVISION

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Appendix B.	Application for Parental Kidnapping Federal Locator Services [REVOKED]
Appendix C.	Notice of Non-Cooperation [REVOKED]
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Appendix F.	Statement of Understanding of Full Child Support Services - Medicaid [REVOKED]
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SUBCHAPTER 1. SCOPE AND APPLICABILITY

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SUBCHAPTER 1. SCOPE AND APPLICABILITY

340:25-1-1.1. Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Address of record" means an address for a party or a custodial person in the Central Case Registry of the Child Support Enforcement Division (CSED) that is used for service of process in support, custody, and visitation actions. An address of record may be different from the party's or custodial person's physical address.

"Annual notice" means the yearly notice provided for in Section 237A of Title 56 of the Oklahoma Statutes to notify the obligor and obligee of the amount due, actions that may be taken to enforce the child support obligation, actions required of the obligor and obligee, and other related information and instructions.

"Arrears," "arrearage," or "past-due support" means the total amount of unpaid support obligations that has accrued under a support order. See also the definition for "Delinquency" in this Section.

"Assignment" means any transfer of rights to support to the State of Oklahoma under Section 408 or 471 of the Social Security Act or any transfer of rights to medical support and to payment of medical care from any third party under Section 433.146 of Title 42 of the Code of Federal Regulations.

"Authorized representative" means a person designated by a custodial person, noncustodial parent, or biological parent according to OAC 340:25-1-3.1.

"Biological parent" means the natural parent of a child.

"Case" means the relationship of a particular group of people bound by legal rights and duties for the support of a child(ren) who is receiving or has received child support services and all of the records and actions associated with the group.

"Central Case Registry" means Oklahoma's repository for Title IV, Part D, of the Social Security Act (IV-D) cases and child support orders established or modified in Oklahoma after October 1, 1998. It includes, but is not limited to, information required to be transmitted to the federal case registry under Section 454A of the Social Security Act. CSED maintains the Central Case Registry under Section 112A of Title 43 of the Oklahoma Statutes.

"Centralized Support Registry" means a repository maintained by CSED to receive, allocate, and distribute support payments, including child support, spousal support when paid in conjunction with child support, and related support payments under Section 413 of Title 43 of the Oklahoma Statutes. It serves as Oklahoma's State Disbursement Unit under Section 454B of the Social Security Act. The Centralized Support Registry processes payments:

(A) *in all cases in which child support services are being provided under the state child support plan as provided under Section 237 of Title 56 of the Oklahoma Statutes until all monies owed for child support are no longer owed;*

(B) *in all other cases in which support is being paid by income withholding; and*

(C) when a court orders payments to be made through the Centralized Support Registry. [43 O.S. § 413]

"CSED" means the Child Support Enforcement Division of the Oklahoma Department of Human Services. CSED includes a central state office, district offices, and other offices that may be administered through contract or cooperative agreements with district attorneys, Community Action Program (CAP) agencies, Native American tribal organizations, and others. CSED includes all of these offices and their employees and agents.

"Custodial person" or **"custodian"** means the person who has primary physical custody of the child(ren).

"Delinquency" means *any payment under an order for support which becomes due and remains unpaid.* [12 O.S. §1170 and 56 O.S. § 237.7]

"DHHS" means the federal Department of Health and Human Services.

"DHS" or **"OKDHS"** means the Oklahoma Department of Human Services. OKDHS is the state agency designated to administer the Child Support Enforcement Program for the State of Oklahoma.

"District office" means a child support enforcement office operated by OKDHS or through contract or agreement with OKDHS to serve a specific area of the state.

"Family violence" means domestic abuse or child abuse, including physical or emotional harm.

"FPLS" means the Federal Parent Locator Service.

"Full-service case" means a child support case for which CSED provides all appropriate IV-D services as described in OAC 340:25-1-1.2.

"High-volume administrative enforcement cases in interstate actions" means, on request of another state, the identification by a state, through automated data matches with financial institutions and other entities where assets may be found, of assets owned by persons who owe child support in other states, and the seizure of such assets by the state through levy or other appropriate processes. [42 U.S.C. § 666]

"Income assignment" means an assignment, by operation of law or by court or administrative order, of a portion of the monies, income, or periodic earnings due and owing by the obligor to the person entitled to the support or to another person designated by the support order or assignment. An income assignment may be for payment of current support, arrearages, or both. [12 O.S. § 1170 and 56 O.S. § 237.7]

"Interstate case" means a case in which at least one party resides in another state or country, or a support order was entered in another state or country.

"IV-A" means Title IV, Part A, of the Social Security Act covering the federal-state Temporary Assistance for Needy Families (TANF) Program.

"IV-B" means Title IV, Part B, of the Social Security Act covering child welfare services.

"IV-D" means Title IV, Part D, of the Social Security Act generally relating to child support. Title IV appears in the United States Code as Sections 601 through 687, Subchapter IV, Chapter 7, Title 42.

"IV-D case" means a child support case receiving IV-D services.

"IV-D programs and services" means programs and services under Title IV, Part D, of the Social Security Act.

"IV-E" means Title IV, Part E, of the Social Security Act covering foster care.

"IV-E foster care" means state funded placement of a child(ren) removed from a home whose family members meet the eligibility criteria for federal participation for IV-E foster care.

"Medicaid" or **"Title XIX"** means medical assistance provided under a state plan approved under Title XIX of the Social Security Act.

"Medical enforcement only case" or **"MEO case"** means a child support case for which CSED provides only IV-D services related to securing medical support to non-TANF Medicaid recipients.

"Medical support" means health or dental insurance coverage or health benefits ordered to be paid by a parent(s) for the benefit of a minor child(ren).

"Noncustodial parent" means a parent who does not have primary physical custody of the child(ren).

"Non-IV-D case" means a private child support case not receiving IV-D services.

"Non-IV-E foster care" means state funded placement of a child(ren) removed from a home where the child(ren) does not meet federal IV-E participation requirements.

"OAH" means the OKDHS Office of Administrative Hearings: Child Support, which conducts child support enforcement administrative hearings. [56 O.S. § 237.7]

"Obligee" or **"person entitled"** means:

(A) *a person to whom a support debt or support obligation is owed;*

(B) *the Department of Human Services or a public agency of another state that has the right to receive current or accrued support payments or that is providing support enforcement services; or*

(C) *a person designated in a support order or as otherwise specified by the court.* [56 O.S. § 237.7]

"Obligor" means the person who is required to make payments under an order for support. [12 O.S. § 1170 and 56 O.S. § 237.7]

"OCSE" means the federal Office of Child Support Enforcement.

"Offset" means an amount of money intercepted from a parent's state or federal tax refund, or from an administrative payment such as federal retirement benefits, to satisfy a child support debt.

"Overpayment" means a payment to a custodial person, noncustodial parent, or other entity by CSED to which the entity or person is not entitled.

"Participant in a case" means a child, parent or putative father, or custodial person associated with a child support enforcement case.

"Past support" means past-due support or support for a prior period. See the definition for "Arrears" in this Section.

"Payment plan" includes, but is not limited to, a plan approved by the court or the support enforcement entity that provides sufficient security to ensure compliance with a support order or that incorporates voluntary or involuntary income assignment or a similar plan for periodic payment of past-due support and, if applicable, current and future support. [43 O.S. § 139.1 and 56 O.S. § 237.7] A payment plan is intended to incrementally reduce arrears.

"Payor" means *any person or entity paying monies, income, or earnings to an obligor. In the case of a self-employed person, the "payor" and "obligor" may be the same person.* [12 O.S. § 1170 and 56 O.S. § 237.7]

"Putative father" means an alleged biological father of a child.

"Social Security Act" means Public Law 74-271, approved August 14, 1935, as currently in effect.

"SPLS" means the CSED State Parent Locator Service.

"Support" means all payments or other obligations due and owing to the obligee or person entitled by the obligor under a support order, and may include, but is not limited to, child support, medical insurance or other health benefit plan premiums or payments, child care obligations, support alimony payments, and other obligations as specified in Section 118 of Title 43 of the Oklahoma Statutes. [56 O.S. § 237.7]

"Support for a prior period" means the amount of child support ordered under the child support guidelines in Sections 118 and 119 of Title 43 of the Oklahoma Statutes in paternity orders and in TANF notice of support debt orders for past months when no child support order was in effect.

"Support order" means a judgment, decree, order or directive, whether temporary, final, or subject to modification, issued by a tribunal for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief. [43 O.S. § 601-101]

"TANF" means Temporary Assistance for Needy Families. TANF has replaced Aid to Families with Dependent Children (AFDC). References to TANF include AFDC.

"Tribal office case" means a child support case assigned to the Chickasaw Nation Tribal Child Support Office (tribal office) under OAC 340:25-5-124.2.

"Tribunal" means a court or administrative agency authorized to establish, enforce or modify support orders, or determine parentage. [43 O.S. § 601-101]

"UIFSA" means the Uniform Interstate Family Support Act. In Oklahoma, UIFSA is codified at Sections 601-100 through 601-901 of Title 43 of the Oklahoma Statutes.

"Unreimbursed public assistance" means money paid as cash assistance from IV-A and IV-E programs that has not yet been recovered.

340:25-1-1.2. Structure and services

(a) Under Title IV, Part D, of the Social Security Act every state must designate a single state agency to administer a statewide plan for child support enforcement. The Oklahoma Department of Human Services has been designated as that agency in Oklahoma and has established a Child Support Enforcement Division (CSED) to administer the plan. CSED provides services through a state office and other offices throughout the state which may be administered through service agreements or contracts with district attorneys and other entities, such as Community Action Program (CAP) agencies, and Native American tribal organizations, to provide legal child support enforcement services. The primary function of CSED is to provide child support enforcement services in all IV-A TANF, IV-E Foster Care, and non-TANF Medicaid cases where eligibility is due to absence of one or both parents, and in other cases for persons who have applied for services. In addition, CSED provides these services in cases forwarded by IV-D agencies of other states and may provide services in cases forwarded by Native American tribes and foreign jurisdictions, as appropriate. CSED complies with the standards for an effective program and the organization and staffing requirements prescribed by Section 303 of Title 45 of the Code of Federal Regulations. IV-D services include, but are not limited to:

- (1) establishment of paternity, child support obligations, and medical support obligations through administrative and court actions;
- (2) enforcement of child support, fixed sums and judgments for medical support, health care coverage, judgments for child care costs, and in some instances spousal support obligations;
- (3) location of noncustodial parents and their assets by establishing intrastate and interstate links with local, state, and federal agencies as well as various private sources;
- (4) review of cases for modification of support orders as appropriate;
- (5) collection and distribution of support payments in accordance with state and federal law; and
- (6) establishment and maintenance of accounting and other records in accordance with state and federal law.

(b) CSED services do not include:

- (1) establishment or modification of spousal support, visitation, or custody; and

(2) establishment of judgment for unreimbursed medical expenses or child care costs that are not included in the fixed monthly child support obligation.

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]**

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- 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]**
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- 340:25-5-24. Federal tax refund offset **[REVOKED]**
- 340:25-5-25. Withholding of unemployment compensation **[REVOKED]**
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- 340:25-5-36. Reports and maintenance of records **[REVOKED]**
- 340:25-5-37. Standards for an effective program **[REVOKED]**
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- 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]**

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- 340:25-5-56. Structure of child support case records **[REVOKED]**
- 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]**

PART 9. DISCLOSURE OF INFORMATION

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- 340:25-5-66. Legal basis for release of information
- 340:25-5-67. Information disclosure
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- 340:25-5-68. Procedure for requesting case information from CSED
- 340:25-5-69. Telephone request for copies of pay records **[REVOKED]**
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340:25-5-67. Information disclosure

All applications, information and records concerning any applicant or recipient obtained pursuant to law or as authorized by law by the Department of Human Services or any other public or private entity shall be confidential. [56 O.S. § 183] All files and records concerning the assistance or services provided under the Child Support Enforcement Program or concerning a putative father of a child born out of wedlock are confidential except as otherwise authorized by law. [56 O.S. § 237] Any information the Child Support Enforcement Division (CSED) obtains from federal or state agencies is subject to limitations on disclosure imposed by laws governing the information received from those agencies. CSED does not disclose or use the contents of any child support records, files, papers, or communications for purposes other than those directly connected to the administration of the Child Support Enforcement Program. Nothing in this Section authorizes disclosure of the location of a case participant with a family violence indicator set under OAC 340:25-5-67.1. Otherwise, information may be shared with: ■ 1 through 3

(1) persons duly authorized by the United States in connection with the performance of their official duties, [56 O.S. § 183] including, but not limited to:

(A) exchange of information to the extent necessary to carry out the state agency IV-D program responsibilities directly and through automated information networks within the Oklahoma Department of Human Services (OKDHS), with authorized representatives of OKDHS divisions and other agencies of the state and other states, and with federal and tribal agencies and other countries; ■ 4 & 5

(B) exchange of information directly and through automated information networks with representatives of OKDHS and other state agencies administering programs under Titles IV-A, IV-E and XIX, to the extent necessary to carry out state agency Titles IV-A, IV-E and XIX responsibilities;

(C) release of information received from the Federal Parent Locator Service, through the State Parent Locator Service, to an authorized person representing:

(i) agencies administering or enforcing programs under Titles IV-B and IV-E of the Social Security Act, to the extent necessary to carry out state agency Titles IV-B and IV-E responsibilities; and

(ii) the United States or the State of Oklahoma for purposes of enforcing or prosecuting any federal or state law with respect to the unlawful taking or

- restraint of a child, or any court or agent of such court having jurisdiction to make or enforce a child custody or visitation determination; and ■ 6
- (D) release of Social Security numbers for child support enforcement purposes, such as locating the parents, submitting cases for federal administrative and income tax refund offset, state income tax refund offset, financial institution data match, enrolling children as beneficiaries of health insurance coverage, and processing interstate child support enforcement;
- (2) parties to a child support case, their attorneys, interpreters, and authorized representatives, who may only access:
- (A) pay records and payment calculations;
- (B) documents, exhibits, worksheets, and supporting documents filed with the court and any administrative documents that are part of the order, such as guideline worksheets and financial affidavits;
- (C) specific case activity in the course of providing child support enforcement services, such as the number and dates of locate attempts, and establishment and enforcement of child support or medical support orders;
- (D) information required by Titles 43 or 56 of the Oklahoma Statutes to be disclosed for the purpose of reviewing, establishing, or modifying a support order; and
- (E) information necessary to enroll children as beneficiaries of health insurance coverage;
- (3) parents or custodial persons requesting disclosure of address of record under Section 112A of Title 43 of the Oklahoma Statutes and OAC 340:25-5-340.1; and
- (4) persons as directed by court order or by a subpoena that has been approved by a child support attorney. ■ 7

INSTRUCTIONS TO STAFF

- 1. No employee or agent of the Oklahoma Department of Human Services (OKDHS) accesses or uses confidential information or data obtained through the Child Support Enforcement Program except on a need to know basis in the performance of his or her official duties as an employee or agent of OKDHS. This information or data may not be used for personal amusement, curiosity,**

gain, benefit, or any other reason not directly related to the performance of official duties.

(1) Instances of inappropriate access or misuse of confidential information by:

(A) any employee or agent of OKDHS are reported by child support staff to their own supervisors; and

(B) agents of OKDHS are reported by child support supervisors to the supervisors of the agents.

(2) Supervisors of OKDHS employees and supervisors of OKDHS agents must take appropriate action consistent with DHS:2-1-7.

2. See OAC 340:25-5-68 for the procedure for requesting case information from the Child Support Enforcement Division (CSED).

3. **(a) CSED releases written child support payment information to housing authorities and other entities upon written authorization of the custodial person or noncustodial parent. District offices may coordinate this release of information to housing authorities with the CSED Legal and Community Collaboration Unit.**

(b) CSED does not release child support payment information to Child Welfare (CW) staff without a court order unless the reason for release is to establish or enforce a child support order.

4. (a) When it furthers the provision of IV-D services as described in OAC 340:25-1-1.2, child support staff release information to entities such as:

(1) agents administering the Welfare-to-Work Program;

(2) personnel in the juvenile court system pursuing delinquent and deprived juvenile court actions; and

(3) law enforcement personnel prosecuting federal and state child support enforcement crimes.

(b) Child support staff do not release information to law enforcement personnel prosecuting crimes unrelated to the provision of IV-D services as described in OAC 340:25-1-1.2.

5. (a) When it furthers the provision of IV-D services as described in OAC 340:25-1-1.2, CSED provides limited electronic access to case information to OKDHS staff administering programs under Titles IV-A, IV-B, IV-E, and XIX.

(b) CSED encourages authorized OKDHS staff in other divisions to obtain child support case record information through viewing applicable automated Oklahoma Support Information System (OSIS) screens. However, CSED will provide child support information directly by e-mail, telephone, or letter to authorized OKDHS staff.

6. (a) When CW staff request Federal Parent Locator Service (FPLS) information from CSED that only furthers IV-B or IV-E purposes, they must submit a request to the State Parent Locator Service (SPLS) in the Programs Unit of CSED. For example, CW staff may request locate information from SPLS to locate a non-parent for researching a possible placement for a deprived child. Child support staff who receive requests from authorized persons for FPLS information direct the requesters to submit their requests to the SPLS. The SPLS provides the information to the requester in person or by e-mail, telephone, or letter, rather than through the automated system.

(b) For further information concerning release of FPLS information, see the Federal Register, Volume 69, Number 148, dated August 3, 2004; the Federal Register, Volume 63, Number 162, dated August 21, 1998; and the Office of Child Support Enforcement (OCSE) Action Transmittal OCSE-AT-03-06 (available from the OCSE Web site at <http://www.acf.dhhs.gov/programs/cse/pol/AT/at-03-06.htm>).

(c) Section 663 of Title 42 of the United States Code defines an authorized person as:

(1) any agent (child welfare worker, law enforcement official) or attorney of the state who has the duty or authority under the law of the state to make or enforce a child custody or visitation determination;

(2) any court or agent of such court having jurisdiction to make or enforce a child custody or visitation determination;

(3) any agent or attorney of the United States, or of the state, who has the duty or authority to investigate or enforce a federal or state law with respect to the unlawful taking or restraint of a child.

7. A subpoena is not a court order requiring automatic release of information. Child support attorneys review court orders and subpoenas before CSED releases information as directed by a court order or subpoena.

PART 15. CASE INITIATION, CASE MANAGEMENT, AND CASE CLOSURE**340:25-5-110. Scope and applicability**

(a) The Oklahoma Department of Human Services, through its Child Support Enforcement Division (CSED), opens, or initiates, and closes child support enforcement cases to provide appropriate IV-D services. In initiating and closing cases, CSED is governed by Sections 302.33, 303.2, and 303.11 of Title 45 of the Code of Federal Regulations; Title IV, Part D, of the Social Security Act; and Section 237 of Title 56 of the Oklahoma Statutes.

(b) CSED does not initiate action to disestablish paternity if:

(1) there has been an acknowledgment of paternity executed in Oklahoma or another state and not rescinded within the allowable time, which is 60 days in Oklahoma; [10 O.S. § 70(B)(1)] ■ 1

(2) the child is born during the course of the marriage and is reared by the husband and wife as a member of their family without disputing the child's legitimacy for a period of at least two years; [10 O.S. § 3(B)] or

(3) paternity has been established by a district or administrative court order. [10 O.S. § 70(B)(3)] ■ 1

(c) In the absence of a court order, CSED does not conduct genetic tests or request the court to order genetic tests after the 60 day rescission period has expired on:

(1) an acknowledgment of paternity; or

(2) a court order that has been entered establishing paternity. ■ 1

INSTRUCTIONS TO STAFF

1. The Child Support Enforcement Division (CSED) defends acknowledgments of paternity and paternity orders. If CSED receives an affirmative pleading or oral motion challenging the same, CSED requests an evidentiary hearing on the issue of fraud, duress, or material mistake of fact before the court orders genetic testing or allows previous genetic test results into evidence.

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 the Child Support Enforcement Division (CSED) for each application received. Form CSED-1, Application for Child Support Services, is submitted in every circumstance, including applications received by:

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

(2) former participants in IV-D cases; or ■ 1

(3) persons receiving child support payments from the Centralized Support Registry and not currently receiving child support services through CSED.

(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 noncustodial parents who have filed Form CSED-209, Affidavit Acknowledging Paternity, with the Oklahoma State Department of Health, Bureau of Vital Records. Outreach letters provide information about OKDHS services and invite noncustodial parents to participate in these services. These noncustodial parents 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 accepts an application and opens a case if the child is a minor.

(f) CSED accepts an application to establish paternity for a minor child against a deceased noncustodial parent consistent with OAC 340:25-5-176.

(g) CSED does not accept applications for collection of past-due support when:

(1) all children on the application have reached the age of majority; ■ 2

(2) there is no longer a current child support order because the former custodial person's parental rights have been terminated and the child has been adopted; ■ 3

(3) the child is deceased; or

(4) the child is a minor but no longer lives with the custodial person. ■ 4

INSTRUCTIONS TO STAFF

1. A noncustodial parent listed on an existing medical enforcement only case may apply for services using Form CSED-1, Application for Child Support Services, if requesting a review and adjustment or to open a new case. See OAC 340:25-5-198.1 for more information on review of a support order.

2. Child support staff follow OAC 340:25-5-117 for accepting interstate referrals for judgment only collections if the case was opened in the initiating state during the minority of any child on the case.

3. CSED pursues arrears against a noncustodial parent for the time period when a legal obligation to pay child support exists. CSED collects past-due support owed by a noncustodial parent when:

(1) a custodial person's parental rights are terminated and the application was received before the child was adopted by another custodial person; and

(2) the child resides in a household with the custodial person and a stepparent who adopts the child.

4. CSED accepts an interstate referral when:

(1) the child has reached the age of majority in the initiating state and the case was opened in the initiating state during the child's minority; or

(2) the application was received prior to the adoption.

340:25-5-114. Procedures for determining and processing noncooperation on TANF and non-TANF Medicaid cases

(a) **Cooperation of custodial persons.** The custodial person must cooperate with the Child Support Enforcement Division (CSED) in establishing paternity or in establishing, modifying, or enforcing a support order under Section 454 of the Social Security Act and Section 264.30 of Title 45 of the Code of Federal Regulations. A custodial person receiving;

(1) Temporary Assistance for Needy Families (TANF) must assign any rights to support to the Oklahoma Department of Human Services (OKDHS) under Section 408 of the Social Security Act; and

(2) non-TANF Medicaid must assign to OKDHS any rights to medical support under Section 433.146 of Title 42 of the Code of Federal Regulations.

(b) **Noncooperation of custodial persons.** When a custodial person fails to cooperate, CSED reviews the case to determine noncooperation. If CSED determines noncooperation, CSED notifies OKDHS Family Support Services (FSS) staff in the county office. OKDHS FSS staff in the county office update the computer document for noncooperation with CSED and a computergenerated notice under OAC 340:65-5-1 is sent to advise the recipient of any decrease in benefits due to noncooperation. ■ 1

(1) For CSED to make a noncooperation determination, the cooperation must be essential for the next step in providing child support enforcement services. ■ 1

(2) Noncooperation is indicated when the custodial person:

(A) fails to appear at a district office to provide information or evidence relevant to the case;

(B) refuses to complete and sign documents necessary to take legal action against the noncustodial parent(s) when requested to do so by the district office;

(C) fails to comply with an order to submit oneself and the child(ren) to genetic testing to determine paternity;

(D) fails to appear as a witness at an administrative or district court hearing or other proceeding;

(E) fails to provide information, or attest to lack of information, under penalty of perjury;

(F) fails to forward to CSED all child support payments received from the noncustodial parent(s);

(G) refuses to make a repayment agreement or to comply with a repayment plan when child support receipts are retained; or

(H) pursues private legal action affecting paternity, child support, medical support, or child care without giving CSED notice.

(3) OKDHS FSS staff in the county office determine whether good cause for noncooperation with CSED exists based on OAC 340:10-10-6. ■ 2

INSTRUCTIONS TO STAFF

1. (a) See OAC 340:10-10-5 and 340:10-10-7. OAC 340:10-10-5(a) requires, as a condition of eligibility for Temporary Assistance for Needy Families (TANF), applicants or recipients who are parents of the child(ren) in their custody to cooperate with the Oklahoma Department of Human Services (OKDHS) to receive services. Custodial persons who are parents of the child(ren) receiving TANF benefits must cooperate with the Child Support Enforcement Division (CSED) in child support enforcement services. Other custodial persons receiving TANF benefits who are not parents of the child(ren), such as grandparents, aunts, or unrelated persons, are not subject to this requirement.

(b) 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 "O" and notify Family Support Services (FSS) staff when a custodial person is not cooperating with CSED. If the custodial person resumes cooperation with CSED, that is, has taken specific action to cooperate, child support staff change the cooperation block on the CCPU screen to "Y." Child support staff do not consider the custodial person's statement of willingness to complete the requested action as fulfilling the requirement to cooperate.

(c) If the custodial person is noncooperative but cooperation is not essential for the next step in providing child support enforcement services, child support staff do not report noncooperation to FSS staff. For example, if the custodial person failed to appear at a child support hearing but the court entered a child support order, child support staff change the cooperation block on the CCPU screen to "Y" since the custodial person's cooperation

was not essential in obtaining the child support order.

(d) When CSED receives returned mail or is aware that the custodial person is not at the address used by FSS, child support staff do not report the custodial person as noncooperative. Instead, child support staff e-mail the FSS worker. The FSS worker is responsible for sending Form ADM-92 to the custodial person and terminating TANF or Medicaid benefits if the custodial person fails to contact the FSS worker with a current address. If the TANF or Medicaid case is closed, child support staff may close the child support case under Section 303.11 (b)(10) of Title 45 of the Code of Federal Regulations.

(e) When noncooperation with CSED is determined, FSS staff in the county office reduce a family's cash assistance by 25% of the TANF payment standard under OAC 340:10-10-5. The penalty for noncooperation with CSED by a custodial person who is receiving non-TANF Medicaid benefits is the removal of the custodial person's Medicaid benefits from the case. There is no penalty for noncooperation with CSED on child-only non-TANF Medicaid cases as there are no adults included in the case.

(f) CSED may pursue legal remedies such as contempt citations, bench warrants, license revocations, and body attachments to compel cooperation of custodial persons, both related and unrelated. Legal remedies such as these are the only means available to CSED to obtain the cooperation of:

(1) unrelated custodial persons, as their TANF payments are not reduced; and

(2) custodial persons in child-only non-TANF Medicaid cases, as they are not included in the case.

2. (a) If child support staff have reason to believe the custodial person has good cause for noncooperation with CSED, the staff refer the custodial person to OKDHS FSS staff in the county office for a good cause determination. See OAC 340:10-10-6.

(b) The Instructions to Staff for OAC 340:10-10-6 explain the process FSS uses for determining good cause for noncooperation with CSED after considering CSED's recommendation on Form C-15, Good Cause Report.

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) Custodial persons 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 custodial persons 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 custodial person's request. ■ 2

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

(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) Custodial persons 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) of this Section applies, CSED does not provide child support services unless the custodial person requests services for the child(ren). The custodial person 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 custodial person refuses continued IV-D services and subsequently requests services, the person must submit a completed and signed Form CSED-1, Application 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 an acknowledgment of paternity. CSED opens full-service cases for noncustodial parents who have filed Form CSED-209, Affidavit Acknowledging Paternity, with the Oklahoma State Department of Health, Bureau of Vital Records, 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 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) persons receiving continued medical benefits; and**
- (3) persons with good cause.**

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

- (1) Child Support Manual, Volume 2 - Case Initiation and Case Closure, Case Initiation chapter for information on the application process and building the case on 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) Child Support Manual, Volume 6 - Medical Support, Medical Support chapter for information on medical support; and

(3) 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/dcl-00-122.htm>.

3. As long as at least one child in the household receives a child care subsidy, child support staff open a full-service case even if the referral was received for a child who is not receiving a child care subsidy. When at least one child in the household receives a child care subsidy, the custodial person must pursue child support for all children in the household with at least one parent absent regardless of whether those children receive a child care subsidy.

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 a Temporary Assistance for Needy Families (TANF) case. OAC 340:25-5-114 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 to pursue child support with CSED, as a condition of eligibility, for custodial persons participating in the Oklahoma Department of Human Services (OKDHS) child care subsidy program. 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 benefits under OAC 340:40-7-9. ■ 2

INSTRUCTIONS TO STAFF

1. **The Child Support Enforcement Division (CSED) considers the factors listed in OAC 240:25-5-114 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 custodial person 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 "Q" and notify the Family Support Services worker when a custodial person is not cooperating with CSED.**

(2) **If the custodial person resumes cooperation with CSED, child support staff change the cooperation block on the CCPU screen to "Y."**

340:25-5-123. Case closure system

(a) Except as provided in (b) and (c) of this Section, the Child Support Enforcement Division (CSED) closes cases eligible for closure under Section 303.11 of Title 45 of the Code of Federal Regulations.

(b) A child support case may not be closed when:

- (1) court ordered support is owed to the state; and
- (2) current child support is being collected by income assignment.

(c) A child support case may be closed when any of the criteria in (1) through (4) of this subsection applies:

(1) less than \$500 in court ordered support is owed to the state, unless there has been:

(A) a collection during the past six months; or

(B) a federal or state income tax refund intercept in the past 18 months;

(2) the custodial person is participating in the Oklahoma Department of Human Services (OKDHS) child care subsidy program, is not receiving Temporary Assistance for Needy Families (TANF) or non-TANF Medicaid, requests closure, and (A) and (B) of this paragraph apply:

(A) there is a child support order; and

(B) the custodial person is receiving the full amount of the current monthly child support obligation and has reported to Family Support Services receipt of this child support income;

(3) the custodial person is receiving non-TANF Medicaid benefits for a child(ren) only, requests closure, and (A) and (B) of this paragraph apply:

(A) the custodial person later contacts CSED to decline child support services; and

(B) no legal action has been initiated to enforce the child support order, including the medical support portion; or ■ 1 & 2

(4) the custodial person is participating in the OKDHS child care subsidy program, is receiving non-TANF Medicaid benefits for a child(ren) only, requests closure, and all the criteria in paragraphs (2) and (3) of this subsection apply.

(d) When CSED closes a non-public assistance child support case because the parties to a case reunite, CSED terminates the notice of income assignment (NOIA) with the employer. ■ 3

(e) When CSED closes a non-public assistance child support case for reasons other than reunification, CSED keeps the NOIA with the employer in effect unless ordered by district or administrative court to terminate the notice with the employer.

(1) The income assignment order remains in effect as long as support is owed under 12 O.S. § 1171.3 (B)(14). If the district or administrative court orders that the NOIA be terminated, CSED sends a termination notice to the employer.

(2) Income assignment child support payments continue to be processed in a non-IV-D child support case through the Centralized Support Registry under 43 O.S. § 413(A)(2) and OAC 340:25-5-350.3.

INSTRUCTIONS TO STAFF

1. Child support staff follow the Child Support Manual, Volume 2 - Case Initiation and Case Closure, Case Closure chapter for information on case closure. Child support staff access the Child Support Manual on the CSED InfoNet at http://s99web01/csed/epdu/CSManual/Library_Index.htm.

2. If any legal action has been taken on a child support case where the custodial person is receiving non-TANF Medicaid benefits for a child(ren), child support staff:

(1) do not close the child support case; and

(2) follow the federal Office of Child Support Enforcement (OCSE) PIQ-03-09 which explains the prohibition of case closure of non-TANF Medicaid cases, for noncooperation or at the custodial person's request. This PIQ is available from the OCSE Web site at <http://www.acf.hhs.gov/programs/cse/pol/PIQ/piq-03-09.htm>.

3. Child support staff update the automated Oklahoma Support Information System (OSIS) to show there is no longer an active obligation, which stops the notice of income assignment.

340:25-5-124. Assignment of cases to child support offices

In assigning cases to child support offices, Child Support Enforcement Division (CSED) staff first determine if the case is eligible for assignment to the tribal office under OAC 340:25-5-124.2. If the case is not a tribal office case, CSED assigns cases under this Section.

(1) Oklahoma child support cases are assigned to a district office serving the county where the Oklahoma order for current child support was entered or docketed in district court. Child support orders from another state, or federal or tribal child support orders are assigned to a district office serving the county in which the order is registered under Sections 601-601 through 601-614 of Title 43 of the Oklahoma Statutes. If there are multiple Oklahoma support orders, cases are assigned to a district office serving the county where the presumed controlling order for current child support was entered or docketed in district court. ■ 1

(2) Cases are assigned to a district office serving the county where the custodian of the child(ren) resides when there is:

(A) no Oklahoma child support order;

(B) a federal or tribal child support order; or

(C) a child support order from another state.

(3) Except in cases in which a child support order is registered in Oklahoma, if the custodian of the child(ren) does not reside in Oklahoma, cases are assigned to the district office serving the county where the noncustodial parent or putative father resides. ■ 1

(4) If the child(ren) is in a deprived or delinquent juvenile court action, and there is:

(A) no existing child support order, the case is assigned to a district office serving the county in which the district court has jurisdiction over the juvenile court action; or

(B) an existing child support order, the case is assigned to a district office serving the county in which the order was entered or docketed. ■ 2

(5) CSED does not transfer cases docketed or registered under Sections 601-601 through 601-614 of Title 43 of the Oklahoma Statutes in district court because the

custodial person or noncustodial parent moves to a county outside of the original district office's service area.

(6) CSED reassigns a case to another district office to avoid a conflict of interest, under OAC 340:2-1-29. ■ 3 & 4

INSTRUCTIONS TO STAFF

1. **The Child Support Enforcement Division (CSED) treats an order registered in Oklahoma under Sections 601-601 through 601-614 of Title 43 of the Oklahoma Statutes as an Oklahoma order for purposes of OAC 340:25-5-124(1) and (2).**

2. **(a) Upon receipt of a non-TANF Medicaid referral through the Oklahoma Support Information System (OSIS) RFLI or PUI screen on a Child Welfare case, child support staff in the district office serving the county in which the district court has jurisdiction over the juvenile court action determine if there is an existing child support order.**

(1) If there is an existing child support order in a county within the district office's service area, child support staff build and work the case.

(2) If a child support order exists in a county outside the district office's service area, child support staff transfer the non-TANF Medicaid referral through the OSIS RFLI screen and document the reason for transfer on OSIS case log (CSLOGA) if there is an existing Family Group Number (FGN). If there is not an existing FGN, child support staff send an e-mail explaining the reason for the referral transfer to the receiving office.

(b) During the juvenile court action, the district office serving the county in which the district court has jurisdiction over the juvenile court action may request a copy of the child support order, a current arrearage computation, and other relevant information from the assigned office's case file, as needed, to advise the juvenile court or the Oklahoma Department of Human Services (OKDHS) Child Welfare office about the existing child support order.

(c) Child support staff access eKIDS, the Web-based Child Welfare information system, to obtain information about a Child Welfare case.

(d) Child support staff follow the Child Support Manual, Volume 10, Case Management, Juvenile Court Cases chapter for information on the procedure for processing non-TANF Medicaid referrals on a Child Welfare case.

(e) The district office serving the county in which the district court has jurisdiction over the juvenile court action may request the child support case be transferred to that office when there are child support issues being addressed in the juvenile court. Upon dismissal of the juvenile court action, child support staff transfer the case back to the district office serving the county in which the order was entered or docketed.

3. Child support staff:

(1) must not access or work their own case files or those of a relative as defined in OAC 340:2-1-29(d)(1);

(2) follow the "Case Files of Employees and Relatives" section of the Child Support Manual, Volume 1 - Administrative, Office Manual chapter on the CSED InfoNet at http://s99web01/csed/epdu/CSManual/Library_Index.htm; and

(3) refer to OAC 340:2-1-29 Instructions to Staff for further information on conflicts of interest and guidance on OKDHS policy on employee prohibitions.

4. When a potential conflict of interest arises, child support staff attorneys, managers, supervisors, and workers promptly report the circumstances to the head of the district office who reviews the case to make a determination. When a conflict of interest exists, the head of the district office takes appropriate steps to reassign the case as described in (3) of this Instruction to avoid the appearance of impropriety and to ensure that customer services are unaffected.

(1) A conflict of interest exists when:

(A) the custodial person, noncustodial parent, or other case participant or party to a case is:

(i) a staff member of the assigned district office;

(ii) related to a staff member; or

(iii) living in the staff member's home. See OAC 340:2-1-29;

- (B) a child support staff member assigned to a case and a case participant or party have a legal conflict, and there is no agreement that CSED can be fair and impartial without adversely affecting the case participant or other party; or [Oklahoma Rules of Professional Conduct 1.7, 1.8, and 1.9]**
- (C) the relationship between a child support staff member and a case participant or other party adversely affects the delivery of services.**
- (2) A conflict of interest does not ordinarily exist when:**
- (A) the employee conducts business with a case participant or other party on a casual basis. For example, a child support staff member frequents a business where the case participant or other party works;**
- (B) the child support staff member and the case participant or other party are involved in the same non-business activities, but only occasionally interact, for example, both attend the same church; or**
- (C) the case participant is unsatisfied with CSED procedures. OAC 340:25-1-5.1 provides CSED customers an opportunity to raise concerns about services or treatment received.**
- (3) When there is a conflict of interest, the head of the district office transfers the case to another district office in the same geographical area. If the heads of the two district offices involved in the case transfer cannot reach an agreement that a case qualifies as a conflict of interest case, they must contact the CSED state office Policy Unit who will resolve the disagreement with the concurrence of the CSED director.**

340:25-5-124.2. Tribal case assignments and transfer of cases to the tribal office

(a) **Jurisdictional requirements.** The Chickasaw Nation Tribal Child Support Office (tribal office):

(1) provides child support services in tribal and federal courts within their service area under the Court of Indian Offenses civil jurisdiction requirements in Section 11.103 of Title 25 of the Code of Federal Regulations, the Full Faith and Credit for Child Support Orders Act (FFCCSOA) in Section 1738B of Title 28 of the United States Code, and the jurisdictional requirements in the Chickasaw Nation Code Sections 101.0 and 101.3; and ■ 1 through 3

(2) does not provide child support services when the child(ren) is in a deprived or delinquent state juvenile court action. ■ 4

(b) **New tribal case assignments and transfers from CSED.**

(1) Under the requirements of OAC 340:25-5-124, the Oklahoma Interstate Central Registry and the Oklahoma Centralized Support Registry, also known as the State Disbursement Unit, assign to a child support office incoming interstate referrals and Form CSED-1, Application for Child Support Services, with a:

(A) Native American noncustodial parent;

(B) tribal child support order; or

(C) tribal employer.

(2) The assigned district child support office processes the case and transfers cases that meet the requirements under subsection (d) of this Section to the tribal office.

(3) The Child Support Enforcement Division (CSED) retains cases with noncustodial parent tribal members and tribal child support orders unless: ■ 1

(A) the custodial person or noncustodial parent requests a transfer of the tribal case to the tribal office, and the tribal case meets the eligibility requirements of the tribal office under subsection (d) of this Section; or

(B) the tribal or federal courts within the tribal office service area have exclusive jurisdiction over the tribal case. ■ 3 & 5

(c) Transfers from the tribal office and CSED registration of tribal child support orders. CSED accepts cases returned to CSED from the tribal office due to the lack of jurisdiction to proceed in the tribal court system. CSED registers tribal child support orders in state courts under FFCCSOA in Section 1738B of Title 28 of the United States Code and may establish and enforce a child support order in tribal or federal courts that are outside the tribal office's service area. ■ 2

(d) Tribal office case eligibility requirements.

(1) **Establishment.** A person may receive services from the tribal office for paternity establishment and establishment of a child support order when the noncustodial parent or putative father is an enrolled member of one of the tribes in the tribal office's service area and lives within the boundaries of that tribe. ■ 3

(2) **Enforcement.** A person may receive services from the tribal office for enforcement of a child support order when any one of (A) through (C) of this paragraph applies.

(A) The order is a tribal order from one of the tribes in the tribal office's service area. ■ 3 & 5

(B) The order is issued by a state court, either district or administrative, and the noncustodial parent is an enrolled member of one of the tribes in the tribal office's service area and lives within the boundaries of that tribe. The tribal office staff notifies the state district court, the Office of Administrative Hearings: Child Support or, if necessary, both courts of the intention of the tribal office to proceed with the case in tribal court. ■ 3

(C) The order is issued by a state court, either district or administrative, and the noncustodial parent is a non-Native American tribal employee of one of the tribes in the tribal office's service area. Within 30 days of case assignment to the tribal office, the tribal office registers the state order in tribal court only for enforcement of the child support order. If the noncustodial parent leaves tribal employment, the tribal office transfers the case to CSED. ■ 3 & 5

(e) Definitions. The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

(1) **"Native American"** means a person who is an enrolled member of a federally recognized Indian tribe.

(2) "Tribal case" means a child support case with a Native American noncustodial parent, tribal child support order, tribal employer, or any combination.

INSTRUCTIONS TO STAFF

1. (a) The Full Faith and Credit for Child Support Orders Act (FFCCSOA) is found in Section 1738B of Title 28 of the United States Code. It requires courts of all United States territories, states and tribes to accord full faith and credit to a child support order issued by another state or tribe that properly exercised jurisdiction over the parties and the subject matter. As described in the Office of Child Support Enforcement Action Transmittal OCSE-AT-02-03, this includes registering, for enforcement or modification purposes, state child support orders in tribal courts or Courts of Indian Offenses. OCSE-AT-02-03 is available from the OCSE Web site at <http://www.acf.dhhs.gov/programs/cse/pol/AT/at-02-03.htm>.

(b) The tribal office uses the tribal court system and determines which tribal court or which federal Court of Indian Offenses has jurisdiction over each tribal office case.

(c) The Child Support Enforcement Division (CSED) accepts and reassigns cases returned from the tribal office:

(1) for lack of jurisdiction to proceed in the tribal court system;

(2) when the tribal office determines the noncustodial parent or putative father is not an enrolled member of a federally recognized Indian tribe in the tribal office's service area;

(3) when there is no tribal or federal court order and the non-Native American custodial person requests that the case be transferred back to CSED. A custodial person has a right to choose services from CSED or the tribal office. However, once an order issued by a state court is docketed with a tribal or federal court, the case remains with the tribal office; or

(4) when the child(ren) is in a deprived or delinquent state juvenile court action.

2. Upon request from child support district office staff, the tribal office provides assistance on CSED cases to obtain service of process against persons who reside on tribal land.

3. (a) The tribal office service area includes the following tribes with which the Chickasaw Nation has agreements: Absentee Shawnee tribe, Cherokee Nation, Chickasaw Nation, Choctaw Nation, Creek Nation, Osage Nation, Sac and Fox Nation, and Seminole Nation.

(b) A Native American noncustodial parent must be an enrolled member of one of these tribes and live in the boundaries for their tribe, except for Chickasaw Nation and Seminole Nation, which extend jurisdiction to any noncustodial parent and putative father enrolled tribal member living within these two tribal areas.

(c) Chickasaw Nation's counties of jurisdiction are: Carter, Garvin, Johnston, Love, McClain, Marshall, Murray, and Pontotoc. Parts of Bryan, Coal, Grady, Jefferson, and Stephens counties are within Chickasaw Nation's jurisdiction. A Native American noncustodial parent who lives within these 13 counties of tribal jurisdiction goes through Chickasaw Tribal Court, which has jurisdiction over any Native American noncustodial parent and putative father living within the Chickasaw Nation's boundaries.

(d) Absentee Shawnee tribe has jurisdiction over noncustodial parent tribal members living on trust land located within a limited part of Pottawatomie County.

(e) Cherokee Nation has jurisdiction over noncustodial parent tribal members located within their boundaries who live on trust or restricted land. The tribal office provides child support services to any tribal member residing in Adair, Sequoyah, Cherokee, Muskogee, and Wagoner counties if there is an existing district court order.

(f) Choctaw Nation has jurisdiction only over Choctaw tribal citizens who have filed an action in tribal court. The Choctaw Nation's counties of jurisdiction are: Atoka, Choctaw, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, and Pushmataha. The Choctaw Nation has jurisdiction in parts of Bryan, Coal, and Hughes counties.

(g) Creek Nation has jurisdiction over noncustodial parent and putative father tribal members living on trust or restricted land. The Chickasaw Nation assists a Creek citizen with child support services where there is a district court order issued in Okfuskee, Okmulgee, Muskogee, or Wagoner counties.

(h) Osage Nation has jurisdiction of noncustodial parent and putative father tribal members living within its reservation boundaries. The Osage Nation refers a case for child support services to the Chickasaw Nation Tribal Child Support office when a Native American custodial person receives Temporary Assistance for Needy Families (TANF) from the Osage Nation.

(i) Sac and Fox Nation has jurisdiction over any Native American residing within its boundaries in Lincoln County, and a limited part of Payne and Pottawatomie Counties.

(j) Seminole Nation's county of jurisdiction is Seminole county. The tribal office uses the Court of Indian Offenses in Seminole, Oklahoma, which has jurisdiction over any Native American noncustodial parent and putative father living in Seminole County.

(k) Chickasaw Nation handles cases in the Court of Indian Offenses in Anadarko, Oklahoma, only when there is a child support order issued by that court. This court serves the following tribes: Apache, Caddo, Comanche, Delaware, Ft. Sill Apache, Kiowa, and Wichita.

(l) The tribal office handles cases transferred from another state or tribal IV-D program only if the tribe is within their service area or the noncustodial parent or putative father meets the jurisdictional and venue requirements of OAC 340:25-5-124.2.

4. CSED retains tribal cases when there is a deprived or delinquent state juvenile court action and the child is placed in the custody of a Native American.

5. Child support district offices transfer cases to the tribal office that are within the tribal office service area when a state court does not have jurisdiction for establishment or enforcement of the child support order. Examples of when a tribal or federal court has exclusive jurisdiction and a child support district office may transfer the tribal case to the tribal office to establish or enforce the child support order in the tribal or federal court include:

(1) a tribal or federal court within the tribal office's service area issues a custody order without a child support order; and

(2) a tribal employer in the tribal office service area fails to comply with a notice of income assignment (NOIA) issued by a child support district office. The tribal office registers any state child support order in the tribal

or federal court, issues an NOIA to the employer, and, if needed, requests the court to order the employer to comply.

340:25-5-133. Current child support follows the child when physical custody changes

(a) When the legal custodian relinquishes physical custody of a child(ren) to another custodial person, the Child Support Enforcement Division (CSED) of the Oklahoma Department of Human Services (OKDHS) redirects current child support payments to the new custodian under Sections 7202.3 of Title 10 and 237 of Title 56 of the Oklahoma Statutes. ■ 1 & 2 A custodial person who relinquishes physical custody of a child(ren) to another custodian must notify CSED of the change. CSED remits current child support payments to the new custodial person. Transfer of child support payments occurs with the first payment received in the month after a change in physical custody takes place.

(b) When the legal custodian of a child(ren) dies and another custodial person, who is not the obligor, assumes custody of the child(ren), CSED establishes a new support order with the new custodian as the obligee. The new custodial person must submit an application for child support services if an application is required under OAC 340:25-5-117. CSED redirects current child support payments to the new custodial person pending receipt of an application if required and establishment of the new support order. CSED distributes any past support payments already collected prior to the custodial person's death according to OAC 340:25-5-140.

(c) When a new custodial person assumes custody of a child(ren), CSED directs past-due support payments to the custodian(s) to whom the past-due support is owed. ■ 2

INSTRUCTIONS TO STAFF

1. **(a) Verification.** **When a person notifies the Child Support Enforcement Division (CSED) that he or she now has physical custody of a child(ren) who is the subject(s) of a support order, child support staff attempt to confirm this with the custodial person of record.**

(1) If the custodial person of record is not available to confirm a change in custody, child support staff attempt to verify the change by requesting verification, such as school records or affidavits, from the new custodian.

(2) Child support staff document a change in physical custody and designate a new custodial person of record only after CSED obtains convincing verification of a change in custody. CSED does not change the custodial person of record if there is any indication of kidnapping.

(b) Form DCYFS-CWS-8A. When a child is in the custody of the Oklahoma Department of Human Services (OKDHS) and out-of-home care, child support staff confirm any change of placement of a child by reviewing a copy of Form DCYFS-CWS-8A, Change in Placement Notification, provided by the Child Welfare worker, unless the child moves from one paid placement to another paid placement. Form DCYFS-CSW-8A, required under OAC 340:75-6-86, documents the placement and lists the name and address of the new placement provider. Change of placement involves reunification with a parent or change in caretaker or treatment facility.

(c) Change of placement on the automated Oklahoma Support Information System (OSIS). If the placement changes from:

(1) paid to unpaid, child support staff set up the new caretaker as another custodial person on that Family Group Number, build a separate child support obligation, and set up a private case type (M) in order to issue child support payments to the caretaker; or

(2) unpaid to paid, the child support payments are retained once the case type is changed to foster care or Temporary Assistance for Needy Families (TANF) reimbursement.

2. Section 302.38 of Title 45 of the Code of Federal Regulations requires that payments be made to the resident parent, legal guardian, or caretaker relative having custody of, or responsibility for, the child(ren).

PART 17. PAST SUPPORT

340:25-5-140. Past support

(a) The Oklahoma Department of Human Services Child Support Enforcement Division (CSED) takes appropriate action to collect support and secure compliance with support orders. When a support order does not specify an effective date, a payment is due on the first day of the month following the entry of the child support order, and on the first day of each month thereafter except when another state's law governs the due date. CSED bases its determination of past-due support and support for a prior period on information in available records from courts, IV-D and other public and private agencies, custodial persons, noncustodial parents, and others. CSED may require sworn written statements and supporting documents from custodial persons, noncustodial parents, and others pertaining to support payments. The primary legal foundations for determination and collection of past-due support and support for a prior period are applicable provisions of:

- (1) Title IV, Part D₁ of the Social Security Act;
- (2) Section 1738B of Title 28 of the United States Code;
- (3) Chapters 302 and 303 of Title 45 of the Code of Federal Regulations; and
- (4) Chapters 1 and 3 of Title 10, Chapters 3 and 21 of Title 12, Title 43, and Sections 231 through 240.23 of Title 56 of the Oklahoma Statutes.

(b) CSED takes action to enforce past-due support and support for a prior period under Part 23 of this Subchapter.

(c) Settlements of past support may include a noncustodial parent's lump sum partial payment or a series of payments made toward the total amount of past support. Settlements may include an agreement for the noncustodial parent to pay a specified number of current child support payments in the future or in-kind payments. In accordance with Section 112 of Title 43 of the Oklahoma Statutes, CSED:

- (1) acknowledges the rights of the custodial person and noncustodial parent to mutually agree to waive, with approval of the court, all or a portion of the past child support due to the custodial person, or
- (2) may negotiate the right to collect all or part of past support owed to the State of Oklahoma. ■ 1

(d) CSED uses the annual notice to obligor under Section 237A of Title 56 of the Oklahoma Statutes to confirm the amount of past-due support and remaining balances on previously confirmed judgments. Past-due support and remaining balances on judgments for support for a prior period may also be confirmed during other enforcement actions as provided in Part 23 of this Subchapter.

(e) If the custodial person dies and no past support is owed to any state, CSED refunds child support payments to the decedent's estate when notified in writing by the administrator of the estate. CSED does not file a forced probate court action to determine heirs and distribute past support to heirs. When:

(1) CSED does not receive notice from the administrator of the estate within six months of the custodial person's death, CSED refunds child support payments to the payor.

(2) the payor's address is unknown, or payments are returned due to the inability to distribute, support payments are returned to the noncustodial parent.

(3) past support is owed to any state, CSED distributes the payments according to OAC 340:25-5-351.

INSTRUCTIONS TO STAFF

1. Child support staff include in the court order settlement terms of the waiver of past support. All settlements of past support owed to the state must be approved by the district office state's attorney.

340:25-5-140.1. Interest

(a) **General.** The Child Support Enforcement Division (CSED) collects and enforces interest on delinquent Oklahoma court-ordered child support payments under Section 114 of Title 43 of the Oklahoma Statutes.

(b) **Support for a prior period.** CSED collects interest on support for a prior period established under [OAC 340:25-5-179.1](#) from the date of the order. ■ 1

(c) **Accrual date.** Interest accrues on any unpaid portion of the monthly current child support obligation on the first day of the month following:

(1) the due date specified in the court order; or

(2) the entry date of the child support order when a support order does not specify a due date.

(d) **Grace period and accrual.** CSED may allow a grace period during which interest is not charged. Interest accrues from the date the arrears are in excess of one month's current support. ■ 2

(e) **Interest rate.**

(1) CSED calculates simple interest under Section 114 of Title 43 of the Oklahoma Statutes. If a court orders a compound interest rate, the prevailing party is responsible for preparing the interest calculation.

(2) For orders established in other states, the law of the state entering the order determines the amount and rate of interest due. ■ 3

(3) For orders established in Oklahoma, Oklahoma law determines the amount and rate of interest due.

(f) **Order silent as to interest.** When an order that settles a child support arrearage is silent as to interest, the party with the right to collect has not waived the interest. ■ 4

(g) **Enforcement.** Accrued interest is considered child support. Interest is included in all enforcement remedies unless specifically prohibited by that remedy.

(h) **Interstate cases.** CSED collects interest on incoming interstate cases when an initiating state calculates the interest owed and requests that CSED collect it. ■ 5

(j) **Application of payments to interest.** CSED applies payments to interest as described in OAC 340:25-5-351.

(j) **Waiver of interest.** CSED acknowledges the rights of the custodial person and noncustodial parent to mutually agree to waive, with approval of the court, all or a portion of the interest due to the custodial person. CSED may negotiate the right to collect all or part of the interest owed to the State of Oklahoma. Settlements of interest may include:

(1) a noncustodial parent's lump sum partial payment or a series of payments; or

(2) an agreement for the noncustodial parent to pay:

(A) a specified number of current child support payments in the future; or

(B) in-kind payments. ■ 6 & 7

(k) **Reopening closed cases.** CSED does not reopen closed child support cases at the request of a customer for the purpose of collecting interest.

INSTRUCTIONS TO STAFF

- 1. Orders for support for a prior period are obtained in paternity and Notice of Support Debt cases under OAC 340:25-5-179.1. Support for a prior period is defined in OAC 340:25-1-1.1.**
- 2. Grace periods are intended to accommodate obligors who pay by income assignment, but they apply to all obligors.**
- 3. When using the one-state process to enforce an order established in another state, it is the responsibility of child support staff to calculate interest using the interest rate of the state that established the order, also known as the issuing state.**
- 4. Oklahoma courts have consistently held that where a statute authorizes interest, interest is not an element of damages and is recoverable regardless of whether it is specifically referred to in the order.**
- 5. When using the two-state process in interstate cases, it is the responsibility of the initiating state to calculate whether the obligor has paid all current support, arrears, and interest under the law of the state that issued the order. [43 Okl. St. Ann. § 601-604 Official Comment]**

6. Child support staff use the Custodial Person's Waiver of Interest in Conjunction With A Settlement legal settlement document on the automated Oklahoma Support Information System (OSIS).
7. Child support staff include in the court order settlement terms of the waiver of interest. All settlements of interest owed to the state must be approved by the district office state's attorney.

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

(a) When a person receiving non-TANF (Temporary Assistance for Needy Families) Medicaid notifies the 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 custodial person 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 4

(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 custodial person except when subsection (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 becomes part of the fixed monthly child support obligation.

(d) When the custodial person 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, Page 1, 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 noncustodial parent's share of the base monthly obligation for child support and the custodial person's gross monthly income as the custodial person's monthly income when applying Appendix C-4. Upon selecting the applicable income level on Appendix C-4, Page 1, 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, Page 1, in the same proportion as base child support. Child support staff perform a separate child support guidelines calculation for each noncustodial parent. ■ 5

(2) If the custodial person 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. ■ 6

(f) When the noncustodial parent is a minor, CSED establishes paternity under OAC 340:25-5-176 if necessary and establishes a child support order. If a minor noncustodial parent or a custodial person 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 noncustodial parent or custodial person 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. ■ 7

(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 of Title 43 of the Oklahoma Statutes if the application or referral for IV-D services is received during the period when child support is due pursuant to Section 112 of Title 43 of the Oklahoma Statutes.

(i) CSED establishes a child support order on an incarcerated noncustodial parent and requests the court to enter the effective date of the child support obligation as the first day of the second month following release from incarceration.

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 claim, either disability or retirement, child support staff add the amount of the child(ren)'s SS benefits to the noncustodial parent'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 noncustodial parent credit for the amount of the monthly SS payment to the child(ren). See Merritt v. Merritt (2003 OK 68, 73 P.3d 878), Nero v. Nero (2002 OK CIV APP 64, 48 P.3d 127), Nazworth v. Nazworth (1996 OK CIV APP 134, 931 P.2d 86) and Wilson v. Stenwall (1992 OK CIV APP 34, 868 P.2d 1317).
 3. If the noncustodial parent or minor child is disabled and either is receiving monthly Supplemental Security Income (SSI), the Child Support Enforcement Division excludes SSI from either parent's gross income. See Section 118(E)(2)(b) of Title 43 of the Oklahoma Statutes.
 4. Child support staff consult with their district office state attorney for a legal interpretation when the amount of the monthly child support obligation in the body of an order conflicts with the amount in the child support computation form.
 5. When a custodial person 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 noncustodial parent's share of the base monthly obligation for child support (Line 6 or 13 of the child support computation form) to the custodial person's gross monthly income (Line 1 or 4 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 OKDHS child care as "actual" child care cost and enter this amount on Line 17 of the child support guidelines computation form.

6. The age of majority varies by state. Child support staff may use the Office of Child Support Enforcement (OCSE) Intergovernmental Referral Guide 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>.
7. CSED serves an action to establish a child support order on a minor noncustodial parent through a parent, guardian, or other appropriate adult as the "next friend" of the minor noncustodial parent.

340:25-5-179.1. Establishment of support for a prior period

(a) The Child Support Enforcement Division (CSED) establishes support for a prior period.

(1) When paternity is being established by court order or when paternity has been previously established by a signed Form CSED-209, Affidavit Acknowledging Paternity, CSED establishes current support and support for a prior period at the same time under Sections 70 and 83 of Title 10, Sections 118 and 119 of Title 43, and Section 238.6B of Title 56 of the Oklahoma Statutes.

(2) When a child(ren) is born during a marriage and no order addressing support for a prior period exists, CSED establishes support for a prior period under Sections 118 and 119 of Title 43 and Section 238.1 of Title 56 of the Oklahoma Statutes.

(A) CSED establishes support for a prior period under this subsection only when:

(i) current child support is sought; and

(ii) Temporary Assistance for Needy Families (TANF) has been expended in any month during the past five years.

(B) CSED may issue a Notice of Support Debt or file a district court action to establish support for a prior period. CSED limits this prior period to the number of months on TANF during the five years immediately before the date CSED issues the Notice of Support Debt, or files the district court action.

(b) When a child support order is entered against a minor noncustodial parent, CSED establishes support for a prior period under the criteria for establishing current child support described in OAC 340:25-5-178. CSED establishes a monthly payment plan amount of at least \$1 a month.

(c) CSED does not establish an order for support for a prior period on an incarcerated noncustodial parent. Adjudication for support for a prior period is reserved until release from incarceration.

340:25-5-185.1. Docketing

The Child Support Enforcement Division promptly docketed child support orders entered by the Oklahoma Department of Human Services Office of Administrative Hearings: Child Support within 30 days with the appropriate district court under Sections 238.1, 238.6B, and 240.2 of Title 56 of the Oklahoma Statutes. Prompt docketing gives notice of the existence of the administrative order so other issues will be filed in the same district court case number. ■ 1 & 2

INSTRUCTIONS TO STAFF**1. Prompt docketing of child support orders:**

(1) ensures proper assignment of child support cases to the district office serving the county where the Oklahoma order for current child support was entered or docketed in district court under OAC 340:25-5-124; and

(2) expedites enforcement actions that are done through the district court.

2. As part of the establishment of the child support order process, child support staff use the Request to Docket Administrative Order document on the automated Oklahoma Support Information System (OSIS). Child support staff file this document in the appropriate district court with the administrative establishment order attached.

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 (A) and (B) of this paragraph 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 is called 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 paragraph (1) 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. ■ 2 CSED notifies the parties of the review with instructions for submitting financial and other information required for the review.

(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 custodial person or the noncustodial parent 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 noncustodial parent requests the review, the noncustodial parent must complete Form CSED-1, Application 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 paragraphs (2) or (3) of this subsection.

(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 the support order should be modified. ■ 3

(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 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 <http://www.acf.dhhs.gov/programs/cse/pol/IM/im-01-09.htm> regarding military reservists called to active duty.**
- 2. The Oklahoma Department of Human Services (OKDHS) 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. CSED may initiate a review of the child support order when a case includes a child(ren) receiving OKDHS child care subsidy benefits and the child support computation does not include any contribution towards child care expenses.**
- 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.**

340:25-5-201.1. Amendment of income assignment and modification after noncustodial parent obtains custody

(a) The Child Support Enforcement Division (CSED) amends the Order/Notice To Withhold Income For Child Support to stop current support when a noncustodial parent obtains physical custody of all children who are the subject of the support order, or when the parties to the case reunite. CSED does not amend the Order/Notice To Withhold Income For Child Support if there is any indication of parental kidnapping or involuntary relinquishment. ■ 1 through 3

(b) If the noncustodial parent obtains physical or legal custody of all children who are the subject of the support order and makes application for services, CSED initiates modification of the order to establish current support.

INSTRUCTIONS TO STAFF

1. When a noncustodial parent notifies the Child Support Enforcement Division (CSED) that he or she now has physical custody of all children who are the subject of a support order, child support staff attempt to confirm that this change is with the consent and acquiescence of the custodial person. If the custodial person is unavailable, child support staff attempt to verify the change by requesting verification from the obligor, such as school records or affidavits.
2. CSED's basis for amending the notice of income assignment for current support follows the rationale expressed in the courts' holdings in McNeal v. Robinson (1981 OK 43, 628 P.2d 358) and Aguero v. Aguero (1999 OK CIV APP 38, 976 P.2d 1088). The courts held that credit may be allowed for a period during which the noncustodial parent, with the custodial person's consent and acquiescence, has physical custody of the children. Child support payments are for the benefit of the children, rather than the custodial parent, and it would be inequitable to effectively force the noncustodial parent to pay twice for their support.
3. Child support staff do not amend the Order/Notice To Withhold Income For Child Support to stop current support if:
 - (1) there is any indication of parental kidnapping or involuntary relinquishment of custody;
 - (2) the noncustodial parent is unable to provide convincing verification of a change in custody; or

(3) the noncustodial parent does not obtain custody of all children who are the subjects of an aggregate order. An aggregate order is a support order that provides one support amount for more than one child.

340:25-5-211.1. License revocation and reinstatement

(a) The Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) may apply this Section in considering obligors' requests to reinstate occupational and recreational licenses. Otherwise, this Section only applies to obligors' requests to reinstate an Oklahoma driver license for an obligor who is not in compliance with an order for child support.

(b) CSED follows Sections 139 and 139.1 of Title 43 of the Oklahoma Statutes, Sections 1-153, 6-201, 6-201.1, and 6-211 of Title 47 of the Oklahoma Statutes, and Sections 237.1, 240.15 through 240.17, and 240.19 through 240.21A of Title 56 of the Oklahoma Statutes in processing enforcement actions to order the revocation, suspension, nonissuance, nonrenewal, or probation of an Oklahoma driver license for an obligor who is not in compliance with an order for child support.

(c) When an obligor is complying with a court-ordered payment plan under Section 240.17 of Title 56 of the Oklahoma Statutes, CSED conducts a desk review of the case file within 15 days after receipt of a written request for reinstatement. If CSED determines an obligor is not complying with a court-ordered payment plan, CSED sends a notice to the obligor that the request for reinstatement of a driver license is denied. The notice advises the obligor that the obligor has 15 days to request an administrative reinstatement hearing.

(d) Upon receipt of a timely request for a hearing, CSED schedules the matter for a hearing before the OKDHS Office of Administrative Hearings: Child Support.

340:25-5-212. Financial institution data match reporting system

(a) **Legal basis.** The Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) maintains a financial institution data match reporting system to identify obligors' assets and to issue levies on accounts of obligors who are in noncompliance with an order for support. In maintaining the system, CSED follows Title IV, Part D₁ of the Social Security Act, associated federal regulations, and state statutes. This Section establishes provisions necessary to implement Sections 666 (a)(17) and 669A of Title 42 of the United States Code and Sections 240.22 through 240.22G of Title 56 of the Oklahoma Statutes. The definitions in Section 240.22A of Title 56 of the Oklahoma Statutes apply to the terms used in this Section.

(b) Financial institutions.

(1) All data supplied to CSED by financial institutions doing business in Oklahoma must be in accordance with the Financial Institution Data Match Specifications Handbook published by the federal Office of Child Support Enforcement.

(2) A financial institution may charge an account levied on by CSED a fee of \$20, under Section 240.22E (E) of Title 56 of the Oklahoma Statutes, which is deducted from the account before the financial institution remits funds to CSED. If the levied funds are subsequently refunded by CSED because of a CSED error described in (d)(4)(A) or (d)(4)(B) of this Section, CSED refunds any fee charged to the appropriate account holder.

(c) **Levies.** Levies are for the total amount of past-due support as defined in Section 237.7 of Title 56 of the Oklahoma Statutes.

(d) Notice of levy and administrative review.

(1) CSED sends a notice of levy to an obligor within three days after sending the levy to the financial institution. [56 O.S. § 240.22G] The notice of levy includes:

(A) instructions for the obligor or a non-obligated joint account holder to request an administrative review;

(B) a description of the grounds for requesting an administrative review;

(C) a description of the review process; and

(D) notice that failure to submit a timely request for review means the levy is final.

(2) It is the responsibility of the obligor to notify any joint account holder(s) of the levy.

(3) Either the obligor or a non-obligated joint account holder may request an administrative review of the levy after the date on the notice of levy under Section 240.22G of Title 56 of the Oklahoma Statutes.

(4) The obligor may request an administrative review because:

(A) there is a mistake of identity;

(B) the obligor did not owe three months of child support at the time of the levy;

(C) the amount taken by the levy is more than the obligor owes; or

(D) the levied funds are owned by a non-obligated joint account holder.

(5) A non-obligated joint account holder may request an administrative review because the levied funds are not owned by the obligor.

(6) The purpose of the administrative review is to quickly resolve any obvious factual errors.

(7) After the administrative review, CSED issues a notice of administrative review decision and information about requesting an administrative hearing.

(e) **Administrative hearing.** Either the obligor or a non-obligated joint account holder may request a hearing before the OKDHS Office of Administrative Hearings: Child Support, by the date specified in the notice of administrative review decision.

(f) Release of funds from levy. CSED releases funds from levy when the obligor submits sufficient and credible evidence at the administrative review that the source of the funds is:

(1) Supplemental Security Income (SSI) benefits;

(2) State Supplemental Payments (SSP) for Aged, Blind and the Disabled;

(3) Temporary Assistance for Needy Families (TANF) benefits; or

(4) child support payments, if the obligor is the custodial person of a minor child(ren) and is receiving the payments as required by a court order.

340:25-5-213. Annual notice

(a) The Child Support Enforcement Division (CSED) sends a notice required by Section 237A of Title 56 of the Oklahoma Statutes to obligors and custodial persons in IV-D cases at least once every 12 months, unless the amount of past due support has been determined in a court proceeding within the past twelve months. [56 O.S. § 237A] CSED refers to this notice as a Notice and Order of Child Support Lien or annual notice. The annual notice confirms the amount of past support and establishes a payment plan to collect past support. It may establish an address of record for obligors and custodial persons, and it includes notice of the procedure to submit address changes to the Central Case Registry. The annual notice:

- (1) informs the obligor that child support services under the state plan are being provided;
- (2) instructs the obligor to redirect the support payments to the Centralized Support Registry; and
- (3) advises the obligor of the amount of past support and collection actions that may be taken to collect the support debt. ■ 1

(b) The annual notice includes directions for the obligor to make specified monthly payments to satisfy past-due support. Under Section 137 of Title 43 of the Oklahoma Statutes, the past-due support repayment schedule may not exceed three years unless specific findings of fact supporting the action are made. CSED compares the monthly payment amount based on this three-year repayment schedule with 50 percent of the current monthly support obligation and sets the amount of the monthly payment included in the annual notice at the greater of these two amounts.

(c) The initial notice is served upon the obligor as provided in Section 2005 of Title 12 of the Oklahoma Statutes. If there is an address of record on file with the Central Case Registry under Section 112A of Title 43 of the Oklahoma Statutes, the notice may be served by regular mail at the address on record. Subsequent notices may be served by regular mail with a certificate of mailing to the last address of record. The initial notice and subsequent annual notices are sent to the custodial person by regular mail with a certificate of mailing.

INSTRUCTIONS TO STAFF

- 1. One provision of Section 237A of Title 56 of the Oklahoma Statutes establishes a procedure for the noncustodial parent to request an administrative review of the annual notice. CSED permits custodial persons to use the same procedure to request administrative reviews of the annual notice.**

PART 33. INTERSTATE AND INTERNATIONAL CASES**340:25-5-270. Interstate and international cases**

(a) In referring and processing interstate and international IV-D cases the Oklahoma Department of Human Services Child Support Enforcement Division (CSED) is governed by:

(1) the Uniform Interstate Family Support Act (UIFSA) as provided in Sections 601-100 through 601-901 of Title 43 of the Oklahoma Statutes;

(2) Section 240.9 of Title 56 of the Oklahoma Statutes;

(3) Section 1738B of Title 28 of the United States Code;

(4) Sections 454, 459A, and 466 of the Social Security Act; and

(5) Sections 302.36 and 303.7 of Title 45 of the Code of Federal Regulations.
■ 1 & 2

(b) CSED operates an interstate registry in accordance with Section 303.7 of Title 45 of the Code of Federal Regulations, and Section 112A of Title 43 of the Oklahoma Statutes.

(c) CSED uses forms issued by the Secretary of the U.S. Department of Health and Human Services under Section 452 of the Social Security Act as applicable for processing interstate cases.

(d) When Oklahoma is the initiating state, CSED obtains information and communicates with the custodial person. When Oklahoma is the responding state, CSED communicates to the initiating state with which CSED has established a case. ■ 3 & 4

INSTRUCTIONS TO STAFF

1. The Child Support Enforcement Division (CSED) registers foreign orders under Sections 601-601 through 601-604 of Title 43 of the Oklahoma Statutes as necessary for enforcement. If Section 601-207 of the same title applies, CSED consolidates multiple orders.

2. When genetic testing is required in interstate cases, the initiating state is responsible for paying the cost of testing in accordance with Section 303.7 of Title 45 of the Code of Federal Regulations.

(1) When Oklahoma is the initiating state, child support staff provide the responding state with CSED's contracted laboratory information and assist with scheduling genetic testing as needed. If the responding state proceeds without prior approval from Oklahoma, child support staff contact the CSED state office Finance and Budget Unit for the payment process.

(2) When Oklahoma is the responding state, child support staff contact the initiating state, who either schedules the genetic testing or provides laboratory information. If laboratory information is provided, child support staff request the test kit from the initiating state's laboratory. CSED's contracted laboratory uses the initiating state's test kit to collect the genetic samples from those residing in Oklahoma and returns the kit to the initiating state's laboratory for analysis. If both states use the same laboratory, child support staff facilitates the genetic testing in Oklahoma and the laboratory bills the initiating state directly.

3. Child support staff follow the federal Office of Child Support Enforcement Action Transmittal OCSE-AT-98-30 at <http://www.acf.dhhs.gov/programs/cse/pol/AT/at-9830.htm> to clarify the intent of Section 303.7 of Title 45 of the Code of Federal Regulations regarding communication in interstate cases.

4. When it is necessary to communicate with the custodial person from the initiating state, child support staff update the Child Support Case Log Add screen (CSLOGA) on the Oklahoma Support Information System (OSIS) with "***CARE***. Please send call from custodial person to district office." The Customer Assistance Response Effort (CARE) passes through calls from the custodial person as long as there is no follow-up message to cease.

340:25-5-340. Collection and maintenance of addresses of record

(a) Section 112A of Title 43 of the Oklahoma Statutes provides the basis for the Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) to collect and maintain addresses of record for:

(1) parties and custodial persons subject to paternity orders or child support orders entered in Oklahoma;

(2) noncustodial parents under Section 237A of Title 56 of the Oklahoma Statutes and OAC 340:25-5-213;

(3) parties and custodial persons subject to paternity orders or child support orders entered in other jurisdictions; and

(4) parties and custodial persons when they voluntarily submit them.

(b) Custodial persons and noncustodial parents establish the initial address of record through:

(1) completion of Form CSED-8, Family Violence - Address of Record Statement;

(2) a court order; or

(3) a support order summary form when services are not being provided under the OKDHS state IV-D plan pursuant to Section 237 of Title 56 of the Oklahoma Statutes.

(c) Custodial persons and noncustodial parents may also use Form CSED-8 to designate a family violence indicator under OAC 340:25-5-67.1.

(d) Addresses of record are subject to release for the purpose of service of process in support, visitation, and custody actions under Section 112A of Title 43 of the Oklahoma Statutes.

(e) A person who is responsible for maintaining an address of record on file with CSED under Section 112A of Title 43 or Section 237A of Title 56 of the Oklahoma Statutes must notify CSED of any change in the address within 30 calendar days. The person may send changes to CSED, Central Case Registry, P.O. Box 528805, Oklahoma City, OK 73152-8805 or to a district child support office. CSED may require proof of a person's identity before establishing or changing a person's name or address of record and may attempt to verify or confirm the correctness of addresses of record.

(f) A custodial person updates an address of record:

(1) by completing and signing a change of records letter;

(2) by telephoning CSED customer service at 405-522-2273 in the Oklahoma City calling area, 918-295-3500 in the Tulsa calling area, or toll-free at 1-800-522-2922 and entering an OKDHS customer identification number and personal identification number. This provides restricted access to the custodial person's case information for CSED to update the address of record by telephone; or

(3) through a court order.

(g) A noncustodial parent updates an address of record:

(1) by completing a change of records letter; or

(2) through a court order.

(h) CSED records the custodial person's address of record as the address of a custodial person's attorney only if the custodial person designates the attorney's address as the address of record pursuant to Sections 112A and 413(F) of Title 43 of the Oklahoma Statutes. ■ 1

(i) CSED does not change a custodial person's address of record to that of a collection agency to send support payments to the collection agency's address. CSED denies any such request unless there has been an assignment of child support to an attorney pursuant to Section 118.4 of Title 43 of the Oklahoma Statutes. ■ 2

INSTRUCTIONS TO STAFF

1. In accepting designation as the custodial person's address of record, the attorney becomes responsible for receiving the custodial person's payments, legal documents, and other official papers by regular mail.

2. Although a private collection agency's address cannot be the address of record, the Child Support Enforcement Division may release to the private collection agency a record of payments under OAC 340:25-1-3.1 if the custodial person designates the collection agency as an authorized representative on Form CSED-10, Special Power of Attorney, to receive confidential information about the IV-D case on behalf of the custodial person. The information an authorized representative may receive is limited to the

information that the custodial person in the case may receive under OAC 340:25-5-67.

340:25-5-350.1. Return of overcollected support amounts

If the Child Support Enforcement Division (CSED) receives:

(1) a support payment in excess of the noncustodial parent's obligations, CSED returns the excess amount to the payor within 45 days after discovering the overcollection. If the payor's address is unknown, or the payment is returned due to the inability to distribute it, the support payment is returned to the noncustodial parent. ■ 1

(2) a support payment and the custodial person's address is unknown, CSED applies support collections to any unreimbursed public assistance debt associated with the noncustodial parent.

(3) an erroneous excess payment, CSED returns it to the payor within 45 days after discovering the overcollection. If the payor's address is unknown, or the payment is returned due to the inability to distribute it, the support payment is returned to the noncustodial parent.

(4) a payment that cannot be disbursed to a custodial person, or returned to the payor or noncustodial parent, and there is no debt to the State of Oklahoma, CSED remits the payment to the Oklahoma Department of Human Services General Revenue Fund Treasury. ■ 2

INSTRUCTIONS TO STAFF

1. Collections for future support are not overcollections.

2. The Child Support Enforcement Division processes IV-D and non-IV-D cases. Child support staff follow the Child Support Manual, Volume 11 - Non-IV-D, Non-IV-D chapter, for information on processing non-IV-D cases. Child support staff access the Child Support Manual on the CSED InfoNet at <http://s99web01/csed/epdu/CSManual/Library Index.htm>.

340:25-5-350.3. Payment of support through Centralized Support Registry

(a) **Centralized Support Registry.** The Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) operates a Centralized Support Registry (Registry), also known as the State Disbursement Unit, for the receipt, recording, allocation, distribution, and disbursement of support payments. ■ 1 CSED operates the Registry under Sections 410 and 413 of Title 43 of the Oklahoma Statutes, Sections 302.51 and 303.100 of Title 45 of the Code of Federal Regulations, and Sections 454B and 457 of the Social Security Act. This Section applies to both IV-D and non-IV-D cases unless the context clearly indicates otherwise. ■ 2

(b) **Support payments.** Support payments must be paid as instructed in writing by CSED. CSED may require payors and persons to provide information needed to identify and properly allocate and distribute payments and to submit payments to the Registry in accordance with Section 413 of Title 43 of the Oklahoma Statutes.

(1) CSED may receive support payments from employers and other payors through electronic funds transfer. To transfer child support payments electronically, employers first call CSED at the telephone numbers as provided in OAC 340:25-1-2.1 to set up the electronic funds transfer process. ■ 3 & 4

(2) CSED safeguards case information and records received from payors and persons. Information and records concerning IV-D and non-IV-D recipients of services through the Registry are confidential under Section 183 of Title 56 of the Oklahoma Statutes except as provided in OAC 340:25-5-67.

(3) CSED sends custodial persons a quarterly written notice of the amount of current support, arrears, and interest collected, and the amount of collections paid to the custodian. Custodial persons may also obtain this information over the Internet or by telephoning CSED as described in OAC 340:25-1-2.1.

(4) CSED reserves the right to refuse to accept a personal check after receiving a non-sufficient funds check from the same payor.

(5) CSED considers the date of collection the date that payments are received by the Registry.

(6) CSED allocates and distributes support payments under OAC 340:25-5-351.

(c) **Payment issuance.** CSED issues payments, made out only to the custodial person or the initiating state, by mailing a paper warrant or transferring funds electronically,

also known as direct deposit, under subsection (11)(B) of Section 454 of the Social Security Act and Section 302.38 of Title 45 of the Code of Federal Regulations. ■ 5

(1) For purposes of this Section, warrant, also known as a check or bank draft, means an unconditional written order by which one person authorizes another person to pay a certain sum of money to a third person. ■ 3 & 4

(2) CSED reissues a fraudulently endorsed and subsequently cashed warrant to the payee upon CSED's confirmation of a forged signature.

(3) For purposes of this Section, payee means the person or entity to whom the check is written. CSED confirms a check as forged when:

(A) the payee completes Form ADM-44-B, Affidavit of Forged Endorsement;

(B) the payee completes Form ADM-44-C, Investigation Questionnaire; and

(C) CSED compares the payee's signature against the endorsement on the check and verifies that the signatures do not match.

(d) **Overcollected support amounts.** CSED returns overcollected support amounts as described in OAC 340:25-5-350.1.

(e) **Distribution errors.** CSED manages distribution errors as described in this subsection.

(1) CSED is not responsible for overpayment, underpayment, nonpayment, misdirection of payment, or other distribution error caused by either incorrect payments or information submitted to CSED, or CSED receiving no information or payment. CSED does not attempt to recover, redirect, forward, repay, or otherwise correct this type of error.

(2) When CSED errs, CSED recovers overpayments to parties or custodial persons in IV-D and non-IV-D cases as described in Part 37 of this Subchapter.

INSTRUCTIONS TO STAFF

- 1. Child support staff follow the Child Support Manual, Volume 9 - Finance, State Disbursement Unit chapter. Child support staff access the Child Support Manual on the CSED InfoNet at http://s99web01/csed/epdu/CSManual/Library_Index.htm.**

- 2. Child support staff follow the Child Support Manual, Volume 11 - Non-IV-D, Non-IV-D chapter. Child support staff access the Child Support Manual on the CSED InfoNet at http://s99web01/csed/epdu/CSManual/Library_Index.htm.**
- 3. In processing payments electronically to an initiating state, the Child Support Enforcement Division (CSED) provides the initiating state with a list of cases which CSED is processing for that state. For each case, the initiating state confirms case status as active and verifies the accuracy of case information regarding noncustodial parent name, custodial person name, Social Security numbers, and case identifying number. If the initiating state identifies incorrect information, CSED updates the case on the automated Oklahoma Support Information System (OSIS). After case information is reconciled, the initiating state provides CSED their banking information and CSED forwards the initiating state's banking information to the Oklahoma State Treasurer. CSED updates OSIS to send all payments to the initiating state through electronic funds transfer.**
- 4. Electronic funds transfer encompasses the direct deposit of child support payments into a custodial person's checking or savings account or an initiating state's banking account at a financial institution located within the United States of America.**
- 5. Section 302.38 of Title 45 of the Code of Federal Regulations requires that payments be made to the resident parent, legal guardian, or caretaker relative having custody of, or responsibility for, the child(ren).**