
POLICY TRANSMITTAL NO. 04-37	DATE: JUNE 29, 2004
CHILD SUPPORT ENFORCEMENT DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:25-1, Table of Contents; 25-1-1.1; 25-1-2.1; 25-1-3.1; 340:25-5, Table of Contents; 25-5-67; 25-5-75; 25-5-95; 25-5-110.1; 25-5-114; 25-5-117; 25-5-123 through 25-5-124; 25-5-124.2; 25-5-140.1; 25-5-155; 25-5-168 through 25-5-171; 25-5-176; 25-5-178; 25-5-179.1; 25-5-183 through 25-5-184; 25-5-198.1 through 25-5-198.2; 25-5-211.1; 25-5-213; 25-5-305; 25-5-312; and 25-5-350.3 through 25-5-351.

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

The revisions to Subchapters 1 and 5 of Chapter 25: (1) supersede emergency rules approved in November 2003 that establish policy and procedures to provide services regarding driver license revocation and reinstatement; (2) supersede emergency rules issued in December relating to the National Medical Support Notice (NMSN); (3) establish new Part 20. Medical Support, including renumbering existing rules in addition to the continued emergency rule relating to the NMSN; (4) clarify that customers may only have one authorized representative with defined authority; (5) clarify when different applications for child support services may be used, distinguishing between medical support enforcement only and full-service; (6) clarify the policy on assigning and transferring cases to the tribal office; (7) implement policy changes recommended during the Child Support Enforcement Division (CSED) annual policy review process; and (8) make non-substantive changes in punctuation and syntax and correct or clarify statutory cites to simplify language and improve clarity.

Revisions to Instructions to Staff (ITS) only in 340:25-5-75, 340:25-5-95, 340:25-5-114, 340:25-5-123, and 340:25-5-155 clarify procedures regarding: (1) location of information through local telephone numbers; (2) information disclosure to authorized persons and the reporting process for inappropriate access to or misuse of confidential information; (3) destruction of closed case files; (4) noncooperation by a custodial person receiving non-TANF Medicaid and case closure; (5) non-TANF Medicaid case closure upon a custodial person's request; (6) assignment and transfer of cases to the tribal office; (7) waivers by the custodian to collect

interest in conjunction with a lump sum payment; (8) locate requirements; (9) Family Support Services referrals and a full-service child support case versus a custodian specified medical enforcement only case, and alternative health coverage; (10) telephonic confirmation of employer compliance with the National Medical Support Notice; (11) common-law marriage and the presumption of paternity, and paternity establishment on a deceased putative father; (12) review of a support order; (13) driver license revocation; and (14) reference to Child Support Manual chapters for additional procedural information.

340:25-1-1.1 adds definitions of IV-B, full-service case, medical enforcement only cases, putative father, and tribal case and amends the definition of support for a prior period.

340:25-1-2.1 updates phone numbers available to customers and provides information on customer access to case information on the Internet.

340:25-1-3.1 clarifies that a person may only have one authorized representative at a time, authorities and limitations of authorized representatives, and how a person designates a new authorized representative.

340:25-5-67 clarifies the policy on release of information received from the Federal Parent Locator Service (FPLS) by CSED.

340:25-5-110.1 clarifies application requirements, and application requirements for non-public assistance applicants for IV-D services.

340:25-5-117 adds information on CSED policy for non-TANF Medicaid recipients who apply for CSED services.

340:25-5-124 clarifies the policy on assignment of cases to district offices when the child is in the custody of the State of Oklahoma.

340:25-5-124.2 clarifies when cases are assigned and transferred to the tribal office, adding provisions for when the child is in the custody of the State of Oklahoma or under the protection of the Indian Child Welfare Act and clarifies the process for CSED acceptance of cases returned from the tribal office.

340:25-5-140.1 adds cross reference to OAC 340:25-5-351 for CSED policy on applying payments to interest and adds policy addressing when CSED may waive interest.

Part 20. Medical Support is created to recognize the significance of establishing and enforcing medical support, particularly in light of the NMSN.

340:25-5-168, amended and renumbered from 340:25-5-183, describes the legal base for CSED policy on establishing medical support and describes types of provisions for medical support that must be contained in child support orders.

340:25-5-169, amended and renumbered from 340:25-5-184,

describes the circumstances and procedures to establish child support orders in non-TANF Medicaid only cases.

340:25-5-170 describes when CSED enforces only the medical support portion of a child support order in non-TANF Medicaid cases.

340:25-5-171 supersedes the emergency rule and establishes CSED procedures for taking legal action when there is no response from employers or insurers indicating full compliance with the requirements of the federally mandated NMSN after a non-compliance letter has been sent.

340:25-5-176 adds provisions for establishing the paternity of a child(ren) of a deceased putative father when his relatives are willing to cooperate in genetic testing.

340:25-5-178 clarifies CSED calculation of actual child care expenses in the child support guidelines computation form and adds policy concerning income imputed to a custodial person or noncustodial parent who is a minor.

340:24-5-179.1 establishes a minimum monthly payment plan for support for a prior period against a noncustodial parent who is a minor.

340:25-5-183 is amended and renumbered to 340:25-5-168.

340:25-5-184 is amended and renumbered to 340:25-5-169.

340:25-5-198.1 clarifies that reviews on support orders are conducted on full-service cases; adds the process for converting medical only cases to full-service cases when participants request review; clarifies that CSED may initiate a review at any time; and adds that CSED does not withdraw requests for review after determining that the child support order should be modified.

340:25-5-198.2 clarifies that CSED may initiate modification of a child support order to require the noncustodial parent to provide dependent health care coverage when the existing child support order does not contain a health care provision for the child(ren).

340:25-5-211.1 supersedes the emergency rule; describes complying with a child support payment schedule and reinstatement of driver licenses after revocation; and adds option to use the same procedure for reinstatement of other types of licenses.

340:25-5-213 establishes the calculation that CSED uses to determine the past-due support payment schedule amount included on an annual notice.

340:25-5-305 clarifies the definition of erroneous payment and adds the overpayment recovery policy for IV-D cases that have converted from non-IV-D cases.

340:25-5-312 clarifies the Temporary Assistance for Needy Families (TANF) customer overpayment recovery policy.

340:25-5-350.3 adds policy for sending custodians a quarterly written notice of the amount of collections and payments made to

the family.

340:25-5-351 adds policy relating to allocation of interest collected and clarifies allocation policy for non-IV-D cases where payments pass through the Centralized Support Registry.

Original signed on 6-24-04

Victoria Harrison, Debra West, Interim Co-Directors
Child Support Enforcement Division

Marilynn Knott, Administrator
Office of Planning, Policy & Research

WF # 03-40 & 04-N (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

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

REMOVE

INSERT

340:25-1, Table of Contents

340:25-1, Table of Contents, 1 page only, revised 7-1-04

340:25-1-1.1

340:25-1-1.1, pages 1-6, revised 7-1-04

340:25-1-2.1

340:25-1-2.1, 1 page only, revised 7-1-04

340:25-1-3.1

340:25-1-3.1, 1 page only, revised 7-1-04

340:25-5, Table of Contents

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

340:25-5-67

340:25-5-67, pages 1-4, revised 7-1-04

340:25-5-75

340:25-5-75, pages 1-2, revised 7-1-04

340:25-5-95

340:25-5-95, 1 page only, revised 7-1-04

340:25-5-110.1

340:25-5-110.1, 1 page only, revised 7-1-04

340:25-5-114

340:25-5-114, pages 1-2, revised 7-1-04

340:25-5-117

340:25-5-117, pages 1-2, revised 7-1-04

340:25-5-123

340:25-5-123, 1 page only, revised 7-1-04

340:25-5-124

340:25-5-124, pages 1-3, revised 7-1-04

340:25-5-124.2

340:25-5-124.2, pages 1-3, revised 7-1-04

340:25-5-140.1

340:25-5-140.1, pages 1-2, revised 7-1-04

REMOVE

INSERT

340:25-5-155

340:25-5-171

340:25-5-176

340:25-5-178

340:25-5-179.1

340:25-5-183

340:25-5-184

340:25-5-198.1

340:25-5-198.2

340:25-5-211.1

340:25-5-213

340:25-5-305

340:25-5-312

340:25-5-350.3

340:25-5-351

340:25-5-155, pages 1-2, revised 7-1-04

340:25-5-168, pages 1-2, issued 7-1-04

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

340:25-5-170, 1 page only, issued 7-1-04

340:25-5-171, pages 1-2, revised 7-1-04

340:25-5-176, pages 1-2, revised 7-1-04

340:25-5-178, pages 1-2, revised 7-1-04

340:25-5-179.1, 1 page only, revised 7-1-04

340:25-5-183, AMENDED AND
RENUMBERED TO 340:25-5-168

340:25-5-184, AMENDED AND
RENUMBERED TO 340:5-5-169

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

340:25-5-198.2, 1 page only, revised 7-1-04

340:25-5-211.1, pages 1-2, revised 7-1-04

340:25-5-213, 1 page only, revised 7-1-04

340:25-5-305, 1 page only, revised 7-1-04

340:25-5-312, pages 1-2, revised 7-1-04

340:25-5-350.3, pages 1-2, revised 7-1-04

340:25-5-351, pages 1-5, revised 7-1-04

SUBCHAPTER 1. SCOPE, APPLICABILITY, AND GENERAL PROVISIONS

Section

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340:25-1-1.2.	Structure and services
340:25-1-2.	Legal base
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340:25-1-3.	Scope of responsibilities [REVOKED]
340:25-1-3.1.	Designation of an authorized representative
340:25-1-4.	Specific responsibilities [REVOKED]
340:25-1-5.	Referrals to CSED/contract office [REVOKED]
340:25-1-5.1	Administrative Complaint Process
340:25-1-6.	Appropriate action [REVOKED]
340:25-1-7.	Location of absent parent [REVOKED]
340:25-1-8.	Establishing support obligations [REVOKED]
340:25-1-9.	Cooperation with other entities [REVOKED]
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340:25-1-12.	Distribution of payments [REVOKED]
340:25-1-13.	Collections under reciprocal agreements with other states [REVOKED]
340:25-1-14.	Incentive payments to states and political subdivisions [REVOKED]
340:25-1-15.	Fiscal policies and accountability [REVOKED]
340:25-1-16.	Computer system [REVOKED]
340:25-1-17.	Arrearage computations [REVOKED]
340:25-1-18.	Child support training unit [REVOKED]
340:25-1-19.	Legal section [REVOKED]
340:25-1-20.	Safeguarding information [REVOKED]
340:25-1-21.	Nondiscrimination [REVOKED]
340:25-1-22.	Volunteer program [REVOKED]

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 custodian 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 custodian'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 person designated by a custodial person, noncustodial parent, or biological parent according to OAC 340:25-1-3.1.

"Biological parent" or "BP" 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 are receiving or who have 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," "custodian," or "CP" 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; 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 State of Oklahoma.

"District office" or "local 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 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 for payment of support or 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.

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

"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).

"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.

"Noncustodial parent" or "NCP" means a parent who does not have primary care, custody, or control of the child.

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

"OAH" means 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 individual 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; 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, or order, whether temporary or final, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, income withholding, arrearage, past support, or reimbursement, and may include related costs and fees, interest, attorney's fees, and other relief. [12 O.S. § 1170]

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

"Tribal case" means a CSED case eligible for assignment, or a case that has been transferred to the Chickasaw Nation Tribal Child Support Office under OAC 340:25-5-124.2.

"Tribunal" means *a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to 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.

340:25-1-2.1. Location for information

The mailing address of the state office of Child Support Enforcement Division (CSED) is: Child Support Enforcement Division, Capitol Station Box 53552, Oklahoma City, OK 73152-3552. Addresses of district child support offices throughout Oklahoma and other information may be requested by telephoning 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.

■ 1 Information about the Child Support Enforcement Program is also available on the Internet at <http://www.okdhs.org/childsupport/>. A customer who has an active child support case(s) and an OKDHS customer identification number may use the Internet to access information about the customer's case(s). A customer may contact CSED as described in this Section to request a child support customer personal identification number (PIN) and instructions for accessing case information on the Internet.

INSTRUCTIONS TO STAFF

- 1. Child support staff in the Oklahoma City and Tulsa calling areas include local telephone numbers on brochures, legal pleadings, court orders, and correspondence to encourage customers to use the local numbers in their area. Child support staff encourage customers in the Oklahoma City calling area to use 405-522-2273; in the Tulsa calling area, 918-295-3500; and outside of the Oklahoma City and Tulsa calling areas, the toll-free telephone number, 1-800-522-2922.**

340:25-1-3.1. Designation of an authorized representative

(a) A custodial person, noncustodial parent, or biological parent may designate an individual who is not the attorney of record as an authorized representative to:

(1) obtain child support case information and documents from the Child Support Enforcement Division (CSED) on his or her behalf; or

(2) both obtain case information and documents and, when permitted by law, to negotiate, compromise, or settle the child support case by signing releases, agreements, and documents.

(b) The information and documents an authorized representative may obtain are limited to that which the person represented may obtain under OAC 340:25-5-67.

(c) Nothing in this Section allows an authorized representative to appear before the Oklahoma Department of Human Services Office of Administrative Hearings: Child Support or the district court on behalf of the person represented unless specifically allowed by law. Further, nothing in this Section prevents CSED from requesting the court to enter a default order based on the person's failure to appear, even when the person's authorized representative is present.

(d) The authorized representative does not have to be an attorney.

(e) A person must complete and submit Form CSED-10, Special Power of Attorney, to CSED before the representative may act or receive information orally or in writing on behalf of the person represented. A person may have only one authorized representative at any time.

(f) Once Form CSED-10 is received by CSED, CSED considers the designation in effect until CSED receives:

(1) a new Form CSED-10 designating another individual as the authorized representative; or

(2) written notice that the special power of attorney is revoked.

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

Section

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

PART 3. PATERNITY AND SUPPORT SERVICES [REVOKED]

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

PART 5. GENERAL AND FINANCIAL PROGRAM ADMINISTRATION [REVOKED]

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

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

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

- 340:25-5-55. Case records
- 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

- 340:25-5-65. Scope and applicability **[REVOKED]**
- 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
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340:25-5-315. Non-cooperation of former AFDC recipient **[REVOKED]**
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340:25-5-320. Disagreement between non-custodial parent and custodial parent regarding amount of retained support **[REVOKED]**
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340:25-5-329. Informal meeting **[REVOKED]**
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340:25-5-331. CSED Overpayment Unit responsibilities **[REVOKED]**
340:25-5-332. Processing of payments received pursuant to repayment agreements **[REVOKED]**
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- 340:25-5-334. Referral for state tax offset **[REVOKED]**
- 340:25-5-335. Status of recovery cases **[REVOKED]**
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PART 39. ACCOUNTING AND DISTRIBUTION

- 340:25-5-345. Advice of deposit **[REVOKED]**
- 340:25-5-345.1. Accounting and fiscal policies and procedures
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- 340:25-5-347. Cash payments **[REVOKED]**
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- 340:25-5-349. Payments not logged **[REVOKED]**
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- 340:25-5-351. Allocation and distribution of collections
- 340:25-5-352. Adjustments from field offices **[REVOKED]**
- 340:25-5-353. Monthly/Quarterly reports **[REVOKED]**
- 340:25-5-354. Warrants **[REVOKED]**

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

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

340:25-5-67. 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 & 2

(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 OKDHS, with other agencies of the state and other states, and with federal and tribal agencies and other countries; ■ 3

(B) exchange of information through automated information networks with representatives of OKDHS and other state agencies administering programs under Title IV-A and Title XIX, to the extent necessary to carry out state agency Title IV-A and Title XIX responsibilities; ■ 4

(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 Title IV-B and IV-E of the Social Security Act, to the extent necessary to carry out state agency Title 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 ■ 5

(D) release of Social Security numbers for child support enforcement purposes, such as locating the parents, submitting cases for federal administrative and tax refund offset, state 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 custodians 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. ■ 6

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. Child support staff must report to their own supervisors instances of inappropriate access or misuse of confidential information by any**

employee or agent of OKDHS. Child support supervisors must refer instances of inappropriate access or misuse of confidential information by agents of OKDHS to the supervisor of the agent. 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) 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.
4. CSED provides limited electronic access to case information to OKDHS staff administering programs under Title IV-A and Title XIX. Section 307.13 of Title 45 of the Code of Federal Regulations authorizes this limited access. This electronic access is sufficient to carry out Title IV-A and Title XIX programs and child support staff are not authorized to provide additional information except when it furthers the provision of IV-D services as described in OAC 340:25-1-1.2.
5. (a) **Child support staff who receive requests from authorized persons for Federal Parent Locator Service (FPLS) information submit requests to the State Parent Locator Service (SPLS) in the Programs Unit of CSED. 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 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 (TANF or 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; or

(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.

- 6. 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 11. CSED SECURITY SYSTEM

340:25-5-75. Authority and responsibility

The Department of Human Services Child Support Enforcement Division (CSED) operates a single statewide automated data processing and information retrieval system that meets the requirements of:

- (1) Sections 452, 454, 454A, and 455 of the Social Security Act;
- (2) Section 302.85 and Part 307 of Title 45 of the Code of Federal Regulations; and
- (3) Sections OAC 340:2-21-20 through 340:2-21-35. ■ 1 & 2

INSTRUCTIONS TO STAFF

1. Access to the data processing environment is restricted by level of access authorized.

(1) Within each District Office and State Office Unit, the office manager, managing attorney, or unit supervisor is responsible for submitting host and Child Support Enforcement Division (CSED) computer authorization and acknowledgment forms for each user to the CSED decentralized security administrator. The District Office or State Office Unit may fax a copy of Form MID-1, Logon Authorization Request for DHS Employees, Form MID-1-A, Logon Authorization request for Non-DHS Employees, or Form DSD-2, Remote Access Request and Authorization, as appropriate, to the CSED decentralized security administrator for submission to the Data Services Division (DSD) Data Security Unit for security access. These forms are available on the Forms section of the InfoNet under General Use. DSD Data Security Unit grants interim access to the data processing environment. The District Office or State Office Unit then sends, within ten business days, the original form to the DSD Data Security Unit, or the security access is revoked.

(2) The office manager, managing attorney, or unit supervisor is also responsible for notifying the CSED security administrator of all employee separations and for monitoring and complying with system and data security as described in DHS:2-41-15 and Oklahoma Department of Human Services (OKDHS) Data Security Guidelines within their area of responsibility.

- (3) Each person who uses a laptop or other computer is responsible for completing and signing statements related to security agreements, responsibilities, and penalties associated with misuse of data. No one is permitted to sign anyone on to the data processing system without a user identification number (ID).**
- 2. (a) All CSED staff comply with the procedures and instructions listed in (1) through (4) of this Instruction, to protect access and to prevent unauthorized disclosure or use of data processing information. They:**
- (1) do not share their passwords with anyone;**
 - (2) do not leave their data processing terminal open to unauthorized access;**
 - (3) obscure active data processing terminals from external customers' view; and**
 - (4) follow OAC 340:25-5-67, and its Instructions to Staff, pertaining to the use of confidential CSED data.**
- (b) Failure to follow these procedures and instructions is cause for disciplinary action, up to and including discharge.**
- (c) Child support staff follow OAC 340:25-5-67 Instructions to Staff 1 in reporting instances of inappropriate access or misuse of confidential information.**

PART 13. RETENTION AND DESTRUCTION OF RECORDS**340:25-5-95. Scope and applicability**

The Department of Human Services Child Support Enforcement Division (CSED) manages and disposes of records according to Oklahoma Statutes as interpreted in Subchapter 21 of Chapter 2 of this Title. CSED maintains all records for cases closed under Section 303.11 of Title 45 of the Code of Federal Regulations for a minimum of three years. ■ 1 through 3

INSTRUCTIONS TO STAFF

1. See OAC 340:2-21-20 through 340:2-21-35 and DHS:2-21, Part 5. These rules and instructions describe Oklahoma Department of Human Services (OKDHS) records management and disposition schedules.
2. Child support staff cannot destroy Child Support Enforcement closed case records unless the records meet the criteria for destruction in the OKDHS Records Management Handbook, Section 1-7. The OKDHS Office Support Services Division issues an Administrative Division Memo annually to all OKDHS offices listing records eligible for immediate destruction. Child support staff follow the Child Support Manual, Volume 10 – Case Management, Case File Destruction chapter for a checklist and other information on identifying physical cases that meet the case destruction criteria. Child support staff access the Child Support Manual on the CSED InfoNet at <http://s99web01/csed/epdu/CSManual/Library Index.htm>.
3. See OAC 340:25-5-55 regarding case records.

340:25-5-110.1. Applications

(a) To apply for child support enforcement services, a person must submit a completed and signed application form and a \$25 application fee, if required under OAC 340:25-5-117, to the address on the form. The application fee must be paid by check or money order payable to the Oklahoma Department of Human Services (OKDHS). Form CSED-1, Application for Child Support Services, is submitted in every circumstance except those allowing submission of Form CSED-1-C, Request for Child Support Services. Form CSED-1-C is submitted by applicants who:

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

(2) have or previously had a case with the Oklahoma Child Support Enforcement Division (CSED); or

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

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

(c) 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).

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

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

(a) OAC 340:10-10-5 describes the requirement for custodial parents receiving TANF or non-TANF Medicaid to cooperate with the Child Support Enforcement Division (CSED) in child support enforcement services. If the custodial parent fails to cooperate as described in OAC 340:10-10-5, CSED reviews the case to determine non-cooperation. If CSED determines noncooperation, CSED notifies the Oklahoma Department of Human Services (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 computer-generated notice under OAC 340:65-5-1 is sent to advise the recipient of any decrease in benefits due to noncooperation. ■ 1

(b) OKDHS FSS staff in the county office determine whether good cause for noncooperation with CSED exists in TANF and non-TANF Medicaid cases 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 (CPs) 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 CPs 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) For CSED to make a noncooperation determination, the cooperation must be essential for the next step in providing child support enforcement services. Child support staff document in the case record instances of a CP's noncooperation and any determination of noncooperation.

(c) When noncooperation with CSED is determined, OKDHS Family Support Services (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 CP who is receiving non-TANF Medicaid benefits is the removal of the CP'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.

(d) CSED may pursue legal remedies such as contempt citations, bench warrants, and body attachments to compel cooperation of CPs, both related and unrelated. Legal remedies such as these are the only means available to CSED to obtain the cooperation of unrelated CPs (as they cannot have TANF payments reduced) and CPs 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 CP has good cause for noncooperation with CSED, the staff refer the CP 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, and non-TANF Medicaid referrals.**

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

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

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

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

(3) When CSED receives a non-TANF Medicaid referral from the Family Support Services Division in which assigned court-ordered child support is owed, CSED must open a full-service case. [OAC 340:25-5-169]

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

(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 or fee under Section 302.33 of Title 45 of the Code of Federal Regulations. Non-TANF Medicaid cases previously limited to medical support continue as full-service cases. If a custodian refuses continued IV-D services and subsequently requests services, the person must submit a completed and signed Form CSED-1-C, Request for Child Support Services, and pay a non-refundable \$25 fee even if CSED has an active case because of unreimbursed assistance owed to the state. ■ 2

(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 or charge a fee to 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) **Other IV-D cases.** Except as provided in (a) and (c) of this Section, an applicant must submit a completed and signed Form CSED-1 or Form CSED-1-C, Request for Child Support Services, and pay a non-refundable \$25 application fee to receive all appropriate child support enforcement services or to receive locate services only. CSED charges a fee to reopen a case, but does not charge a fee if the applicant has an active IV-D case, except as provided in (a) of this Section. ■ 2

INSTRUCTIONS TO STAFF

1. **CSED provides all appropriate IV-D services unless a non-TANF Medicaid recipient wants only IV-D services related to medical support. [45 CFR 302.33]**
2. (a) **CSED does not charge a noncustodial parent to open a case if the custodial person has an active case open for the child(ren).**

(b) **CSED does not charge a custodial person to open a case for an additional noncustodial parent if the custodial person already has an active case open.**

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. ■ 1 & 2

(c) A child support case may be closed when less than \$500.00 in court ordered support is owed to the state unless there has been:

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

(2) a federal or state tax refund intercept in the past 18 months. ■ 3

INSTRUCTIONS TO STAFF

- 1. The Child Support Enforcement Division (CSED) may not close non-TANF Medicaid cases for noncooperation or at the custodial person's request under Section 311 of Title 45 of the Code of Federal Regulations.**
- 2. The income assignment remains in effect as long as support is owed. [12 O.S. § 1171.3(E)(6)] All income assignments must be paid through the Centralized Support Registry, also known as the State Disbursement Unit. [43 O.S. § 413(A)(2)]**
- 3. 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.**

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 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. Other 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 future support was entered or docketed in district court. ■ 1

(2) If there is no Oklahoma order for current support, cases are assigned to a district office serving the county where the custodian of the child(ren) resides unless an order is registered in Oklahoma or there is a deprived or delinquent juvenile court action. If the child is in a deprived or delinquent juvenile court action, the case is assigned to a district office serving the county in which the district court has jurisdiction over the juvenile court action. Except in cases in which an order is registered in Oklahoma, if the custodian of the child(ren) does not reside in Oklahoma, cases are assigned to the office serving the county where the noncustodial parent or putative father resides. ■ 1

(3) 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.

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

INSTRUCTIONS TO STAFF

- 1. 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. Child support staff must not access or work their own case files or those of a relative as defined in OAC 340:2-1-29(d)(1). Child support staff follow the "Case Files of Employees and Relatives" section of the Child Support (CS)**

Manual, Volume 1 - Administrative, Office Manual chapter. Child support staff access the Child Support Manual on the CSED InfoNet at <http://s99web01/csed/epdu/CSManual/Library Index.htm>. Staff may further refer to OAC 340:2-1-29 Instructions to Staff.

- 3. Child support staff must avoid relationships that could lead to a conflict of interest whenever possible. 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 reassigns a case to another worker in the same district office or transfers the case to another district office. The head of the district office determines the staff person to whom a case is reassigned if the case remains in the same district office. If the head of the district office determines that it is beneficial to all affected parties to transfer the case to another district office, the two offices involved must agree to the transfer. If the two offices cannot reach an agreement, the CSED director or a designee makes the final decision.

340:25-5-124.2. Assignment and transfer of cases to the tribal office

(a) The Child Support Enforcement Division (CSED) assigns or transfers eligible cases to the Chickasaw Nation Tribal Child Support Office (tribal office) under the Court of Indian Offenses civil jurisdiction requirements in Section 11.103 of Title 25 of the Code of Federal Regulations, and the Full Faith and Credit for Child Support Orders Act (FFCCSOA) in Section 1738B of Title 28 of the United States Code. ■ 1 CSED assigns and transfers cases to the tribal office when the child(ren) is under the protection of the Indian Child Welfare Act. CSED does not assign or transfer cases to the tribal office when the child(ren) is in a deprived or delinquent juvenile court action. ■ 2 & 3

(1) The eligibility criteria for assigning or transferring a case to the tribal office for paternity establishment and establishment of a support order are:

(A) the noncustodial parent or putative father is:

(i) Native American; or

(ii) non-Native American and the custodian is Native American and both agree to transfer the case to the tribal office and to submit to tribal court jurisdiction; and ■ 4

(B) the case must not have any pending action before district or administrative court.

(2) Cases with child support orders are eligible for assignment or transfer to the tribal office for enforcement if there is no pending action before district or administrative court and if any one of (A) through (D) of this paragraph applies. ■ 5

(A) The order is a tribal order.

(B) The order is not a tribal order and the noncustodial parent is Native American.

(C) The order is not a tribal order and the noncustodial parent is a non-Native American tribal employee. ■ 6

(D) The order is not a tribal order, the noncustodial parent is non-Native American, the custodian is Native American, and both agree to transfer the case to the tribal office and submit to tribal court jurisdiction. ■ 4

(3) When CSED assigns or transfers a case to the tribal office under this Section, the tribal office notifies the custodian.

(b) CSED accepts cases returned to CSED from the tribal office due to the lack of jurisdiction to proceed in the tribal court system. ■ 2

(c) For purposes of this Section, "Native American" means a person who is an enrolled member of a federally recognized Indian tribe, or the tribal office has verified that a person is eligible for tribal membership.

INSTRUCTIONS TO STAFF

1. The Oklahoma Centralized Support Registry (Registry), also known as the State Disbursement Unit, reviews Form CSED-1, Application for Child Support Services, and Form CSED-1-C, Request for Child Support Services. The Registry only assigns cases to the tribal office if the application indicates the noncustodial parent is Native American or there is a tribal order.

2. (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-02-03.htm>.

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

(3) when there is a Native American custodian and the non-Native American noncustodial parent or putative father does not consent to tribal jurisdiction; or

- (4) when the child(ren) is placed in the custody of the State of Oklahoma in a deprived or delinquent juvenile court action.**
- 3. Upon request from district office child support staff, the tribal child CSED cases to obtain service of process against persons who reside on tribal land.**
- 4. The tribal office seeks to obtain the consent of a non-Native American noncustodial parent or putative father to jurisdiction in the tribal court system, and transfers the case back to CSED if there is no consent.**
- 5. (a) "No pending court action" means that CSED does not have any court hearings scheduled on the case. CSED may transfer cases with district court contempt sentencing hearings if district offices make the transfer at least 60 days before the sentencing hearing. Child support attorneys must notify tribal office attorneys of the court date so that tribal office attorneys can file a substitution of counsel in the district court case and handle the sentencing hearing.**
- (b) When a case has been assigned or transferred to the tribal office and a party initiates an action in state district court or Office of Administrative Hearings: Child Support (OAH) affecting child support issues, CSED and the tribal office coordinate in determining which IV-D agency will handle the response.**
- 6. A district office may attempt to obtain compliance from a tribal employer in enforcing an "Order/Notice to Withhold Income for Child Support." If the tribal employer refuses to honor or fails to take action on the income withholding, the district office transfers the case to the tribal office.**

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

(b) **Delinquency.** For interest purposes, any unpaid portion of an amount due is considered delinquent the day after the due date specified in the court order. If the court order does not specify a specific due date of the month, the payment must be made by the last day of the month, and it is delinquent on the first day of the following month if it is not paid.

(c) **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

(d) **Interest rate.**

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

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

(e) **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

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

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

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

(i) **Waiver of interest.** CSED may waive the right to collect all or part of the interest owed to the State of Oklahoma only when there has been sufficient consideration to relinquish that right. CSED may consider a noncustodial parent's lump sum partial payment made toward the total interest due to be sufficient consideration. ■ 6

(i) **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. The Child Support Enforcement Division (CSED) accepts a custodian's waiver of the right to collect all or part of the custodian's interest only when there has been sufficient consideration to relinquish that right. Child support staff use the Custodial Person's Waiver of Interest in Conjunction With A Settlement legal settlement document on the Oklahoma Support Information System (OSIS) automated system.**

PART 19. LOCATE SERVICES**340:25-5-155. Locate services**

The Department of Human Services Child Support Enforcement Division (CSED) follows the provisions of Sections 453, 454, 454A, 463, and 466 of the Social Security Act and Sections 302.35, 303.3, 303.7, and 303.15 of Title 45 of the Code of Federal Regulations in locating parents and their assets for the purpose of establishing paternity, establishing, setting the amount of, modifying, or enforcing child support obligations, or making or enforcing a child custody determination, and in cases of parental kidnapping. ■ 1 through 3

INSTRUCTIONS TO STAFF

- 1. The CSED State Parent Locate Service (SPLS) is responsible for in-state "locate only" cases, in-state child custody cases, in-state parental kidnapping cases, requests for locate from other states, and communications with Federal Parent Locate Service (FPLS).**
- 2. The locate requirement may be met when location information on the noncustodial parent is received from:**
 - (1) automated information networks within OKDHS, with agencies of other states, with federal agencies, and other countries;**
 - (2) the custodian;**
 - (3) the Department of Public Safety, Oklahoma Employment Security Commission, or Oklahoma Tax Commission;**
 - (4) current or past employers;**
 - (5) federal or state income tax agencies or departments;**
 - (6) financial institutions;**
 - (7) fraternal organizations;**
 - (8) new hire, quarterly wage, and unemployment insurance data;**
 - (9) police, parole, and probation records; .**

(10) relatives and friends of the noncustodial parent;

(11) the local telephone, electric, or water company;

(12) unions; or

(13) U. S. Postal Service.

3. Child support staff follow the Child Support Manual, Volume 3 - Locate, Federal Case Registry chapter for information on locate procedures. Child support staff access the Child Support Manual on the CSED InfoNet at http://s99web01/csed/epdu/CSManual/Library_Index.htm.

PART 20. MEDICAL SUPPORT**340:25-5-168. Establishment of medical support**

(a) The Child Support Enforcement Division (CSED) establishes medical support under:

(1) Section 466 of the Social Security Act;

(2) Sections 302.33, 302.56, 303.30, and 303.31 of Title 45 of the Code of Federal Regulations; and

(3) 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. ■ 1

(b) A child support order established by CSED must contain a provision for medical support. The medical support provision must include one of the provisions in (1) through (3) of this subsection.

(1) The noncustodial parent must secure health insurance for the minor child(ren) when it is available through an employer or other group health insurance plan.

(2) Neither parent is required to secure health insurance for the minor child(ren) because alternative health coverage is available. ■ 2

(3) The custodian is providing health insurance other than Medicaid for the minor child(ren).

(c) The noncustodial parent and the custodian must notify CSED in writing within 30 days after:

(1) health insurance becomes available;

(2) the cost of existing health insurance changes; or

(3) other provisions of existing health insurance change.

INSTRUCTIONS TO STAFF

1. In cases referred to the Child Support Enforcement Division (CSED) by a Family Support Services (FSS) worker, CSED provides all appropriate IV-D services unless the individual requests medical enforcement only. CSED opens a full-service case when:

(1) the FSS worker does not indicate the type of services desired by the custodian and, therefore, the D8 block on the ED screen on the PS2 automated system is blank; and

(2) the custodian fails to notify CSED of the types of services desired after CSED has notified the custodian that CSED needs this information.

2. Alternative health coverage includes, but is not limited to, Indian Public Health Services and military dependent benefits.

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

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

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

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

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

340:25-5-170. Enforcement of medical support only

When a person receiving non-TANF Medicaid requests medical enforcement only services, Child Support Enforcement Division (CSED) enforces only the medical support portion of the child support order through the use of the National Medical Support Notice as described in OAC 340:25-5-171. CSED does not enforce the payment of child support through the Notice of Income Assignment or any other enforcement remedy in a medical enforcement only case.

340:25-5-171. National Medical Support Notice

(a) When the noncustodial parent has been ordered to provide health insurance for the child(ren) and has failed to voluntarily enroll the child(ren), the Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) uses the National Medical Support Notice (NMSN) to aid in enrolling the child(ren) in the group health plans for which the noncustodial parent is eligible. CSED sends the NMSN to the noncustodial parent's employer as required by Section 466 of the Social Security Act, Section 609 of the Employee Retirement Income Security Act of 1974, Section 303.32 of Title 45 of the Code of Federal Regulations, and Section 6058A of Title 36 and Section 118.2 of Title 43 of the Oklahoma Statutes.

(b) CSED issues a non-compliance letter to the employer when the employer:

(1) has not returned the NMSN within 20 business days after the date of the NMSN notifying CSED that:

(A) the employer does not offer group dependent health coverage;

(B) the employee is among a class of employees that is not eligible for family coverage under the employer's plans;

(C) the employee is not employed by the employer; or

(D) state or federal withholding limitations or prioritization of withholding prevent the required employee contribution to obtain coverage;

(2) has not forwarded the NMSN to the insurer within 20 business days after the date of the NMSN; or

(3) is the insurer and has not returned the NMSN within 20 business days after the date of the NMSN indicating that either the child has been enrolled in the plan and the effective date of coverage or there is more than one option available and one must be selected. ■ 1

(c) CSED issues a non-compliance letter to the insurer when the insurer has not returned the NMSN within 40 business days after the date of the NMSN indicating that either the child has been enrolled in the plan and the effective date of coverage or there is more than one option available and one must be selected. ■ 2

(d) CSED may initiate legal proceedings to request the court to fine employers and insurers when there is no response indicating full compliance with the requirements of

the NMSN within ten business days after the date of the non-compliance letter. Fines may be imposed by the court for up to \$200 a month per child for each failure to comply with the requirements of the NMSN under Section 6058A of Title 36 and Section 118.2 of Title 43 of the Oklahoma Statutes.

(e) If the employer or insurer complies with the requirements of the NMSN, CSED may dismiss the case against the employer or insurer.

(f) Employers and insurers must send any fine(s) imposed by the court, under Section 225 of Title 56 of the Oklahoma Statutes, by check or money order to CSED, Attn: Finance, P.O. Box 53552, Oklahoma City, Oklahoma 73125-3552.

INSTRUCTIONS TO STAFF

- 1. The Child Support Enforcement Division (CSED) attempts to contact the employer by telephone to determine compliance if the National Medical Support Notice (NMSN) is not returned within 20 business days after the date of the NMSN.**
- 2. CSED attempts to contact the insurer by telephone to determine compliance if the NMSN is not returned within 40 business days after the date of the NMSN.**

PART 21. ESTABLISHMENT**340:25-5-176. Establishment of paternity**

(a) In cases where paternity has not been legally established, the Oklahoma Department of Human Services Child Support Enforcement Division (CSED) establishes paternity and recovers costs advanced for genetic testing under:

- (1) Sections 453, 454, 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, 3, and 22 of Title 10, Sections 230.60 and 231 through 240.23 of Title 56, and Section 1-311 of Title 63 of the Oklahoma Statutes.

(b) CSED does not initiate a paternity action if:

- (1) paternity has been voluntarily acknowledged in Oklahoma or another state and not rescinded within the allowable time; [10 O.S. § 70(B)(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 **■ 1**
- (3) paternity has been established by a district or administrative court order. [10 O.S. § 70(B)(3)]

(c) If no other conclusive presumption of paternity or court determination of paternity exists for a child, the parents may complete and sign Form CSED-209, Affidavit Acknowledging Paternity. CSED provides Form CSED-209 for voluntary acknowledgment of paternity under Section 70 of Title 10 and Section 1-311 of Title 63 of the Oklahoma Statutes. CSED also provides several companion forms described in (1) through (3) of this subsection. The forms include instructions for completion. Signed and witnessed forms must be filed with the Vital Records Division of the Oklahoma State Department of Health.

- (1) When parents of an adult child, age 18 years or older, complete Form CSED-209, the adult child must give consent to add the natural father's name to the birth certificate. The child indicates consent by signing Form CSED-209-C, Adult Child's (18 Years or Older) Consent Form.

(2) Form CSED-209-D, Husband's Denial of Paternity, must accompany Form CSED-209 if the mother of a child is married to someone other than the natural father at the time of conception or birth. The mother and the natural father may complete and sign Form CSED-209 if:

(A) the mother is married at the time of conception or birth;

(B) the mother and her husband agree he is not the natural father of the child;
and

(C) the child is under two years old.

(3) A person may use Form CSED-209-R, Rescission of Affidavit Acknowledging Paternity, to cancel the legal finding of paternity created by having previously signed Form CSED-209. This form must be completed, signed, and filed with the Vital Records Division of the Oklahoma State Department of Health within 60 days from the date of the last signature on Form CSED-209.

(d) When CSED has the cooperation of a deceased putative father's relatives, CSED establishes paternity of the child(ren) through genetic testing of the relatives as necessary according to the standards and provisions of the Genetic Testing to Determine Paternity Act, Sections 501 through 508 of Title 10 of the Oklahoma Statutes. ■ 2

INSTRUCTIONS TO STAFF

1. When a non-public assistance application, Family Support Services Division Temporary Assistance for Needy Families (TANF), or non-TANF Medicaid referral indicates the parents were common-law married, child support staff do not consider this as establishing a presumption of paternity in the common-law husband under Section 2 of Title 10 of the Oklahoma Statutes. Instead, child support staff work this fact pattern as a paternity case and file a Notice of Paternity and Support Obligation court action.

2. If a relative does not volunteer to participate in the genetic testing, the Child Support Enforcement Division does not file a forced probate court action to establish paternity on a deceased putative father.

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.

(c) To establish the amount of current support, CSED considers "actual" child care expenses to be the total amount paid to the child care provider including any amount paid by OKDHS. 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) CSED establishes child support orders for a minor child(ren) only. ■ 1

(e) 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 custodian is under 16 years of age, CSED does not impute gross income for the minor parent in the child support computation form, unless there is evidence of actual income. If a minor noncustodial parent or custodian is between 16 and 18 years of age and regularly and continuously attending high school, CSED does impute gross income for the minor parent(s) based on minimum wage at 20 hours per week unless:

- (1) there is evidence of actual income; or
- (2) it is otherwise inappropriate.

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

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

INSTRUCTIONS TO STAFF

- 1. The age of majority varies from state to state. Child support staff may use the Office of Child Support Enforcement Online Interstate Roster and Referral Guide (IRG) to obtain information about referrals to other states for establishment of support. The Web address is <http://ocse3.acf.hhs.gov/ext/irg/sps/selectastate.cfm>.**

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 a least \$1 a month.

340:25-5-183. Establishment of medical support [AMENDED and RENUMBERED to 340:25-5-168]

**340:25-5-184. Establishment of medical support only [AMENDED and
RENUMBERED to 340:25-5-169]**

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 Title 43 of the Oklahoma Statutes.

(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 all of 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 in this subparagraph does not apply when a military reservist custodial person or noncustodial person is recalled to active duty. ■ 1

(B) The non-requesting party is located.

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

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

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

(A) If either the custodian or the 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-C, Request for Child Support Services, described in OAC 340:25-5-110.1.

(5) Each party must submit any requested financial and other information as instructed within 20 days after the date the notice is sent under (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 or not the support order should be modified.

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

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

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

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

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

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

(g) **Termination of the review process.**

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

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

(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 online at <http://www.acf.dhhs.gov/programs/cse/pol/IM/im-01-09.htm> regarding military reservists called to active duty.
2. A terminated review is not a completed review. When a review is terminated, the existing order and completed review dates do not change.

340:25-5-198.2. Modification

The Child Support Enforcement Division (CSED) may initiate modification of a support order under Section 112 of Title 43 of the Oklahoma Statutes in the appropriate tribunal when facts indicate modification is warranted under applicable state law or federal law or regulation.

(1) If there is no existing order for the noncustodial parent to provide dependent health care coverage, CSED initiates a modification of a support order to require the noncustodial parent to provide dependent health care coverage when CSED obtains information that the child(ren) is not covered under an existing health care plan other than Medicaid, regardless of whether the coverage is currently available to the noncustodial parent.

(2) When CSED participates in the modification of a child support order, CSED requests that the court order contain a provision for medical support consistent with OAC 340:25-5-168.

(3) OAC 340:25-5-201.1 describes when modification of a support order is appropriate after an obligor obtains physical or legal custody of the child(ren).

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 and 240.15 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. ■ 1

(c) After an obligor's driver license has been revoked, suspended, not issued, or not renewed, CSED considers written reinstatement requests and conducts an informal desk review under (f) of this Section to determine if an obligor is complying with a child support payment schedule as defined in (i) of this Section.

(d) CSED considers an obligor to be complying with a child support payment schedule when the obligor has:

(1) paid the current monthly child support and the monthly arrearage payments each month for the current month and two months immediately preceding the current month, or paid an amount equivalent to three months of child support and arrearage payments which satisfies the current child support and monthly arrearage payments for the current month and two months immediately preceding the current month;

(2) fully disclosed all information regarding health care insurance coverage availability and has obtained and maintained such insurance coverage as required by the child support order; and

(3) fully disclosed all employment and address information.

(e) If CSED determines an obligor is complying with a payment schedule, CSED presents to the OKDHS Office of Administrative Hearings: Child Support (OAH) or district court, as appropriate, an order authorizing reinstatement of driving privileges and placing the obligor on probation regarding child support payments.

(f) A representative of 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 payment schedule, CSED sends a notice to the obligor that the request for reinstatement of a driver license is denied. The notice includes instructions for requesting an administrative or district court reinstatement hearing within 15 days after the date on the denial notice.

(g) Upon receipt of a timely request for a hearing, CSED schedules the matter for a hearing before the OAH or district court as appropriate.

(h) If an obligor again fails to comply with a child support payment schedule after reinstatement of a driver license, the amounts to be paid under (d)(1) of this Section may be insufficient to show the obligor is complying with the child support payment schedule.

(1) Subsequent failures require an obligor to comply with (d) of this Section and may require additional payments in an amount sufficient to ensure future compliance.

(2) Additional payments for subsequent failures to comply with a child support payment schedule are determined by CSED on a case-by-case basis.

(i) For purposes of this Section, "payment schedule" means the court-ordered plan for current child support and a monthly amount toward the arrearage in effect at the time the court orders a driver license revoked, suspended, not issued, or not renewed.

INSTRUCTIONS TO STAFF

1. Senate Bill 704 (2003) effective July 1, 2003, removed language in Section 6-201.1 of Title 47 of the Oklahoma Statutes authorizing the court or the Office of Administrative Hearings: Child Support to modify the driver license revocation order in cases of extreme and unusual hardship. Therefore, the Child Support Enforcement Division does not consider requests to initiate an action for the court to order a modified driver license due to extreme and unusual hardship after an obligor's driver license has been revoked, suspended, not issued, or not renewed.

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. ■ 1 CSED refers to this notice as a Notice and Order of Child Support Lien or an 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. ■ 2

(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.

INSTRUCTIONS TO STAFF

1. **After the first annual notice is issued, CSED sends subsequent annual notices within 12 months following completion of the annual notice process for the preceding year.**
2. **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 37. RECOVERY**340:25-5-305. General overpayment and recovery policies**

(a) The purposes of the rules in this Part are to:

(1) establish policies and procedures used by the Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) to recover overpayments made by CSED to custodial persons, noncustodial parents, and other entities; and

(2) resolve payment disputes arising from overpayments.

(b) There are three categories of overpayments.

(1) Retained support occurs when the custodial person has kept support payment(s) in violation of the assignment of support rights.

(2) Erroneous payment occurs when CSED has incorrectly paid money to a custodial person, noncustodial parent, or other entity, or failed to retain money assigned to the state because of an administrative error.

(3) Bad debt occurs when:

(A) the funding for a payment made by CSED to a custodial person or noncustodial parent is subsequently withdrawn when a tax intercept or other collection is revoked; or

(B) a check or other payment instrument received by CSED from a noncustodial parent or other payor on behalf of the noncustodial parent is dishonored after a payment has been made to the custodial person.

(c) In recovering overpayments under this Part, CSED is governed by Title IV, Part D, of the Social Security Act; Section 7202.3 of Title 10 of the Oklahoma Statutes; and Sections 171, 185, and 231 through 244 of Title 56 of the Oklahoma Statutes. CSED may use any legal remedy to recover overpayments, including but not limited to, state tax offsets under Part 27 of this Subchapter.

(d) CSED is not responsible for creating or recovering overpayments for non-IV-D time periods when non-IV-D cases convert to IV-D cases.

(e) CSED does not charge, collect, or pay interest on overpayments.

340:25-5-312. Overpayment rules and procedures

(a) **General.** A custodial person, noncustodial parent, or other entity to whom the Child Support Enforcement Division (CSED) has made an overpayment, owes the amount of the overpayment to CSED, acting on behalf of the State of Oklahoma.

(b) **Fraud.** If an overpayment may have resulted in whole or in part from false or misleading statements, concealed information, willful misrepresentation, or if fraud is otherwise suspected, CSED may refer the information to the Oklahoma Department of Human Services (OKDHS) Office of Inspector General (OIG) for appropriate action. Action may include, but is not limited to, investigation and criminal prosecution.

(c) **Bad debt.** To satisfy a bad debt resulting from a:

(1) tax intercept paid to a custodial person which is subsequently withdrawn, CSED takes the full amount of any monthly payment to the custodial person until the bad debt is paid in full; or

(2) noncustodial parent's dishonored check, CSED takes the full amount of the noncustodial parent's subsequent payment(s) until the bad debt is paid in full.

(d) **Erroneous payments and retained support.** CSED recovers 50 percent of monthly current support payments to the recipient and recovers the total amount of any arrearage payments made at any time, in order to satisfy erroneous payments and retained support overpayments until the overpayment is recovered in full. CSED does not reduce the recovery amount at the recipient's request.

(e) **Notice.** CSED sends a notice of overpayment and recovery to the recipient of the overpayment. The notice includes:

(1) a statement that the recipient received money to which the recipient was not entitled and owes money to CSED;

(2) the amount of the overpayment;

(3) the method of withholding from monthly payments until the overpayment is recovered in full;

(4) a statement that CSED may collect the overpayment through any means permitted by law; and

(5) instructions for requesting an administrative review under OAC 340:25-5-200.1

within 30 days after the date on the notice of overpayment and recovery letter, if the recipient disagrees with the amount of the overpayment.

(f) **TANF customers.** In active Temporary Assistance for Needy Families (TANF) cases, if a TANF recipient retains child support receipts, CSED may make a noncooperation referral to the TANF social services specialist. CSED recovers overpayments from TANF customers through voluntary payments or state tax refund offsets.

(g) **Administrative review.** If an administrative review is requested under OAC 340:25-5-200.1, the purpose of the review is to provide the recipient an opportunity to offer new or additional information regarding the amount of the overpayment.

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

(a) The Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) operates a Centralized Support Registry (Registry) for the receipt, recording, allocation, distribution, and disbursement of support payments. ■ 1 This Section applies to both IV-D and non-IV-D cases unless the context indicates otherwise.

(b) The Registry is also known as the State Disbursement Unit. CSED operates the Registry under:

- (1) Sections 410 through 413 of Title 43 of the Oklahoma Statutes;
- (2) Sections 302.51 and 303.100 of Title 45 of the Code of Federal Regulations; and
- (3) Sections 454B and 457 of the Social Security Act.

(c) Support payments must be paid as instructed in writing by CSED. CSED may require payors and individuals 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. CSED safeguards case information and records received from payors and individuals. 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.

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

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

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

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

(h) CSED issues payments, made out to the custodian only, 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.

(i) CSED returns undistributed collections to the noncustodial parent within 30 days if CSED is unable to distribute the collection. If the noncustodial parent's address is unknown, the support payment is returned to the employer or other payor.

(j) 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.

(k) When CSED errs, CSED recovers overpayments to parties or custodians 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>.

340:25-5-351. Allocation and distribution of collections

(a) **Basis for allocation and distribution of collections.** The Oklahoma Department of Human Services (OKDHS) distributes support collections received by the Centralized Support Registry for IV-D and non-IV-D cases. The collections are allocated and distributed according to Title IV, Part D₁ of the Social Security Act, and associated federal regulations and Oklahoma Statutes. This Section establishes allocation of collections across support orders involving multiple families and different types of support obligations. It also establishes high-level distribution policies. Actual distribution of money occurs under Section 457 of the Social Security Act after collections are allocated according to this Section.

(b) **Overall priority of allocation and distribution.** This subsection has priority over (c) through (f) of this Section.

(1) The OKDHS Child Support Enforcement Division (CSED) allocates payments from a collection action to satisfy amounts due under obligations included in the action. Income assignment orders, liens, administrative offsets, contempt actions, and license revocations are examples of collection actions. If CSED receives a voluntary payment, CSED honors designated payments from noncustodial parents who have multiple family obligations if payments are reasonably consistent with this Section. Otherwise, CSED allocates voluntary payments to cases with court-ordered obligations before cases without court-ordered obligations. ■ 1

(2) In a non-IV-D case, CSED allocates and distributes payments through the Centralized Support Registry directly to the obligee, without otherwise allocating or distributing payments under this Section, unless money was previously assigned to the state.

(3) In allocating collections owed to a state, CSED gives priority to cases in which unreimbursed assistance is owed to the State of Oklahoma.

(4) Temporarily assigned arrears are paid before permanently assigned arrears. If the support amount ordered for a prior period is less than the cumulative amount of cash assistance from the IV-A and IV-E programs, the support is permanently assigned. In cases involving unreimbursed assistance, CSED retains current monthly support collections in excess of the current assistance payment under Temporary Assistance for Needy Families (TANF) to reimburse the state for past assistance.

(5) CSED applies payments to interest owed to a particular custodial person after current child support and arrears are paid in full.

(c) **Initial allocation to monthly current support obligations.** Except as provided in (e) of this Section, CSED initially allocates collections to current support obligations due each month.

(1) If collections are less than the amount of all current support due, CSED allocates collections to current child support due.

(2) After the current child support obligation is met, CSED allocates collections to current spousal support due.

(d) **Allocation to monthly past-due support obligations under payment plans.** Except as provided in (e) of this Section, after all current support obligations are met, CSED allocates collections under payment plans to fixed monthly past-due support obligations. Payment plans are defined in Section 237.7 of Title 56 of the Oklahoma Statutes.

(1) If collections are less than the amount due under the payment plan, CSED first allocates collections to past-due monthly child support.

(2) After the past-due monthly child support obligation is met, CSED allocates collections to monthly past-due spousal support.

(3) CSED allocates collections to the total amount in arrears after fixed monthly past-due support obligations in the payment plan are met.

(e) **Allocation and distribution to total amount in arrears.**

(1) CSED allocates federal income tax refund offset collections to the total amount in arrears.

(2) Except for collections under a payment plan, CSED allocates collections above the current support obligation to total arrears.

(3) After all child support arrearages are satisfied, CSED allocates remaining collections to spousal support arrearages.

(f) **Multiple family support orders.** This subsection explains the allocation of collections when a noncustodial parent has multiple family obligations. For purposes of this Section, a family is a mother and a father and the child(ren) of that relationship, and any custodial person(s) of the child(ren) who is not the mother or the father.

(1) **Current support.** CSED prorates and applies support collections to each family

based on the fixed current monthly support obligation due each family.

(A) If collections for current support are less than the amount of current child support due for all families, CSED prorates and allocates collections to each family based on each family's total current child support due.

(B) After current child support obligations are met, CSED prorates and allocates collections to current spousal support obligations based on the amount of current spousal support due each family.

(2) Past-due support under a payment plan.

(A) CSED allocates collections to payment plans for multiple families in the order described in (i) through (iii) of this subparagraph. If there are multiple families within a category described in (i) through (iii) of this subparagraph, CSED allocates collections among the families according to (B) of this paragraph. The collections allocated to a family's payment plan are then allocated to monthly past-due support obligations according to (d) of this Section. Allocations are:

(i) first, to in-state cases. In-state cases are cases under Title IV, Part D₁ of the Social Security Act, that involve either assignment to the State of Oklahoma or current receipt of child support services under an application for services in Oklahoma;

(ii) second, to incoming interstate cases; and

(iii) third₁, to incoming high-volume administrative enforcement cases in interstate actions.

(B) If there are multiple families within a category described in (2)(A)(i) through (iii) of this subsection, CSED prorates and allocates payment plan collections among families in that category based on each family's fixed monthly payment plan obligations due. If the payment plan obligation for a family is satisfied, the remaining collections are prorated and allocated among the other families within the category still having unsatisfied past-due payment plans based on each family's fixed monthly payment plan obligations due. If the past-due payment plans for all families in a category are satisfied, remaining collections are allocated to families in the next category.

(3) Total arrears.

(A) CSED allocates collections to arrears for multiple families in the order

described in (i) through (iii) of this subparagraph. If there are multiple families within a category described in (i) through (iii) of this subparagraph, CSED allocates collections among the families according to (B) of this paragraph. Allocations are:

- (i) first, to in-state cases as described in (2)(A)(i) of this subsection;
- (ii) second, to incoming interstate cases; and
- (iii) third, to incoming high-volume administrative enforcement cases in interstate actions.

(B) If there are multiple families within a category described in (3)(A)(i) through (iii) of this subsection, CSED prorates and allocates total arrears collections among families in that category based on each family's total arrears due. If the total arrears obligation for a family is satisfied, the remaining collections are prorated and allocated among the other families within the category still having unsatisfied total arrears based on each family's total arrears due. If the total arrears for all families in a category are satisfied, remaining collections are allocated to families in the next category.

(4) Interest.

(A) CSED allocates collections to interest for multiple families in the order described in (i) through (iii) of this subparagraph. If there are multiple families within a category described in (i) through (iii) of this subparagraph, CSED allocates collections among the families according to (B) of this paragraph. Allocations are:

- (i) first, to in-state cases as described in (2)(A)(i) of this subsection;
- (ii) second, to incoming interstate cases; and
- (iii) third, to incoming high-volume administrative enforcement cases in interstate actions.

(B) If there are multiple families within a category described in (4)(A)(i) through (iii) of this subsection, CSED prorates and allocates interest collections among families in that category based on each family's total interest due. If the interest obligation for a family is satisfied, the remaining collections are prorated and allocated among the other families within the category still having unsatisfied interest based on each family's interest due. If the interest for all families in a

category is satisfied, remaining collections are allocated to families in the next category.

INSTRUCTIONS TO STAFF

- 1. All IV-D cases that meet the criteria for collection action should be coordinated so resulting collections are shared among all families.**