TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL


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

The proposed revisions to Subchapters 1 and 5 of Chapter 25 amend the rules to: (1) ensure terms and definitions are used consistently throughout child support guidelines in a child support calculation; (2) add reasonable cost of and accessibility to health insurance provision; (3) require medical support for children from both parents and reasonable cost of cash medical and providing for computation of cash medical support; (4) define cash medical support; (5) require all support orders in the IV-D program address medical support and consider health insurance available to either parent; (6) define reasonable cost of health insurance and reasonable cost of cash medical support; (7) require health insurance coverage be accessible; (8) change federal substantial-compliance audit and state self-assessment to address medical support requirements; (9) reassign a 2006 mandatory federal annual $25.00 fee on all child support cases where $500.00 of support has been collected and distributed to the custodial person, except in those cases where current or former Temporary Assistance for Needy Families (TANF) or Aid to Families with Dependent Children (AFDC) has been provided effective October 8, 2009; (10) amend the revocation, suspension, nonissuance, or renewal of license for noncompliance with a support order; (11) renumber the child support and paternity provisions of the Oklahoma Juvenile Code; (12) continue incremental change of division name from Child Support Enforcement Division (CSED) to Oklahoma Child Support Services (OCSS); and (13) comply with provisions of Oklahoma Senate Bill 1126 and House Bill 2028.

OAC 340:25-1-1.1 is amended to: (1) add definitions for alternative
health coverage, cash medical support, current child support, fixed medical, and health insurance; and (2) revise the definitions for medical enforcement only case, medical support, and support.

OAC 340:25-5-67 is amended to: (1) add employers and plan administrators to those individuals who may access information necessary to enroll children as beneficiaries of court-ordered health insurance coverage; and (2) clarify inclusion of the address of record in a list of information that may be released to authorized persons for the purpose of service.

OAC 340:25-5-110.1 is amended to: (1) add a cross reference to OAC 340:25-5-155 that establishes a new application process for locate only services; and (2) remove the requirement that OCSS send outreach letters to those who have filed OKDHS form 03PA209E, Acknowledgment of Paternity.

OAC 340:25-5-155 is amended to establish a new application process for locate only services as required by Section 302.35 of Title 45 of the Code of Federal Regulation.

OAC 340:25-5-168 is amended to: (1) clarify definition for health insurance; (2) provide new processes in compliance with federal regulations and state law for the establishment of medical support orders and termination of cash medical support when OCSS receives information that a child is enrolled in health insurance; (3) clarify that a child support order must contain a medical support provision; (4) add the standards, exceptions, and hierarchy for medical support provisions; (5) direct OCSS to request a court to give priority to the custodial person when insurance is available to both parents; (6) direct OCSS to request cash medical support if health insurance is not available under the standards and provide for cash medical support when the children are on a government medical assistance program; (7) provide the monthly amount to be used as the cost of health care for an uninsured child in a non government assistance cash medical support provision; (8) clarify when OCSS seeks an order for health insurance when a child has Indian Health Services (IHS) and that OCSS does not request a cash medical support provision on IHS cases; (9) add provision that OCSS seeks cash medical support only prospectively; and (10) correct legal cite to Section 118 through 118I of Title 43 of the Oklahoma Statutes.

OAC 340:25-5-169 is amended to: (1) clarify the process OCSS uses on medical enforcement only (MEO) cases when conducting a review of the child support order; (2) add that OCSS opens a full-
service case when assigned cash medical support is owed; (3) add a condition that OCSS seeks modification of the medical support provision; and (4) amend legal cite.

OAC 340:25-5-170 is amended to add medical support to the types of support OCSS does not enforce by income withholding on medical enforcement only cases.

OAC 340:25-5-171 is amended to: (1) clarify that OCSS does not enforce a medical support order against a third party custodial person; (2) provide OCSS seek other coverage or a cash medical order in lieu of insurance when an employer states the cost of insurance coverage exceeds the limits of earnings subject to an income assignment; and (3) add process to release information necessary to enroll children in court ordered health insurance.

OAC 340:25-176 is amended to identify the specific individual or entity that is responsible for genetic testing cost.

OAC 340:25-5-198.1 is amended to: (1) clarify how a review of a child support order is initiated; (2) add when a parent requests services to review their child support order on a medical enforcement only (MEO) case, OCSS changes the MEO case to a full service case and notifies the parents; and (3) correct legal cite to Sections 118 through 119 of Title 43 of the Oklahoma Statutes.

OAC 340:25-5-198.2 is amended to: (1) add reasons for OCSS to seek a modification, including an increase or decrease in the child support amount from ten percent to 20 percent; and (2) add when OCSS seeks modification of a medical support order.

OAC 340:25-5-211.1 is amended to: (1) clarify the process for requesting a desk review for license reinstatement; (2) add ability to reinstate license when noncustodial parent is participating in a problem-solving court program under Section 140 of Title 43 or Section 240.10 of Title 56 of the Oklahoma Statutes; and (3) add notice requirement according to Section 2005 of Title 12 or Section 112A of Title 43 of the Oklahoma Statutes.

OAC 340:25-5-212 is amended to add a $50.00 threshold when a bank remits funds in response to a financial institution data match (FIDM) request.

OAC 340:25-5-340 is amended to clarify the process and responsibilities when a custodial person designates an attorney as an address of record.
OAC 340:25-5-340.1 is amended to: (1) add that an OCSS attorney has the authority to release a designated address of record; (2) define the process for both the Central Case Registry and states attorney when releasing an address of record; and (3) require OCSS staff take steps pursuant to Section 112A of Title 43 of the Oklahoma Statutes to ensure case participants establish or change their address of record.

OAC 340:25-5-351 is amended to: (1) clarify who is assessed the federally mandated annual fee; (2) allow an even proration of cash medical support collections when allocating between current child support and cash medical support that will result in more support payments being issued to families; and (3) remove language of temporarily assigned arrearages as required under the Deficit Reduction Act of 2005.

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 an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS 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, OKDHS 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, OKDHS: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 405-521-4326.

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340:25-1-1.1. Definitions

Revised 7-1-10

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

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

"Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. [10 O.S. § 7700-102]

"Alternative health coverage" means health care services other than health insurance, including, but not limited to, Indian Health Services (IHS) or Defense Eligibility Enrollment Reporting System (DEERS), which is available to either parent under which medical services could be provided to the dependent child(ren).

"Annual notice" means the yearly notice provided for in Section 237A of Title 56 of the Oklahoma Statutes to notify the noncustodial parent and custodial person of the amount due, actions that may be taken to enforce the child support obligation, actions required of the noncustodial parent and custodial person, 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 Sections 608 and 671 of Title 42 of the United States Code or any transfer of rights to medical support and to payment of medical care from any third party under Section 433.146 of Title 42 of the Code of Federal Regulations.

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

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

"Cash medical support" means an amount ordered to be paid toward the cost of health coverage provided by a public entity or by a person other than the parents through employment or otherwise.

"Central Case Registry" means Oklahoma's repository for Part D of Subchapter IV of Chapter 7 of Title 42 of the United States Code (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 654a of Title 42 of the United States Code. OCSS maintains the Central Case Registry under Section 112A of Title 43 of the Oklahoma Statutes.

"Centralized Support Registry" means a repository maintained by OCSS 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 654b of Title 42 of the United States Code. 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]

"Child support order" means an obligation addressing monetary support, cash medical support, medical support for the child(ren), and support arrearage and arrearage payments, if any.

"CSED" means the Child Support Enforcement Division of the Oklahoma Department of Human Services and is also known as Oklahoma Child Support Services (OCSS). OCSS 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, and others. OCSS includes all of these offices and their employees and agents.
"Current child support" means the base child support obligation and the proportional share of health insurance costs, fixed medical costs, transportation expenses, and annualized child care costs. Current child support does not include cash medical support.

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

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

"District office" means a child support services 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.

"Fixed medical" means fixed periodic payments for ongoing medical costs not paid or reimbursed by insurance, or included in a cash medical support order.

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

"Health insurance" means insurance coverage that provides routine and major medical expenses, including but not limited to: preventive care, office visits, hospitalization, and medication coverage, that may be provided through a fee for service, health maintenance organization, or preferred provider organization, or other private or public organization, other than Medicaid.

"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 noncustodial parent to the person entitled to the support or to another person designated by the support order or assignment. An income assignment may be for payment of current support, arrearages, or both. The terms "income assignment" and "income withholding" may be used interchangeably. [12 O.S. § 1170 and 56 O.S. § 237.7]

SCOPE AND APPLICABILITY

REVISED 7-1-10
"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.

"Intrastate case" means a case existing or occurring within the boundaries of a single state.

"IV-A" means Title IV, Part A, of the Social Security Act, codified in Part A of Subchapter IV of Chapter 7 of Title 42 of the United States Code, covering the federal-state Temporary Assistance for Needy Families (TANF) Program.

"IV-B" means Title IV, Part B, of the Social Security Act, codified in Part B of Subchapter IV of Chapter 7 of Title 42 of the United States Code, covering child welfare services.

"IV-D" means Title IV, Part D, of the Social Security Act, codified in Part D of Subchapter IV of Chapter 7 of Title 42 of the United States Code, generally relating to child support.

"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, codified in Part D of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

"IV-E" means Title IV, Part E, of the Social Security Act, codified in Part E of Subchapter IV of Chapter 7 of Title 42 of the United States Code, covering foster care.

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

"Medicaid" or "Title XIX" means medical assistance provided under a state plan approved under Title XIX of the Social Security Act, codified in Subchapter XIX of Chapter 7 of Title 42 of the United States Code including SoonerCare, State Children's Health Insurance Program (SCHIP), and Insure Oklahoma.

"Medical enforcement only case" or "MEO case" means a child support case for which OCSS provides only IV-D services related to securing and enforcing medical support to non-TANF SoonerCare (Medicaid) recipients.

"Medical support" means health insurance, alternative health coverage, cash medical support, or a combination of these for the benefit of a minor child(ren).
"Member of military service" or "servicemember" means any member of the uniformed service on active duty, including the Army, Navy, Air Force, Marine Corps, and Coast Guard. Also included are members of the National Guard called to active service, certain members of the Public Health Service, and the National Oceanic and Atmospheric Administration, members of the Reserves when ordered to report for active military duty, and United States citizens serving with the military of other countries if their service is similar to military service. [50A U.S.C. §§ 511, 514, and 516] A servicemember may be a noncustodial parent or a custodial person.

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

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

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

"Notice of Income Assignment" means the tool used to effect the income withholding process. This document is used to notify employers and other withholders to deduct child support payments from noncustodial parents' income and to send the payments to Oklahoma's Centralized Support Registry for distribution. The terms "income withholding" and "income assignment" may be used interchangeably.

"OAH" means the OKDHS Office of Administrative Hearings: Child Support, which conducts child support administrative hearings.

"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]
"OCSS" means Oklahoma Child Support Services. OCSS 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, and others. OCSS includes all of these offices and their employees and agents. OCSS is formerly known as the Child Support Enforcement Division of the Oklahoma Department of Human Services.

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

"OKDHS" means the Oklahoma Department of Human Services. OKDHS is the state agency designated to administer the child support program for the State of Oklahoma.

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

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

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

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

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

"Presumed father" means a man who, by operation of law under Section 7700-204 of Title 10 of the Oklahoma Statutes, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding. [10 O.S. § 7700-102]

"Social Security Act" means Public Law 74-271, approved August 14, 1935, as currently in effect.
"State’s attorney" means a lawyer employed in the child support program to represent the state in rendering services pursuant to the Social Security Act, codified in Part D of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

"Support" means all payments or other obligations due and owing to the custodial person or person entitled by the noncustodial parent 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 118A through 119 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 through 119 of Title 43 of the Oklahoma Statutes in paternity orders and in TANF notice of support debt orders for past months when no child support order was in effect.

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

"TANF" means Temporary Assistance for Needy Families. TANF replaces Aid to Families with Dependent Children (AFDC).

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

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

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

"UPA" means the Uniform Parentage Act. In Oklahoma, the UPA is codified in Sections 7700-101 through 7700-902 of Title 10 of the Oklahoma Statutes.
340:25-1-1.2. Legal base

Revised 7-1-10

(a) Federal law. Sections 651 through 669b of Title 42 of the United States Code is the primary basis in federal law for Oklahoma's child support program. The program is also governed by Chapter III of Title 45 of the Code of Federal Regulations. The Servicemembers Civil Relief Act, codified in Sections 501 through 596 of Title 50A of the United States Code, applies to servicemembers. Other federal laws and regulations are followed to the extent they apply to Oklahoma's child support program.

(b) State law. Oklahoma Statutes covering child support issues include, but are not limited to:

(1) Sections 80, 83, 90.4, 90.5, 7005-1.4, and 7700-101 through 7700-902 of Title 10;

(2) Sections 1170 and 1171.2 through 1171.4 of Title 12;

(3) Sections 566, 567, and 852 of Title 21;

(4) Sections 109.2 through 110, 112, 112A, 114 through 120, 135 through 139.1, 410 through 413, and 601-100 through 601-901 of Title 43;

(5) Sections 166.1, 183, 230.60, and 231 through 240.23 of Title 56;

(6) Sections 1-311.2 and 1-311.3 of Title 63; and

(7) Sections 205.2 and 205.3 of Title 68.

(c) Applicability. Oklahoma Child Support Services (OCSS) uses federal or state statutes, as appropriate, in specific situations to establish and enforce child support orders. OCSS follows applicable state and federal laws in carrying out its responsibilities and providing services regardless of whether a statute, regulation, final order, or other legal obligation is specifically referenced in this Chapter.
SUBCHAPTER 5. OPERATIONAL POLICIES

PART 1. MISSION, STRUCTURE AND LEGAL BASES [REVOKED]

Section
340:25-5-1. Purpose [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]
340:25-5-17. Formula for determining the amount of the support obligation [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]
340:25-5-23. Medical support enforcement activities [REVOKED]
340:25-5-27. Incentive payments to states and political subdivisions [REVOKED]

PART 5. GENERAL AND FINANCIAL PROGRAM ADMINISTRATION [REVOKED]

340:25-5-36. Reports and maintenance of records [REVOKED]
340:25-5-37. Standards for an effective program [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
340:25-5-46. Payment of support through the IV-D agency or other entity [REVOKED]

340:25-5-47. Financial administration [REVOKED]


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340:25-5-55. Case records

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

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PART 9. DISCLOSURE OF INFORMATION

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340:25-5-66. Legal basis for release of information

340:25-5-67. Information disclosure

340:25-5-67.1. Family violence

340:25-5-68. Procedure for requesting case information from CSED

340:25-5-69. Telephone request for copies of pay records [REVOKED]

340:25-5-70. Fees [REVOKED]

340:25-5-71. Specific situations regarding disclosure [REVOKED]

PART 11. OCSS SYSTEM SECURITY

340:25-5-75. Authority and responsibility

340:25-5-76. User authorization and responsibilities [REVOKED]

340:25-5-77. [REVOKED]

340:25-5-78. Data security [REVOKED]


340:25-5-81. Changes to data files/authorization [REVOKED]

340:25-5-82. Change control [REVOKED]

340:25-5-83. Back-up and recovery [REVOKED]

340:25-5-84. Emergency procedures [REVOKED]

340:25-5-85. Deactivation of records [REVOKED]

340:25-5-86. Procedures to request deactivation [REVOKED]

340:25-5-87. Required case information [REVOKED]

PART 13. RETENTION AND DESTRUCTION OF CASE RECORDS

340:25-5-95. Scope and applicability

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Revised 7-1-10

Federal and state laws and the rules adopted by the Oklahoma Commission for Human Services restrict the use and disclosure of information. Release of information from child support program records is based on applicable provisions of:

(1) Sections OAC 340:2-21-12 through 340:2-21-16, and OAC 340:75-1-44;

(2) Section 413 of Title 43, Sections 24A.1 through 24A.26 of Title 51, and Sections 183 and 231 through 240.23 of Title 56 of the Oklahoma Statutes;

(3) Sections 303.15, 303.70, and 307.13 of Title 45 of the Code of Federal Regulations; and

(4) Sections 653, 654, 654a, and 663 of Title 42 of the United States Code.
340:25-5-67. Information disclosure

Revised 7-1-10

(a) Confidentiality. 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]

(1) All files and records concerning the assistance or services provided under the child support program or concerning an alleged father of a child born out of wedlock are confidential except as otherwise authorized by law. [56 O.S. § 237]

(2) Any information Oklahoma Child Support Services (OCSS) obtains from federal or state agencies is subject to limitations on disclosure imposed by laws governing the information received from those agencies. OCSS 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 program.

(3) 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.

(b) Authorized disclosure. Information, when requested per OAC 340:25-5-68, may be shared with:

(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 statewide automated data processing and information retrieval networks within the Oklahoma Department of Human Services (OKDHS), with authorized representatives of OKDHS divisions and other agencies of the State of Oklahoma and other states, and with federal and tribal agencies and other countries;

   (B) exchange of information directly and through statewide automated data processing and information retrieval networks with representatives of OKDHS and other state agencies administering programs under Titles IV-A, IV-E, and XIX of Subchapter IV of Chapter 7 of Title 42 of the United States Code, to the extent necessary to carry out state agency Titles IV-A, IV-E, and XIX responsibilities;
(C) release of information received from the Federal Parent Locator Service, through the State Parent Locator Service, to an authorized person under Section 663 of Title 42 of the United States Code representing:

(i) agencies administering or enforcing programs under Titles IV-B and IV-E of Subchapter IV of Chapter 7 of Title 42 of the United States Code to the extent necessary to carry out state agency Titles IV-B and IV-E responsibilities; and

(ii) the United States or the State of Oklahoma for purposes of enforcing or prosecuting any federal or state law with respect to the unlawful taking or restraint of a child, or any court or agent of such court having jurisdiction to make or enforce a child custody or visitation determination; and

(D) release of Social Security numbers for child support purposes, such as locating the parents, submitting cases for federal administrative and income tax refund offset, state income tax refund offset, financial institution data match, enrolling children as beneficiaries of health insurance coverage, and processing interstate child support services;

(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 court-ordered health insurance coverage;
(F) address of record for service of process under Section 112A of Title 43 of the Oklahoma Statutes. The address of record must only be released in accordance with OAC 340:25-5-340.1;

(3) employers and plan administrators, who may only access information necessary to enroll children as beneficiaries of court ordered health insurance coverage; and

(4) persons as directed by court order or by a subpoena that has been approved by a child support attorney. ■ 4

INSTRUCTIONS TO STAFF 340:25-5-67

Revised 7-1-10

1. No employee or agent of the Oklahoma Department of Human Services (OKDHS) accesses or uses confidential information or data obtained though the child support program except on a need to know basis in the performance of his or her official duties as an employee or agent of OKDHS. This information or data may not be used for personal amusement, curiosity, gain, benefit, or any other reason not directly related to the performance of official duties.

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

      (A) any employee or agent of OKDHS is reported by child support staff to his or her supervisor; and

      (B) an agent of OKDHS is reported by child support supervisors to the supervisor of the agent.

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

2. Release of information.

   (1) Oklahoma Child Support Services (OCSS) releases written child support payment information to housing authorities and other entities upon written authorization of the custodial person or noncustodial parent. District offices may coordinate this release of information to housing authorities with OCSS Center for Customer Service.
(2) OCSS does not release child support payment information to Child Welfare (CW) staff without a court order unless the reason for release is to establish or enforce a child support order.

(3) When it furthers the provision of IV-D services per OAC 340:25-1-1.2, OCSS releases information to entities such as:

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

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

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

(4) OCSS does not release information to law enforcement personnel prosecuting crimes unrelated to the provision of IV-D services per OAC 340:25-1-1.2.

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

(A) OCSS encourages authorized OKDHS staff in other divisions to obtain child support case record information through viewing applicable automated Oklahoma Support Information System screens.

(B) OCSS provides child support information directly by e-mail, telephone, or letter to authorized OKDHS staff.

3. Parent Locator Service.

(1) When a Child Protective Service Alert (CPSA or PSA) indicator appears during a search for history on a family in the KIDS and/or IMS system, as a PSA case type in KIDS and a CPSA designation in IMS on a CW case, child support staff release locate information to OKDHS Children and Family Services Division at 405-521-2283.

(2) When CW staff request Federal Parent Locator Service (FPLS) information from OCSS that furthers only IV-B or IV-E purposes, CW staff must submit a request to the State Parent Locator Service (SPLS) in the
Programs Unit of OCSS. For example, CW staff may request locate information from SPLS to locate a non-parent for researching a possible placement for a deprived child.

(A) Child support staff direct authorized persons requesting FPLS information to submit their requests to the SPLS.

(B) The SPLS provides the information to the requester in person or by e-mail, telephone, or letter, rather than through the automated system.

(3) For further information concerning release of FPLS information, see:

(A) the Federal Register, Volume 69, Number 148, dated August 3, 2004;

(B) the Federal Register, Volume 63, Number 162, dated August 21, 1998; and


4. A subpoena is not a court order requiring automatic release of information. Child support attorneys review court orders and subpoenas before OCSS releases information as directed by a court order or subpoena.
340:25-5-110.1. Applications

Revised 7-1-10

(a) To apply for child support services, a person must submit a completed and signed application form to the address on the form. A one cent application fee is paid by Oklahoma Child Support Services (OCSS) for each application received. An application for child support services is submitted in every circumstance, including applications received by:

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

(2) former participants in IV-D cases;

(3) noncustodial parents listed on an existing medical enforcement only case, if the noncustodial parent is requesting a review and adjustment or to open a new case per OAC 340:25-5-198.1; or

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

(b) Application forms are obtained at any child support or other OKDHS office or by writing or telephoning OCSS at the address and telephone numbers provided in OAC 340:25-1-2.1. Printable application forms are available from the OCSS 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) OCSS accepts an application and opens a case when:

(1) the child is a minor or the application is to enforce a child support order for an adult with disabilities under Section 112.1A of Title 43 of the Oklahoma Statutes;

(2) paternity must be established for a minor child against a deceased noncustodial parent consistent with OAC 340:25-5-176; and
(3) the former custodial person's parental rights have been terminated, then the child was adopted, and the application to collect past-due support owed to the former custodial person was received before the adoption.

(e) OCSS does not accept applications for collection of past-due support when:

(1) all children on the application have reached the age of majority and none is an adult with disabilities with an established child support order;

(2) the child is deceased; or

(3) the child is a minor but no longer resides with the custodial person.

(f) OCSS accepts applications for locate only services pursuant to OAC 340:25-5-155.

INSTRUCTIONS TO STAFF 340:25-5-110.1

Revised 7-1-10

1. When an intrastate case is opened for review and modification of the child support order, the case is a full-service case.

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

3. OCSS accepts an interstate referral:

   (1) if the child has reached the age of majority in the initiating state;

   (2) if the case was opened in the initiating state during the child's minority;

   (3) if the application was received prior to the adoption; or

   (4) to enforce a child support order for an adult with disabilities.
340:25-5-124.3. Assignment and management of deprived cases

Revised 7-1-09

When a case includes a child(ren) in a deprived court action, Oklahoma Child Support Services (OCSS) assigns cases under this Section. 1

1. No existing child support order. When there is no existing child support order, the case is assigned to a district office serving the county in which the district court has jurisdiction over the deprived action. 2

2. Existing case. When there is a prior Family and Domestic district court case involving the parent(s) and child(ren), the case is assigned to a district office serving the county in which the order was entered or docketed, regardless of whether a child support order was entered as to either parent. 3

3. Split jurisdiction. When the case involves split jurisdiction, the district offices coordinate paternity and child support order establishment and child support order enforcement procedures with the district courts. 4 & 6

4. No prior child support order. When no child support order was entered prior to the filing of the juvenile petition, there is no existing Family and Domestic district court case, the parental rights of the noncustodial parent are terminated, and the child is not placed with that noncustodial parent, the child support case is assigned and transferred according to (A) through (E) of this paragraph, as applicable.

A. When a child(ren) is permanently placed within Oklahoma, the child support case is assigned to the district office serving the county where the minor child(ren) resides.

B. When a child(ren) is permanently placed outside Oklahoma, the child support case is assigned to the district office serving the county where the noncustodial parent resides.

C. When there are multiple noncustodial parents residing in different areas, the district offices within whose jurisdiction the noncustodial parents reside reach an agreement regarding district office assignment.

D. When parental rights have been terminated, OCSS requests the court refer all child support issues regarding the parent whose rights have been terminated to OCSS for filing in the appropriate court.
(E) When the juvenile court has entered a child support order but no longer desires to exercise jurisdiction to enforce the order, no prior Family and Domestic district court case exists, and the child(ren) is not placed with the noncustodial parent, OCSS docket the juvenile child support or paternity order in a new district court case according to (i) through (iii) of this subparagraph, as applicable:

(i) in the county in which the noncustodial parent resides or the last verified address of the noncustodial parent;

(ii) if both parents are noncustodial parents, (C) of this paragraph applies; or

(iii) in the county where the child(ren) resides if parental rights have been terminated.  ■ 6

(5) **Prior child support order.** When a prior child support order exists and after final adjudication and dismissal of the deprived action from the juvenile court, or when child support issues have been deferred by the juvenile court, the office with the existing child support order docket any juvenile child support or paternity order in its district court and proceeds with both judicial and non-judicial enforcement of the child support order.  ■ 5 & 6

(6) **Adoption.** When the child(ren) is adopted and the deprived action terminates, the child support case is assigned as described in (A) and (B) of this paragraph.

(A) When there is an existing child support order prior to the child(ren) entering foster care, the case is assigned to the district office serving the county where the order was established.

(B) When there is no existing child support order prior to the child(ren) entering foster care, and a child support order is established during the deprived action, the case is assigned to the district office serving the county where the noncustodial parent resides.

**INSTRUCTIONS TO STAFF 340:25-5-124.3**

**Revised 7-1-10**

1. Oklahoma Child Support Services (OCSS) Center for Operations receives child support case information from the Office of Administrative Hearings:
Child Support (OAH) when a district court in a deprived court case has deferred jurisdiction for child support issues to OAH under Section 1-4-702 of Title 10A of the Oklahoma Statutes.

(1) OCSS Center for Operations notifies the district office by e-mail of the deferral and documents the information on the automated Oklahoma Support Information System (OSIS) case log.

(2) OCSS district office staff prepare a hearing notice, notify the parties of the hearing date, set the case for the appropriate hearing on the OAH court docket, and document this information on the OSIS case log.

2. No existing child support order. When there is no existing child support order and a case transfer is required from the initial district office (Office A) to the district office serving the county in which the court has jurisdiction over the deprived action is located (Office B), child support staff follow the procedures in (1) through (6).

(1) Office A stops processing the child support case except for the completion of any genetic testing that has previously been set, and strikes any court hearings set at the request of OCSS due to the court in the new county assuming jurisdiction over all issues.

(2) Office A:

(A) updates OSIS Case Data Update Screen (CSCU) screen to the new office code and case transfer staff user identification number;

(B) documents the case transfer on the Case Log Add (CSLOGA) screen; and

(C) transfers the physical case file to Office B.

(3) When the juvenile court that is exercising jurisdiction is Oklahoma County, Office A contacts the Oklahoma County Juvenile Court (OKJ) office. If OKJ determines the child support case needs to be transferred, OKJ updates the CSCU and CSLOGA screens, and communicates with and requests the physical case file from Office A.

(4) When the juvenile court that is exercising jurisdiction is Tulsa County, Office A contacts the Tulsa East (TUE) office. If TUE determines the child
support case needs to be transferred, TUE updates the CSCU and CSLOGA screens, and communicates with and requests the physical case file from Office A.

(5) Office B checks on the status of the deprived action with the Child Welfare (CW) worker, paying particular attention to any paternity establishment issues. Office B contacts the CW worker to:

(A) check on the status of the juvenile deprived action;

(B) determine in what part of the deprived action process the case is;

(C) determine whether any orders have been entered by the juvenile court regarding paternity or child support;

(D) check whether paternity has been determined by the juvenile court; and

(E) determine whether parental rights have been terminated.

(6) Office B establishes and enforces child support and paternity orders in that juvenile deprived action.

3. Existing child support order.

(1) When there is an existing child support order, child support staff follow the procedures in (A) through (D).

(A) Upon receipt of the SoonerCare (Medicaid) referral through the Oklahoma Department of Human Services (OKDHS) automated system, Office A notifies Office B when research of the OKDHS automated system shows there is a CW case in a county in the service area of Office B.

(B) Office A stops all enforcement action in that case except for non-judicial enforcement remedies. Office A completes genetic testing on a case where appropriate when establishing paternity for a child born after the child support order was entered.

(C) The current OSIS office assignment code for the child support case remains with Office A.
(i) This office assignment includes the periods prior to the issuance of an order from the juvenile court, after the order has been entered, and during the passive enforcement period.

(ii) During the juvenile court action, Office B may request a copy of the child support order, a current arrearage computation, and other relevant information from Office A's case file as needed to advise the juvenile court or the OKDHS CW office about the existing child support order. That action will not cause reassignment of the child support case to Office B on OSIS.

(D) Office B may request the child support case be transferred to that office when there are child support issues being addressed in the juvenile court. Upon dismissal of the juvenile court action, Office B transfers the case back to Office A.

(2) Child support order within the district office service area. Child support staff build and work the case.

(3) Child support order outside the district office service area.

(A) If there is an existing Family Group Number (FGN), child support staff:

   (i) transfer the non-TANF (Temporary Assistance for Needy Families) SoonerCare (Medicaid) referral through the OSIS IV-A Referral Listing (RFLI) screen, or notifies the receiving office by e-mail if the referral was received through the OSIS Pending Updates Inquiry (PUI) screen; and

   (ii) document the reason for transfer on the CSLOGA screen.

(B) If there is not an existing FGN, child support staff:

   (i) transfer the non-TANF SoonerCare (Medicaid) referral through the OSIS IV-A Referral Listing (RFLI) screen, or notifies the receiving office by e-mail if the referral was received through the OSIS Pending Updates Inquiry (PUI) screen; and

   (ii) send an e-mail to the receiving office explaining the reason for the referral transfer.
4. Split jurisdiction. Split jurisdiction means a juvenile court (Court A) has exclusive jurisdiction over one or more children on a child support case while another court (Court B) retains jurisdiction over another child(ren) in the same family. In cases involving split jurisdiction, child support staff follow the procedures in (1) and (2).

(1) The district office serving Court B coordinates to request that Court A defer jurisdiction on paternity and child support issues to Court B to address all children on a single order.

(A) If Court A defers jurisdiction to Court B, the district office serving Court B proceeds to establish paternity, establish child support orders, and enforce child support orders for all children.

(B) If Court A does not defer jurisdiction to Court B, the district office serving Court B establishes paternity, and establishes and enforces child support for the child(ren) who is not in the juvenile court case.

(2) Within Oklahoma County, split jurisdiction cases are assigned to the OKJ office. After the deprived action has been dismissed, the child support case is transferred to the appropriate district office based upon the location of the previous order or new custodial person's zip code if no order existed prior to the child’s placement in OKDHS custody.

5. The child support order is filed as a separate document and is not confidential. The order may be captioned with a different case style in order to enforce the child support order in an action other than the deprived proceeding.

6. Docketing examples:

(1) There is one child support order entered in the deprived case for a mother to pay for children by multiple fathers. The child support order may be docketed in the appropriate county as to each father.

(2) A mother is ordered to pay child support for children she had by multiple fathers. There is an existing district court child support order for one child but not the others. The child support order from the deprived case is docketed in the existing district court case and in a new district court case for the child without a prior order.
(3) There is one child support order entered in the deprived case against one parent for children in multiple Family Group Numbers (FGNs). The deprived case has been dismissed, and the child support order could be docketed in multiple district court counties. Prior to docketing and transferring the cases to the child support offices that provide services in the counties for those district courts, the child support district office assigned to work the deprived case obtains amended child support orders in the deprived case to separate the obligations for each parent by children in each FGN.

(4) Mother is the only noncustodial parent and is ordered to pay child support of $400 per month for four children in three separate FGNs. Child support staff prepare an amended child support order for $100 per month per child for any child not residing with the mother at the time the juvenile case is dismissed. The child support district office staff assigned to work the deprived case file the amended orders with the deprived court and send the orders to the district office where the mother resides for docketing in that district court.
340:25-5-133. Current child support follows the child when physical custody changes

Revised 7-1-10

(a) When the legal custodian relinquishes physical custody of a child(ren) to another custodial person, Oklahoma Child Support Services (OCSS) of the Oklahoma Department of Human Services (OKDHS) redirects current child support payments to the new custodian under Sections 109.5 of Title 43 and 237 of Title 56 of the Oklahoma Statutes.

1. A custodial person who relinquishes physical custody of a child(ren) to another custodian must notify OCSS of the change. The new custodial person must submit an application for child support services if an application is required per OAC 340:25-5-117.

2. OCSS remits current child support payments to the new custodial person. Transfer of child support payments occurs with the first payment received in the month after a change in physical custody takes place.

(b) When the legal custodian of a child(ren) dies and another custodial person, who is not the obligor, assumes custody of the child(ren), OCSS establishes a new support order with the new custodian as the oblige.

1. The new custodial person must submit an application for child support services if an application is required per OAC 340:25-5-117.

2. OCSS redirects current child support payments to the new custodial person pending receipt of an application if required and establishment of the new support order. OCSS distributes any past support payments already collected prior to the custodial person's death per OAC 340:25-5-140.

(c) When a new custodial person assumes custody of a child(ren), OCSS directs past-due support payments as described per OAC 340:25-5-140.

INSTRUCTIONS TO STAFF 340:25-5-133

Revised 7-1-10

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

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

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

(b) Form 04KI025E. When a child is in the custody of the Oklahoma Department of Human Services (OKDHS) and in out-of-home care, child support staff confirm any change of placement of a child by reviewing a copy of Form 04KI025E, Change in Placement Notification, provided by the Child Welfare worker, unless the child moves from one paid placement to another paid placement. Form 04KI025E, required under OAC 340:75-6-86, documents the placement and lists the name and address of the new placement provider. Change of placement involves reunification with a parent or change in caretaker or treatment facility.

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

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

(2) unpaid to paid, the child support payments are retained once the case type is changed to foster care or Temporary Assistance for Needy Families (TANF) reimbursement.
340:25-5-140. Past support

Revised 7-1-10

(a) **Authority.** Oklahoma Child Support Services (OCSS) takes appropriate action to collect support and secure compliance with support orders. ■ 1

1. When a support order does not specify an effective date, a payment is due on the first day of the month following the entry of the child support order, and on the first day of each month thereafter except when another state’s law governs the due date.

2. OCSS bases its determination of past-due support and support for a prior period on information in available records from courts, IV-D and other public and private agencies, custodial persons, noncustodial parents, and others.

3. OCSS may require sworn written statements and supporting documents from custodial persons, noncustodial parents, and others pertaining to support payments. The primary legal foundations for determination and collection of past-due support and support for a prior period are applicable provisions of:

   A. Part D of Subchapter IV of Chapter 7 of Title 42 of the United States Code;
   
   B. Section 1738B of Title 28 of the United States Code;
   
   C. Chapters 302 and 303 of Title 45 of the Code of Federal Regulations; and
   
   D. Sections 83, and 7700-636 of Title 10, Chapters 3 and 21 of Title 12, Title 43, and Sections 231 through 240.23 of Title 56 of the Oklahoma Statutes.

(b) **Enforcement.**

1. OCSS takes action to enforce past-due support and support for a prior period under OAC 340:25-5, Part 23.

2. When a case new to OCSS per OAC 340:25-5-117 has an existing order, OCSS does not calculate a past-due support balance or take action to enforce past-due support until 30 days from the date of mailing of the notice of case letter and affidavit of payments document to the noncustodial parent. This does not preclude the initiation of an income assignment to collect current support.
(3) Past-due child support remains due to the custodial person with whom a child resided during the month the past support was due.

(4) When OCSS takes action to enforce past-due support and support for a prior period for a child of a noncustodial parent or a custodial person who is a servicemember, OCSS applies the provisions of the Servicemembers Civil Relief Act, codified in Sections 501 through 596 of Title 50A of the United States Code.

(c) Settlement of past support.

(1) Settlements of past support may include:

(A) a noncustodial parent's lump sum partial payment or a series of payments made toward the total amount of past support;

(B) an agreement for the noncustodial parent to pay a specified number of current child support payments in the future; and

(C) acceptance of in-kind goods or services in exchange for waiving a certain amount of past child support.

(2) Settlements of past support must be memorialized in a court order and the custodial person must sign the court order when the past support is owed to the custodial person.

(3) In accordance with Section 112 of Title 43 of the Oklahoma Statutes, OCSS:

(A) acknowledges the rights of the custodial person and noncustodial parent to mutually agree to waive, with approval of the court, all or a portion of the past child support due to the custodial person; or

(B) may negotiate the right to collect all or part of past support owed to the State of Oklahoma.

(d) Annual notice. OCSS uses the annual notice to the noncustodial parent per Section 237A of Title 56 of the Oklahoma Statutes to confirm the amount of past-due support and remaining balances on previously confirmed judgments. Past-due support and remaining balances on judgments for support for a prior period may also be confirmed during other enforcement actions as provided in OAC 340:25-5, Part 23.
(e) **Death of custodial person.** If the custodial person dies and no past support is owed to any state, OCSS refunds child support payments to the decedent's estate when notified in writing by the administrator of the estate. OCSS does not file a forced probate court action to determine heirs and distribute past support to heirs. When:

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

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

3. Past support is owed to any state, OCSS distributes the payments per OAC 340:25-5-351.

(f) **Jurisdiction.** When an Oklahoma tribunal has personal and subject matter jurisdiction and can obtain service of process on the noncustodial parent, OCSS uses the annual notice, notice of support debt, contempt, or other appropriate proceedings to determine past support and interest before requesting a tribunal of another state to enforce the child support orders.

**INSTRUCTIONS TO STAFF 340:25-5-140**

Revised 7-1-09

1. In all cases, child support staff request that the court set a periodic payment plan to collect past support.

2. Arrears are calculated and added to the case without waiting the 30 days when:

   (1) There is no address for the noncustodial parent and the custodial person has returned an affidavit of payments;

   (2) The noncustodial parent responds and does not dispute arrears; or

   (3) Both parties respond within 30 days and there is no dispute as to the amount of arrears.

3. Child support staff follow the Guide to the Servicemembers Civil Relief Act (SCRA), available from Oklahoma Child Support Services (OCSS) InfoNet, for procedure regarding:
(1) waivers of rights and protection under the SCRA;

(2) appearance in court actions;

(3) stays of court; and

(4) default orders.

4. Settlement of past support. Child support staff include in the court order the settlement terms, including any waivers of past support. The district office state's attorney must approve all settlements of past support.

   (1) Past support owed to the State of Oklahoma. When there is a settlement of past support owed to the State of Oklahoma, the Unreimbursed Assistance balance is reduced by the amount of the assigned arrears being compromised. This provision does not apply in instances where the custodial person has multiple children on different child support cases.

   (2) Past support owed to the custodial person. Child support staff draft the court order with language that states the custodial person makes the waiver knowingly, voluntarily and without coercion, and with the understanding that he or she cannot make a claim for the waived child support amounts in the future. When a custodial person waives past child support in exchange for in-kind goods or services, OCSS reduces the agreement to writing in a court order with a specific dollar amount listed and has the custodial person sign the court order.
340:25-5-155. Locate services

Revised 7-1-10

(a) Scope of Services. Oklahoma Child Support Services (OCSS) follows the provisions of Sections 653, 654, 654a, 663, and 666 of Title 42 of the United States Code 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:

(1) establishing paternity;

(2) establishing, setting the amount of, modifying, or enforcing child support obligations;

(3) making or enforcing a child custody determination; and

(4) assisting in cases of parental kidnapping. ■ 1 & 2

(b) Locate only services. When authorized persons apply for locate only services, Oklahoma Department of Human Services Form 03EN007E, Locate Only Rights and Responsibilities, must be completed and submitted with an application for child support services.

INSTRUCTIONS TO STAFF 340:25-5-155

Revised 7-1-10

1. Oklahoma Child Support Services State Parent Locate Service 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 the Federal Parent Locate Service.

2. The locate requirement may be met when location information on the noncustodial parent is received from:

   (1) automated information networks within the Oklahoma Department of Human Services, with agencies of other states, with federal agencies, and other countries;

   (2) the custodial person;
(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) United States Postal Service.
340:25-5-168. Establishment of medical support

Revised 7-1-10

(a) **Scope and applicability.** Oklahoma Child Support Services (OCSS) refers to federal and state law for establishment of a medical support order pursuant to:

(1) Section 666 of Title 42 of the United States Code;

(2) Sections 302.33, 302.56, 303.7, 303.30, and 303.31 of Title 45 of the Code of Federal Regulations; and

(3) Section 6058A of Title 36, Sections 112, 118 through 118I, 118.2, and 119 of Title 43, and Section 237 of Title 56 of the Oklahoma Statutes. ■ 1

(b) **Medical support provision of child support order.** A child support order established by OCSS must contain a medical support provision. ■ 2

(c) **Calculating the cost of medical support.** To calculate the actual premium cost of health insurance, OCSS:

(1) deducts from the total insurance premium, the cost of coverage for the parent;

(2) deducts from the total insurance premium, the cost of coverage for any other adults in the household, when that cost information is available;

(3) divides the remainder by the number of dependent children covered; and

(4) multiplies the amount per child by the number of children in the child support case under consideration. ■ 3 & 4

(d) **Standards for medical support provision.** When choosing a medical support provision, OCSS requests the court to apply the standards in (1) through (3) of this subsection,

(1) Health insurance must be reasonable in cost, meaning that the actual out-of-pocket premium cost paid does not exceed five percent of the gross income of the parent who is ordered to provide health insurance. ■ 3, 5, & 6

(2) Health insurance must be accessible, meaning the health care providers must be available to meet the child(ren)'s individual health care needs, and must be located no more than 60 miles one-way from the primary residence of the child(ren). ■ 5
(3) Health insurance must provide coverage for both routine and major medical expenses, including but not limited to: preventive care, office visits, hospitalization, and medication coverage. Annual deductibles must be reasonable and relate to the medical circumstances of the child(ren).

(e) **Exceptions to standards for medical support provision.** When the parents agree or it is otherwise appropriate OCSS requests the court make an exception to the standards for health coverage based on:

1. the reasonable cost of health insurance exceeds five percent of the gross income of the parent ordered to provide health insurance; or
2. the closest insurance provider exceeds 60 miles one-way from the primary residence of the child(ren).

(f) **Hierarchy of medical support provisions.** The provision for medical support must be consistent with one of the priorities listed in (1) through (4) of this subsection.

1. Health insurance is provided through a parent’s employer or other available group health insurance plan.
2. No coverage is available under paragraph (1) of this subsection, and a private insurance policy or group health insurance is available to the child(ren) through another source, such as a third party custodian or spouse of a parent, OCSS:
   
   (A) seeks an order for the parent to provide health insurance when insurance is provided through the spouse of a parent; or
   
   (B) seeks an order for the third party custodian to provide health insurance when insurance is provided through a third party custodian and the third party custodian has requested an order to provide the coverage.

3. No health coverage is available under paragraphs (1) or (2) of this subsection, and alternative health coverage including, but not limited to, Indian Health Services (IHS) and Defense Eligibility Enrollment Reporting System (DEERS) is available to the child(ren).

4. If none of the provisions in paragraphs (1) through (3) of this subsection are available at reasonable cost or are not accessible, the custodial person is required to make application for the child(ren) for health coverage through a government medical assistance program, such as SoonerCare (Medicaid).
(g) **Health coverage preference.** When health coverage meeting standards in subsection (d) of this Section is available to both parents, OCSS requests the court give priority to the preference of the custodial person.

(h) **Exceptions to hierarchy.** OCSS requests a cash medical order instead of an order for health coverage by the noncustodial parent under paragraphs (1) or (2) of subsection (f) of this Section when:

1. the court determines an order for health insurance is inappropriate due to family violence concerns; or
2. the obligor is an applicant for a governmental medical assistance program, such as Insure Oklahoma, State Children’s Health Insurance Program (S-CHIP), or SoonerCare (Medicaid).

(i) **Cash medical support.**

1. When paragraph (4) of subsection (f) of this Section is chosen as the provision for medical support, OCSS requests the court order cash medical support to be paid by the noncustodial parent(s) until insurance is provided under paragraphs (1) through (3) of subsection (f) of this Section.

2. OCSS refers to the Cash Medical Income Guidelines Table as found in the child support computation form prescribed by OCSS and published by the Administrative Office of the Courts on the Oklahoma State Courts Network site under Section 120 of Title 43 of the Oklahoma Statutes to determine the cash medical support amount.

3. OCSS computes a cash medical order by applying the Cash Medical Income Guidelines Table, using the combined gross income for the parents of the child in the case under consideration and the number of children in the instant case.

   (A) When the combined gross income is at or below the income amount for the number of children in the case, OCSS requests the court order a cash medical order at $0.00 per month:

   (B) When the combined gross income exceeds the income amount for the number of children in the case, OCSS computes the requested cash medical order by:

   (i) multiplying the amount of $115.00, representing the average monthly cost of health care for an uninsured child(ren), by the number of children in the case that are not covered by insurance; and
(ii) pro rating the result by the percentage of income for each parent;

(C) The noncustodial parent’s share of the cash medical amount is added to the child support obligation.

(D) When neither parent is the obligor or noncustodial parent due to equally shared physical custody and the application of the parenting time adjustment, OCSS requests the court set cash medical support as follows:

(i) if the child(ren) receives SoonerCare or other governmental medical assistance, the parent who is not the applicant for governmental medical assistance is ordered to pay the cash medical support;

(ii) if the child(ren) does not receive SoonerCare or other governmental medical assistance, the cash medical amount is calculated for each parent and the amounts are offset. The parent owing the larger amount is ordered to pay the net cash medical support.

(4) Unless the parties agree or the court orders a greater amount, the prorated cash medical support amount must not exceed five percent of the gross income of the parent who is ordered to pay cash medical support.

(5) OCSS seeks cash medical support only as part of a prospective order for child support. OCSS does not include a cash medical support amount in a judgment for support for a prior period pursuant to OAC 340:25-5-179.1.

(i) Termination of cash medical support.

(1) When OCSS receives notice that the parent ordered to pay cash medical support has enrolled the child(ren) in health insurance, OCSS sends a Notice of Proposed Termination of Cash Medical Support to all parties in the case by regular mail. When a party believes the child(ren) is not actually covered by health insurance, a party may request a review of the termination of cash medical support within 10 days from the date of mailing of the notice.

(2) When a party requests a review to contest the Notice of Proposed Termination of Cash Medical Support, OCSS reviews the case within 10 days of receipt of the request and determines if termination of cash medical support is proper based on information provided by the contesting party. OCSS notifies the parties of the review decision.
(3) When the parties disagree with the review decision the parties have 15 days from the date of mailing the review decision to request a hearing on the termination of cash medical support.

(4) OCSS files a Notice of Termination of Cash Medical Support with the proper court when:

(A) no party requests a review within the 10 day time period; or

(B) no party requests a hearing after OCSS notifies them of the review decision.

(k) **Fixed medical costs.** If the parties agree or the court orders, OCSS includes the total monthly fixed medical costs in the child support guidelines computation. If the obligor’s share of fixed medical costs exceeds five percent of the obligor’s gross income and the parties do not agree to exceed the five percent standard, OCSS requests the court determine the monthly amount of fixed medical costs included in the current child support order.

(l) **Indian Health Services (IHS).**

(1) A child support order that provides for the enrollment of a child(ren) in Indian Health Services may comply with the standards in subsection (d) of this Section. OCSS seeks an order for either or both parents to secure health insurance for the minor child(ren) when:

(A) IHS does not meet the standards in subsection (d) of this Section; or

(B) health insurance is available through an employer or other group plan and the custodial person requests it.

(2) OCSS does not request cash medical support when IHS is the chosen provider.

(m) **Notification requirements.** The noncustodial parent and the custodial person must notify OCSS 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.
Modification request. When a child support order exists, OCSS considers a request to establish a medical support order as a request for modification of the order under Section 118.1 of Title 43 of the Oklahoma Statutes. OCSS seeks a medical support order in a tribunal that has jurisdiction to modify the child support order.

INSTRUCTIONS TO STAFF 340:25-5-168

Revised 7-1-10

1. In cases referred to Oklahoma Child Support Services (OCSS) by a Family Support Services (FSS) worker, OCSS provides all appropriate IV-D services unless the person requests medical enforcement only. OCSS opens a full-service case when the FSS worker enters "Y" in the D8 block on the ED screen on the PS2 automated system.

2. If the parties state that health coverage is available, but there is no proof that it is in effect at the time the order is entered, OCSS seeks a temporary medical support order until proof of coverage is received. A final order may then be obtained.

3. Child support staff determine the out-of-pocket cost for health insurance by subtracting any amount paid by the employer through a benefit allowance from the premium amount paid by the insured.

4. (a) If the cost of the insurance premium for other adults in the household is included with the cost for the child(ren) and information is not available to determine a separate amount for the other adults, child support staff use this premium cost to determine the amount per child.

(b) For example, the total health insurance premium is $275. The portion of the premium for the parent carrying the insurance is $75. The portion of the premium for the other adults in the home is unknown and cannot be determined. The number of children covered is four. The number of children in the child support case is three. The cost of the insurance premium for each child in the child support case is $50 ($275 - $75 = $200 ÷ 4 = $50 x 3 = $150).

5. Examples of when health insurance does not meet the standards for health coverage include when the noncustodial parent has:

(1) gross income of $1,733 a month and has an employer sponsored plan that would cost the parent $225 a month in out-of-pocket premium costs
for three children in the case under consideration. OCSS does not consider the contribution to the premium that might be made by another person or other entity. Since $225 is more than ten percent of the $1,733, the cost of the insurance is not considered reasonable; and

(2) available health coverage, but the nearest network provider is 60 miles one-way from the primary residence of the child(ren).

6. When applying the reasonable cost standard, child support staff use the gross income of the parent at the time the order is established to determine whether the actual premium cost of available coverage for the child(ren)’s portion only exceeds five percent of the parent’s gross income.

7. (a) When a request for review is received, OCSS staff use the first day of the second month following the date the Notice of Proposed Termination of Cash Medical Support as the termination date for the cash medical support. Example: A request for review is received on September 14. The termination date for the cash medical support would be November 1.

(b) When OCSS staff deny a request for review of termination of cash medical support and no party requests an administrative review within 15 days:

(1) staff update the child support case information on the automated Oklahoma Support Information System (OSIS) to remove the cash medical support amount in the current monthly child support obligation; and

(2) generate an amended Notice of Income Assignment to the employer that does not include the cash medical support amount.

(c) Examples of cases in which termination of cash medical support is appropriate include:

(1) OCSS staff have received notice that a parent’s employer has enrolled the child in health insurance;

(2) OCSS staff have received notice that the child is enrolled in health insurance through a private insurance policy or group health insurance through another source, such as a third party custodian or spouse of a parent; and
(3) OCSS staff have received notice that the child is enrolled in alternative coverage such as Indian Health Services (IHS) or Defense Eligibility Enrollment Reporting System (DEERS).

(d) Examples of cases in which termination of cash medical support is not appropriate include:

(1) OCSS staff have information that a parent’s employer has health insurance available but staff have not received notice that the employer has enrolled the child in health insurance; or

(2) OCSS staff have information that the child may be eligible for Indian Health Services (IHS) services or Defense Eligibility Enrollment Reporting System (DEERS) but have not received notice that the child is enrolled in this alternative coverage.
340:25-5-169. Establishment of medical enforcement only cases

Revised 7-1-10

(a) Medical enforcement only (MEO) status. When a person receiving non-TANF (Temporary Assistance for Needy Families) Medicaid notifies Oklahoma Child Support Services (OCSS) that only IV-D services related to securing medical support are requested, OCSS updates the case as an MEO case and does not provide full child support services per OAC 340:25-1-1.2. OCSS 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, 118F, 118.2, and 119 of Title 43; and Section 237 of Title 56 of the Oklahoma Statutes. 1 & 2

(b) Services provided on MEO cases.

(1) OCSS establishes paternity, if necessary, and a child support order. The child support order must include:

   (A) a provision for current child support per OAC 340:25-5-178;

   (B) a provision for support for a prior period per OAC 340:25-5-179.1, when appropriate; and

   (C) a provision for medical support per OAC 340:25-5-168.

(2) OCSS conducts a review of the order under OAC 340:25-5-198.1 and seeks a modified order that includes a provision for medical support when:

   (A) the existing child support order does not include a medical support provision;

   (B) no insurance is available for the child(ren); or

   (C) a parent or custodial person claims that the available health insurance is not accessible or is not reasonable in cost.

(c) Exception to MEO status. OCSS opens a full-service case when OCSS receives a non-TANF Medicaid referral from the Family Support Services worker:

   (1) assigned court-ordered child support is owed under OAC 340:25-5-117;

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

(4) the custodial person is a child care subsidy recipient.

INSTRUCTIONS TO STAFF 340:25-5-169

Issued 7-21-09

1. Oklahoma Child Support Services (OCSS) staff initially build all cases as full-service cases. When a child support order has been established, OCSS staff indicate that the custodial person has requested a medical enforcement only (MEO) case by updating the Custodial Person Data Update (CCPU) screen on the Oklahoma Support Information System (OSIS) with an MEO begin date.

2. When the child(ren) on the case is on SoonerCare (Medicaid) and health insurance or a cash medical support order of $0.00 is ordered for the child(ren), OCSS staff update the case as an MEO case upon the request of the custodial person.

3. When OCSS establishes a child support order with a medical support provision for cash medical support greater than $0.00 assigned to the Oklahoma Health Care Authority under OAC 340:25-5-117, OCSS staff must not update the case as an MEO case.
340:25-5-170. Enforcement of medical enforcement only cases

Revised 7-21-09

When a person receiving non-TANF Medicaid requests medical enforcement only services, Oklahoma Child Support Services (OCSS) enforces only the health insurance portion of the child support order through the use of the National Medical Support Notice per OAC 340:25-5-171. OCSS does not enforce the payment of child support or fixed medical support through the Order/Notice to Withhold Income for Child Support or any other enforcement remedy in a medical enforcement only case.
340:25-5-171. Enforcement of a medical support order

Revised 7-1-10

(a) When a parent has been ordered to provide health insurance for the child(ren) and has failed to voluntarily enroll the child(ren), Oklahoma Child Support Services (OCSS), uses the National Medical Support Notice (NMSN) to aid in enrolling the child(ren) in the group health plans for which a parent is eligible. OCSS sends the NMSN to the parent’s employer as required by Section 666 of Title 42 of the United States Code, 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) In addition to issuing a NMSN, when a parent is ordered to provide medical support for the minor child(ren) and is not complying with the order, OCSS may either:

(1) enforce the medical support order by a license revocation action under Section 139.1 of Title 43 of the Oklahoma Statutes, or by an indirect contempt of court action under Section 566.1 of Title 21 of the Oklahoma Statutes; or

(2) seek a modification of the order under OAC 340:25-5-198.2.

(c) When a child is eligible for enrollment in the United States Department of Defense’s managed health care program, TRICARE, (a) of this Section does not apply. OCSS notifies the custodial person to contact the Defense Manpower Data Center Support Office at 1-800-538-9552 to enroll the child, using the Defense Enrollment Eligibility Reporting System registration process.

(d) If the employer response to the NMSN indicates that enrollment cannot be completed because the cost of coverage exceeds the limits of earnings subject to income assignment under Section 1171.2 of Title 12 of the Oklahoma Statutes, OCSS applies OAC 340:25-5-168 to determine if other coverage is available at reasonable cost or if a cash medical order is appropriate. OCSS conducts a review of the order under OAC 340:25-5-198.1 and seeks a modified order if the review indicates that modification would result in an enforceable medical support order or that the child support order should be adjusted.

(e) OCSS 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 OCSS 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(ren) 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.

(f) OCSS 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(ren) 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.

(g) OCSS may initiate legal proceedings to request the court fine employers and insurers when there is no response indicating full compliance with the requirements of the NMSN within 10 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.

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

(j) Employers and insurers must send any fine(s) imposed by the court, under Section 235 of Title 56 of the Oklahoma Statutes, by check or money order to OCSS, Attn: Finance, P.O. Box 53552, Oklahoma City, Oklahoma 73125-3552.

(j) When a parent has been ordered to provide health insurance for the child(ren) and the other parent or custodial person has failed or refused to provide information necessary to enroll the child(ren) in the health insurance plan, OCSS:
(1) releases the information as appropriate per OAC 340:25-5-67 when family violence is not an issue;

(2) determines noncooperation and begins the case closure process per OAC 340:25-5-114, 340:25-5-118, and 340:25-5-123 when the parent refusing to provide the information is the applicant for services;

(3) obtains the necessary information from the parent by a license revocation action per Section 139.1 of Title 43 of the Oklahoma Statutes, or by an indirect contempt of court action per Section 566.1 of Title 21 of the Oklahoma Statutes; or

(4) seeks a modification of the order per OAC 340:25-5-198.2.

INSTRUCTIONS TO STAFF 340:25-5-171

Revised 7-1-10

1. TRICARE.

(1) Registration for TRICARE is required through the Defense Enrollment Eligibility Reporting System (DEERS). Active-duty and retired servicemembers are automatically registered in DEERS, but additional action is required to enroll eligible dependents.

(2) Federal Case Registry (FCR) data is sent to the Defense Manpower Data Center (DMDC) for matching. DMDC matches the FCR participants with its records and indicates which children are eligible and enrolled for TRICARE. DMDC then sends the health benefits matching information to states.

(3) The Oklahoma Support Information System (OSIS) reports that present data received from the DMDC matches are available through Document Direct of the Report Distribution System and include:

(A) CY909R01, The Child is Currently Enrolled in Medical Coverage;

(B) CY909R02, A Child is Eligible Based on the CP or NCP/PF (Noncustodial Parent/Putative Father) Current Medical Coverage, But is Not Enrolled; and

(C) CY909R03, A Child was Previously Enrolled But Not Currently Enrolled and Neither a CP Nor NCP/PF is Enrolled.
(4) Child support staff:

(A) updates OSIS medical support case information based on the information provided in the OSIS reports; and

(B) sends the custodial person the MEDTRI letter on OSIS to advise of the availability of TRICARE and provide enrollment instructions.

2. Examples of cases in which review of the order would result in an enforceable medical support order include:

(1) a parent can obtain health insurance coverage or alternative health coverage for the child(ren) at no additional cost;

(2) a parent can obtain private health insurance coverage at reasonable cost;

(3) a parent cannot obtain health insurance coverage at a reasonable cost and the court orders cash medical support; and

(4) the child support order can be modified to an amount that considers the premium cost. After modification of the order, the total amount of child support for all orders owed by the noncustodial parent plus the premium cost does not exceed limitations of the Consumer Credit Protection Act.

3. Oklahoma Child Support Services (OCSS) 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.

4. OCSS 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.

5. When a parent’s failure or refusal to provide information necessary to enroll the child(ren) in the health insurance plan or to access medical services is based on a claim of family violence, child support staff seek a modification of the medical support order to request a cash medical order per OAC 340:25-5-168.
340:25-5-176. Establishment of paternity

Revised 7-1-10

(a) In cases where paternity has not been legally established, Oklahoma Child Support Services (OCSS) establishes paternity and provides genetic testing per:

(1) Sections 653, 654, and 666 of Title 42 of the United States Code;

(2) Parts 302 and 303 of Title 45 of the Code of Federal Regulations; and

(3) Sections 83, 84, 90.4, and 7700-101 through 7700-902 of Title 10, Sections 601-201, 601-401, and 601-701 of Title 43, Sections 230.60 and 231 through 240.23 of Title 56, and Sections 1-311 and 1-321 of Title 63 of the Oklahoma Statutes.

(b) OCSS only initiates a paternity action when the child has no legal father. OCSS only initiates a paternity action when the child has no legal father. [2 & 3]

A child has a legal father when:

(1) paternity has been voluntarily acknowledged in Oklahoma or another state and not rescinded within 60 days; [10 O.S. §§ 7700-301 through 7700-314]

(2) the child has a presumed father and a party initiates a challenge more than two years after the child's birth; or [10 O.S. §§ 7700-204 and 7700-607] [4]

(3) paternity has been established by a district or administrative court order. [10 O.S. § 7700-636]

(c) OCSS provides Form 03PA209E, Acknowledgment of Paternity, for voluntary acknowledgment of paternity under Section 7700-312 of Title 10 and Sections 1-311 and 1-311.3 of Title 63 of the Oklahoma Statutes. OCSS also provides several companion forms described in (1) through (4) of this subsection. The forms include instructions for completion. Signed and witnessed forms must be filed with the Oklahoma State Department of Health (OSDH), Division of Vital Records.

(1) When parents of an adult child, age 18 years or older, complete Form 03PA209E, the adult child must give consent to add the natural father's name to the birth certificate. The child indicates consent by signing Form 03PA212E, Adult Child's (18 Years or Older) Consent.

(2) Form 03PA210E, Denial of Paternity, must accompany Form 03PA209E if the mother of a child is married to someone other than the natural father and the child is
born within 300 days after the marriage is terminated under Section 7700-204 of Title 10 of the Oklahoma Statutes.

(3) Under Sections 7700-307 and 7700-312 of Title 10 of the Oklahoma Statutes, OCSS provides Form 03PA211E, Rescission of Acknowledgment of Paternity, for a person to use to cancel the legal finding of paternity created by having previously signed Form 03PA209E. This form must be completed, signed, and filed with the OSDH Division of Vital Records within 60 days after the date of the last signature on Form 03PA209E.

(A) When a person submits Form 03PA211E within 60 days after the date of the last signature on Form 03PA209E, OCSS sends notice of the rescission to all other signatories on Forms 03PA209E and 03PA210E. Notice is given by mailing a copy of the rescission to the address of the signatories as shown on Forms 03PA209E and 03PA210E and to the last-known address of the signatories, if different.

(B) When rescissions are submitted to OCSS past the 60-day time period, OCSS sends a letter to the person who submitted Form 03PA211E informing the person that the rescission is invalid because it was not timely submitted.

(4) Under Sections 7700-307 and 7700-312 of Title 10 of the Oklahoma Statutes, OCSS provides Form 03PA213E, Rescission of Denial of Paternity, for a person to use to cancel the legal finding of paternity created by having previously signed Form 03PA210E. Form 03PA213E must be completed, signed, and filed with the OSDH Division of Vital Records within 60 days after the date of the last signature on Forms 03PA209E and 03PA210E.

(A) When a person submits Form 03PA213E to OCSS within 60 days after the date of the last signatures on Forms 03PA209E and 03PA210E, OCSS sends notice of the rescission to all other signatories of Forms 03PA209E and 03PA210E. Notice is given by mailing a copy of the rescission to the address of the signatories as shown on Forms 03PA209E and 03PA210E and to the last-known addresses of the signatories, if different.

(B) When a rescission of denial is submitted to OCSS past the 60-day time period, OCSS sends a letter to the person who submitted Form 03PA213E informing the person that the rescission of denial is invalid because it was not timely submitted.

(d) When OCSS establishes paternity against an alleged father or with a custodial person, either of whom is a servicemember, OCSS applies the provisions of the
Servicemembers Civil Relief Act, codified in Sections 501 through 596 of Title 50A of the United States Code. ■ 6

(e) When OCSS has the cooperation of a deceased alleged father’s relatives, OCSS establishes paternity of the child(ren) through genetic testing of the relatives as necessary according to the standards and provisions of the Uniform Parentage Act, Sections 7700-501 through 7700-511 of Title 10 of the Oklahoma Statutes. ■ 7

(f) OCSS establishes paternity against an alleged father who is disabled and receiving monthly Supplemental Security Income before reviewing the case for possible closure per OAC 340:25-5-123.

(g) When a default paternity order has been entered and either party contacts OCSS in writing within 30 days of entry of the default order, OCSS treats the request as a motion to vacate or modify the default order. After the request is filed with the district court or Office of Administrative Hearings: Child Support, OCSS pursues genetic testing and vacates or amends the default order as necessary based on findings. ■ 8

(h) Genetic testing costs incurred in paternity establishment cases are paid as follows:

1. OCSS advances the costs for genetic testing and recovers the genetic test costs from the noncustodial parent or as ordered by the court.

2. When OCSS paternity results are contested, OCSS requests payment in advance of a second genetic test by the requesting party.

3. When a court orders OCSS to provide genetic testing and OCSS does not have a case open for services, OCSS requires a party to complete an application for services prior to advancing the costs of genetic testing.

4. In interstate cases, OCSS follows OAC 340:25-5-270.

INSTRUCTIONS TO STAFF 340:25-5-176

Revised 7-1-10

1. Oklahoma Department of Human Services (OKDHS) Director Howard Hendrick authorized Child Support Services (OCSS) attorneys to approve orders for genetic testing on his behalf, issued by his authority under Section 240.23 of Title 56 of the Oklahoma Statutes, through the OKDHS Director’s Authorization memorandum dated September 21, 1998.
2. (a) The P04, Paternity Questionnaire, completed by the mother is an essential step in OCSS paternity actions. Child support staff proceed with a paternity action when the case file includes a completed and signed P04 for each child. When OCSS is unable to obtain a completed and signed P04 by the mother and has exhausted all applicable noncooperation processes under OAC 340:25-5-114, staff consult the state’s attorney to determine if OCSS can proceed with the paternity action.

(b) Child support staff include Form 03PA208E, Paternity Petition Cover Sheet, on every paternity action, as it explains the paternity action and the legal consequences when the alleged father does not respond in writing or appear at the hearing.

3. When an alleged father is incarcerated, OCSS serves the alleged father with the paternity pleadings, and may also send a copy of the pleadings, a waiver of service and a genetic test order by regular mail. Child support staff schedule genetic testing for an incarcerated alleged father unless the father acknowledges paternity in writing or through court testimony.

4. When a non-public assistance application, or a Family Support Services Division Temporary Assistance for Needy Families (TANF) or non-TANF SoonerCare (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 7700-204 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.

5. Child support staff blacken out all Social Security numbers when Forms 03PA209E, Acknowledgment of Paternity; 03PA210E, Denial of Paternity; 03PA211E, Rescission of Acknowledgment of Paternity; or 03PA213E, Rescission of Denial of Paternity, are used as an exhibit to a court action.

6. Child support staff follow the Guide to the Servicemembers Civil Relief Act (SCRA), available from the OCSS InfoNet for procedure regarding:

   (1) waivers of rights and protection under the SCRA;

   (2) appearance in court actions;

   (3) stays of court; and
(4) default orders.

7. When a relative does not volunteer to participate in the genetic testing, OCSS does not file a forced probate court action to establish paternity against a deceased alleged father.

8. (a) When a party contacts OCSS within 30 days to request a reconsideration of a default paternity order, child support staff notify the party that he or she must make the request in writing within 30 days of the entry of the default order. Child support staff provide the party with OCSS pro se self-help motion to vacate.

(b) After one party files a written request, OCSS sets the case for hearing and notifies the parties by mail under Rule 2 of the Rules for District Courts. The state’s attorney prepares a genetic test order and requests the court to reserve the motion to vacate pending the outcome of genetic testing. After testing is complete, OCSS requests the court either:

(1) to dismiss or deny the motion to vacate and leave the default order in effect;

(2) to enter a new order replacing the default order; or

(3) to vacate the default order by agreement and dismiss the paternity case when the noncustodial parent is excluded as the biological father.
**340:25-5-178. Establishment of current child support**

Revised 7-1-10

(a) Oklahoma Child Support Services (OCSS) establishes current child support under:

1. Sections 654, 656, and 666 of Title 42 of the United States Code;
2. Parts 302 and 303 of Title 45 of the Code of Federal Regulations; and
3. Section 83 of Title 10; Title 43; and Sections 231 through 240.23 of Title 56 of the Oklahoma Statutes.

(b) OCSS 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 prescribed by OCSS and published by the Administrative Office of the Courts on the Oklahoma State Courts Network Web site under Section 120 of Title 43 of the Oklahoma Statutes.

(c) Under Section 118 of Title 43 of the Oklahoma Statutes, OCSS uses the best evidence available to determine a parent’s monthly gross income for the child support computation form, including written earning records, past job history, and earning ability based on education and training, with a continued emphasis on setting orders that are fair and equitable.

(d) To establish the amount of current support, OCSS considers "actual" child care expenses to be the amount paid to the child care provider by the custodial person except when subsection (e) applies. OCSS 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.

(e) When the custodial person is participating in the OKDHS Child Care Subsidy Program under Section 230.50 of Title 56 of the Oklahoma Statutes, OCSS uses OKDHS Appendix C-4, Page 1, Child Care Eligibility/Rates Schedule to determine the family share co-payment amount to be considered as actual child care costs on the child support computation form. [43 O.S. § 118]

1. OCSS considers the noncustodial parent's share of the base monthly obligation
for child support and the custodial person's gross monthly income as the custodial person's monthly income when applying Appendix C-4. Upon selecting the applicable income level on Appendix C-4, Page 1, OCSS uses the corresponding family share co-payment amount based on the number of children in OKDHS subsidized child care. OCSS allocates the family share co-payment amount indicated on Appendix C-4, Page 1, in the same proportion as base child support. Child support staff perform a separate child support guidelines calculation for each noncustodial parent. ■ 9

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

(f) OCSS establishes child support orders in deprived court actions under Section 1-4-702 of Title 10 of the Oklahoma Statutes and prepares the child support order on the standard child support order form prescribed by OCSS and published by the Administrative Office of the Courts on the Oklahoma State Courts Network Web site. ■ 10

(g) OCSS establishes child support orders for a child(ren) for whom child support is imposable under applicable law. ■ 11

(h) When the noncustodial parent is a minor, OCSS establishes paternity per OAC 340:25-5-176 if necessary and establishes a child support order. If a minor noncustodial parent or a custodial person is under 16 years of age, OCSS does not impute gross income for the minor parent in the child support computation and only uses actual income. If a minor noncustodial parent or custodial person is between 16 and 18 years of age and regularly and continuously attending high school, OCSS 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.

(i) OCSS enforces child support orders for adults with disabilities under Section 112.1A of Title 43 of the Oklahoma Statutes.

(j) OCSS establishes or modifies child support orders to continue after the child reaches the age of majority under Section 112.1A of Title 43 of the Oklahoma Statutes if the application or referral for IV-D services is received during the period when child support
is due under Section 112 of Title 43 of the Oklahoma Statutes.

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

(l) When OCSS establishes a child support order for a child of a noncustodial parent or a custodial person who is a servicemember, OCSS applies the provisions of the Servicemembers Civil Relief Act, codified in Sections 501 through 596 of Title 50A of the United States Code.

(m) OCSS does not impute gross income to a person who has been determined disabled by the Social Security Administration.

(n) When a default order for child support has been ordered and either party contacts OCSS in writing within 30 days of entry of the default order and provides information to calculate an accurate child support obligation, OCSS treats the request as a motion to vacate or modify and requests the court enter a new order consistent with the evidence presented.

INSTRUCTIONS TO STAFF 340:25-5-178

Revised 7-1-10

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

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

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

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

2. When the child(ren) is receiving monthly Social Security (SS) benefits from the noncustodial parent’s claim, either disability or retirement, the benefit is offset from current child support under 43 O.S. § 118B(G), and any remainder is offset against any cash medical support.
3. If the noncustodial parent or minor child is disabled and either is receiving monthly Supplemental Security Income (SSI), Oklahoma Child Support Services (OCSS) excludes SSI from either parent's gross income. See Section 118(E)(2)(b) of Title 43 of the Oklahoma Statutes.

4. Child support staff consult with their district office state's attorney for a legal interpretation when the amount of the monthly child support obligation in the body of an order conflicts with the amount in the child support computation form.

5. Child support staff compute the child support obligation on the basis of actual monthly gross income for a noncustodial parent or a custodial person who is permanently physically or mentally incapacitated under Section 118(E)(4)(c) of Title 43 of the Oklahoma Statutes. The documentation required to determine if a noncustodial parent or a custodial person is permanently physically or mentally incapacitated includes either a Social Security Administration award letter or a physician's statement that affirms:

   (1) the person is unable to do the work they did before and cannot adjust to other work because of a medical condition; and

   (2) the disability must continue or be expected to continue for at least one year or to result in death.

6. Form 03EN005E, Child Support Computation, and its child support guidelines computation form completion instructions are available from the OKDHS Internet at http://www.okdhs.org/NR/rdonlyres/5470A53B-A777-45EB-B956-33E19A0EBA10/0/03EN005E.pdf.


8. (1) Child support staff review information provided by the parents to determine if a parent’s earning records or other evidence of income is in accordance with the parent’s prior job history. Child support staff consult their district office state’s attorney if the information provided by the parent differs significantly from the parent’s known job history or earning ability.
(2) OCSS applies the following hierarchy, subject to other evidence of a parent’s job history or earning ability, when requesting the court to determine a parent’s monthly gross income;

(A) When a parent has a written earning record, OCSS uses:

(i) the actual monthly gross income; or

(ii) the average of the gross monthly income for the time actually employed during the previous three years.

(B) When a parent has an earning ability, but no reliable written pay records, OCSS uses the most equitable of:

(i) the minimum wage paid for a 40-hour work week; or

(ii) the amount of gross income a person with comparable education, training, and experience could reasonably expect to earn.

(C) When a parent has reduced earning ability due to the parent’s limited education, physical or mental disability, or other obstacle to employment, and there is evidence that the parent has income of less than minimum wage for 40 hours per week, OCSS may use the most equitable of:

(i) the parent’s actual income; or

(ii) minimum wage for less than 40 hours per week.

9. When a custodial person is participating in the Oklahoma Department of Human Services (OKDHS) Child Care Subsidy Program, child support staff use the child support guidelines computation form for child care subsidy cases.

(1) Child support staff add the noncustodial parent's share of the base monthly obligation for child support to the custodial person’s gross monthly income to determine the total amount of income in computing the family share co-payment on OKDHS Appendix 08AX005E, Child Care Eligibility/Rates Schedule.

(2) Child support staff use the family share co-payment amount based on the number of children in OKDHS child care as "actual" child care cost and enters this amount on Line 17 of the child support guidelines computation
10. (a) Child support staff request the court to establish child support orders for each parent in a deprived court action.

(b) When the parent has lost custody of more than one child and one or more of these children has a different mother or father, child support staff requests the court to deviate from the child support guidelines and set a child support order for the parent who lost custody per (c) of this Instruction.

(c) To determine the former custodial person's gross monthly income (Line 1 of the child support computation form), child support staff follow Section 118(E)(4)(a) through (c) of Title 43 of the Oklahoma Statutes.

(1) Child support staff calculate the child support obligation by using the former custodial person's gross monthly income and the average gross income amount of the other parent's in Line 1 of the child support computation form.

(2) To determine the amount to use in Line 1 for the other parent's income, child support staff average all of the other parents' gross incomes and divide the total by the number of the other parents.

(d) For example, a mother has three children with three different fathers. The mother's gross monthly income is $1,000 per month. Father #1 earns $1,500 per month, father #2 earns $1,800 per month, and father #3 is imputed at minimum wage, or $893 per month. Child support staff total the fathers' income ($1,500 + $1,800 + $893) to obtain a total of $4,193. This amount is divided by three to obtain an average of $1,397.66. Child support staff calculate the total child support obligation using $1,000 for the mother and $1,397.66 for the father. The mother's child support obligation would be $299.04 for three children, $254.41 for two children and $176 for one child. If there is a prior order against this former custodial parent, a new child support order will supersede that order.

11. The age of majority varies by state. Child support staff may use the federal Office of Child Support Enforcement (OCSE) Online Intergovernmental Referral Guide (IRG) on the Internet at http://ocse.acf.hhs.gov/ext/irg/sps/selectastate.cfm to obtain information about referrals to other states for establishment of support.
12. Child support staff follow the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSED InfoNet for procedure regarding:

(1) waivers of rights and protection under the SCRA;

(2) appearance in court actions;

(3) stays of court; and

(4) default orders.

13. When a party contacts OCSS within 30 days to request a reconsideration of a default support order, child support staff notify the party that he or she must make the request in writing within 30 days of the entry of the default order. Child support staff provide the party with OCSS pro se self-help motion to vacate.

14. After one party files a written request, OCSS sets the case for hearing and notifies the parties by mail under Rule 2 of the Rules for District Courts. After considering the income information provided, OCSS requests the court either:

(1) dismiss or deny the motion to vacate and leave the default order in effect; or

(2) enter a new order replacing the default order.
340:25-5-198.1. Review of a child support order

Revised 7-1-10

(a) Purpose. The purpose of the review process is to determine whether a child support order should be modified to ensure substantial compliance with the child support guidelines in Section 118 through 119 of Title 43 of the Oklahoma Statutes and OAC 340:25-5-178.

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

(c) Authority for review. OCSS conducts a review every three years in cases with a Temporary Assistance for Needy Families (TANF) assignment. OCSS determines the tribunal with jurisdiction under subsection (e) of the Full Faith and Credit for Child Support Orders Act (FCCSOA), codified in Section 1738B(e) of Title 28 of the United State Code and the Uniform Interstate Family Support Act (UIFSA) in Sections 601-101 through 601-901 of Title 43 of the Oklahoma Statutes to modify the order. If another tribunal has jurisdiction to modify the child support order, OCSS follows the provisions in (j) of this Section. If Oklahoma has jurisdiction to modify the child support order, OCSS follows the provisions of this subsection. OCSS completes the review and modification process within 180 days after a request is received or the non-requesting party is located, whichever is later.

(d) Initiation of review.

(1) OCSS reviews an order upon written request by a customer or on its own initiative when the non-initiating party is located and there has been a material change in circumstances pursuant to Section 118I of Title 43 of the Oklahoma Statutes. OCSS notifies the parties of the review with instructions for submitting financial and other information required for the review. OCSS does not initiate a review upon customer request when:

(A) it has been less than 12 months since the child support order was established, reviewed, or modified; and

(B) the preliminary information indicates the change of circumstances will not significantly impact the child support amount or the change of circumstances will be temporary. 2, 3, 4, and 5
(2) When OCSS determines the customer review request does not meet the provisions in paragraph (1) of this subsection, OCSS provides available pro se self-help modification forms to the customer.

(e) **Medical enforcement only (MEO) cases.**

(1) When either the custodial person or the noncustodial parent requests a review, OCSS changes the services offered from an MEO to a full-service case. OCSS notifies the parties of the change in services provided.

(2) When the noncustodial parent requests the review, the noncustodial parent must complete Form 03EN001E, Application for Child Support Services, described in OAC 340:25-5-110.1.

(f) **Initial review.** Within 15 days after receiving a request for a review, OCSS determines if the criteria described in paragraph (1) of subsection (d) of this Section are met. OCSS notifies the requesting person if the criteria for review are not met. If the criteria are met, OCSS may:

(1) request further information as necessary from the parties; or

(2) proceed with the review process when OCSS considers it has information sufficient to complete the process.

(g) **Final review.** Within 30 days after the deadline for the parties to submit requested financial and other information to OCSS under (d)(1) of this Section, OCSS completes the review process and notifies parties of its determination as to whether or not the support order should be modified.

(h) **Modification after review.** OCSS staff follow OAC 340:25-5-198.2 to determine if the child support order should be modified after the review process is complete.

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

(1) The person requesting a review may withdraw the request after the review process begins, upon approval by OCSS. OCSS 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 OCSS as instructed, OCSS may terminate the review process, unless OCSS or the non-requesting party requests the process continue.
(3) When the review is initiated by OCSS, failure of the parties to return requested information does not stop the review process. OCSS proceeds, using the best information available.

(j) Interstate cases.

(1) When a tribunal other than an Oklahoma district or administrative court has jurisdiction under UIFSA to modify an order, OCSS obtains the information necessary for the review.

(A) OCSS transmits the documents to the IV-D agency in the other state within 20 days after receipt of the request to modify the order and of the completed documents from the person requesting the modification. 

(B) OCSS issues and enforces a subpoena to compel compliance with the request for documents if the non-requesting party fails to return the required documents or OCSS is unable to obtain the necessary information to proceed and an Oklahoma tribunal has personal jurisdiction over the non-requesting party.

(C) OCSS may terminate the review process in an interstate case as provided in subsection (g) under Sections 601-611 and 601-613 of Title 43 of the Oklahoma Statutes.

(2) If Oklahoma has jurisdiction to modify the order of another state, Native American tribe, territory, or foreign country as defined by subsection (b) of FCCSOA, codified in Section 1738B(b) of Title 28 of the United States Code, the order is registered in Oklahoma for modification under Section 1738B(i) and Sections 601-609 through 601-613 of Title 43 of the Oklahoma Statutes.

INSTRUCTIONS TO STAFF 340:25-5-198.1

Revised 7-1-10

1. Controlling order.

(1) When Oklahoma is the only state that has entered a child support order, and both parents reside in Oklahoma, the modification occurs in Oklahoma.

(2) Oklahoma Child Support Services (OCSS) determines the controlling order and the proper forum state for a modification proceeding when:
(A) an order was entered outside Oklahoma; or

(B) one or both parents reside outside of Oklahoma.

(3) To assist in determining the controlling order and the state of continuing exclusive jurisdiction, child support staff use the Worksheet to Determine Controlling Order and the Modification Worksheet on the OCSS InfoNet.

(4) Child support staff may seek modification of the controlling order in an Oklahoma tribunal, even if another state or tribunal has jurisdiction to modify the order, when:

(A) an individual party or the child resides in Oklahoma;

(B) the custodial person and noncustodial parent sign a written consent to jurisdiction; and

(C) child support staff file a copy of the signed consent to jurisdiction with the Oklahoma and issuing tribunals.

2. When calculating the 12-month time period for initiating a review, OCSS uses the date the order was entered to compute time periods. If an order is not entered after the review or modification process, OCSS uses the completion date of the review to compute time periods. The 12-month time period does not apply when a military reservist custodial person or noncustodial parent is called to active duty, per the Servicemembers Civil Relief Act, codified in Sections 501 through 596 of Title 50A of the United States Code. For information regarding military reservists called to active duty, refer to the federal Office of Child Support Enforcement (OCSE) Information Memorandum IM-01-09, available from the OCSE Web site at http://www.acf.dhhs.gov/programs/cse/pol/IM/2001/im-01-09.htm.

3. A material change of circumstances may include, but is not limited to:

(1) a change in residence or custody of one or more of the children listed in the child support order;

(2) a change of either parent’s gross income;

(3) either parent becomes disabled and is receiving disability benefits from
the Social Security Administration;

(4) a child reaches the age of majority as prescribed in Section 112 of Title 43 of the Oklahoma Statutes;

(5) changes in child care expenses; or

(6) changes in court-ordered medical support including:

   (1) the cost of health insurance;

   (2) cash medical support is no longer appropriate because health insurance is being provided for the child(ren);

   (3) health insurance is no longer available for the child(ren);

   (4) health insurance is not accessible; or

   (5) health insurance is not reasonable in cost.

4. Review of child support order.

   (1) Examples of cases where OCSS may initiate a review of the child support order include but are not limited to, when:

       (A) a case includes a child(ren) receiving Oklahoma Department of Human Services child care subsidy benefits and the child support computation does not include any contribution toward child care expenses;

       (B) a case does not include a medical support order, or the cost or availability of medical support has changed;

       (C) the joint custody order does not include a child support order;

       (D) the child support guidelines were not followed;

       (E) child support staff have information from the custodial person that the noncustodial parent is not exercising the number of ordered overnights under Section 118E of Title 43 of the Oklahoma Statutes;
(F) a parent has suffered a significant change in income, such as involuntary job loss or disability; or

(G) either parent becomes the recipient of Supplemental Security Income or Social Security Disability benefits.

(2) When a noncustodial parent notifies OCSS that he or she now has physical custody of the child(ren), child support staff follow the procedures in OAC 340:25-5-201.1 for verification of this information.

(3) When child support staff have verified a change of custody of the child(ren), OCSS initiates a review of the child support order. Child support staff do not initiate a review of the child support order if:

(A) there is any indication of parental kidnapping or involuntary relinquishment of custody;

(B) the noncustodial parent is unable to provide convincing verification of a change in custody; or

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

5. Examples of a temporary change of circumstances include, but are not limited to:

(1) a pattern of frequent changes in physical custody of the child(ren); and

(2) a pattern or history of frequent job changes by the parent requesting the review.

6. If OCSS terminates a review because a party fails to provide information requested by OCSS, OCSS does not consider the review completed. When a review is terminated and a party subsequently requests a review, child support staff review the last order or completed review date to determine when it has been 12 months since the support order was reviewed at the request of a party.

7. Child support staff use the Paperwork Checklist for Interstate Actions in the Interstate Actions Made Easy guide located on the OCSS InfoNet to determine
340:25-5-198.2. Modification

Revised 7-1-10

(a) Authority for modification. Oklahoma Child Support Services (OCSS) may initiate modification of a child support order under Sections 112, 118, 118.1, 601-611, 601-613, and 601-615 of Title 43 of the Oklahoma Statutes in the appropriate tribunal when facts indicate modification is warranted under applicable state or federal law or regulation.

(b) Modification of child support order. OCSS seeks a modification when the existing support order is not in compliance with the child support guidelines because:

(1) a component of or the new current child support amount will be 20 percent higher or lower than the existing order;

(2) there has been a change in physical custody verified pursuant to OAC 340:25-5-201.1;

(3) the original order failed to set child support according to the guidelines; or

(4) one of the parents has been determined disabled by the Social Security Administration and the parent is receiving Supplemental Security Income or Social Security Disability Income.

(c) Modification of medical support order.

(1) OCSS seeks a modification of an order for medical support when:

(A) there is no existing order for either parent to provide dependent health care coverage. OCSS initiates a modification of a support order to require either or both parents to provide dependent health care coverage when OCSS 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 either parent;

(B) the availability of medical insurance changes;

(C) there is an order for the custodial person to provide medical support for the minor child(ren) and enforcement of the order is not appropriate pursuant to Section 139.1 of Title 43 or Section 566 of Title 21 of the Oklahoma Statutes;

(D) an order for the noncustodial parent to provide medical insurance and the
release of information necessary for enrollment of the child would be inappropriate due to family violence and a cash medical order would be appropriate pursuant to OAC 340:25-5-198; or

(E) there is an order for a parent to provide medical insurance, the applicant for child support services has not requested services against that parent, and the ordered parent is not actually providing medical insurance for the child. ■ 1

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

(3) When a child support order exists, OCSS considers a request to establish a medical support order as a request for modification of the order under Section 118.1 of Title 43 of the Oklahoma Statutes. OCSS seeks a medical support order in a tribunal that has jurisdiction to modify the child support order and follows procedures in OAC 340:25-5-198.1.

INSTRUCTIONS TO STAFF 340:25-5-198.2

Issued 7-1-10

1. When a third party custodial person does not seek services against one of the parents and that parent is ordered to provide medical support for the child, Oklahoma Child Support Services (OCSS) cannot enforce the medical support order. Therefore, if the ordered parent is not providing the medical insurance, OCSS seeks modification to establish the medical support order against the parent for whom OCSS has an open case.
340:25-5-211.1. License revocation and reinstatement for failure to comply with child support order

Revised 7-1-10

(a) **Legal base.** Oklahoma Child Support Services (OCSS) follows Sections 139 and 139.1 of Title 43 of the Oklahoma Statutes, Sections 1-153, 6-201, 6-201.1, and 6-211 of Title 47 of the Oklahoma Statutes, and Sections 237.1, 240.15 through 240.17, and 240.19 through 240.21A of Title 56 of the Oklahoma Statutes in processing enforcement actions to order the revocation, suspension, nonissuance, nonrenewal, or probation of a license for a noncustodial parent who is not in compliance with an order for child support.

(b) **License Reinstatement Process.**

(1) **Request for license reinstatement; desk review.** When OCSS receives a written request to reinstate a license, OCSS conducts a desk review of the case file within 15 days after receipt of a written request for reinstatement.

(2) **Compliance with payment plan.**

(A) When OCSS determines that a noncustodial parent is complying with a court-ordered payment plan and other terms of a support order, and the reinstatement provisions of Section 139.1 of Title 43 or Section 240.17 of Title 56 of the Oklahoma Statutes, OCSS requests a reinstatement of the license from the tribunal that revoked the license.

(B) OCSS may request a reinstatement of the license when the noncustodial parent is participating in a problem-solving court program under Section 140 of Title 43 or Section 240.10 of Title 56 of the Oklahoma Statutes.

(3) **Noncompliance with payment plan.**

(A) When OCSS determines a noncustodial parent is not complying with a court-ordered payment plan, other terms of a support order, or the reinstatement provisions of Section 139.1 of Title 43 of the Oklahoma Statutes, OCSS sends a notice to the noncustodial parent that the request for reinstatement of a license is denied. The notice advises the noncustodial parent that the noncustodial parent has 15 days to request a reinstatement hearing in writing. Upon timely receipt of a written request for a hearing, OCSS schedules the matter for a hearing before the tribunal that ordered the license revocation.
(B) OCSS provides notice of the hearing to the custodial person pursuant to Section 2005 of Title 12 or Section 112A of Title 43 of the Oklahoma Statutes.

(C) If a license has been reinstated pursuant to subsection (b) of this section and the noncustodial parent subsequently is in noncompliance with a payment plan, OCSS requests the court to immediately revoke the license(s) of the noncustodial parent.

INSTRUCTIONS TO STAFF 340:25-5-211.1

Issued 7-1-10

1. When an obligor’s licenses are placed on probation and a payment plan is set by the court, OCSS may request that the court amend the payment plan upon a change of circumstances.
340:25-5-212. Financial institution data match reporting system

Revised 7-1-10

(a) **Legal basis.** Oklahoma Child Support Services (OCSS) maintains a financial institution data match reporting system to identify noncustodial parents' assets and issue levies on accounts of noncustodial parents who are in noncompliance with an order for support. In maintaining the system, OCSS follows Part A of Subchapter IV of Chapter 7 of Title 42 of the United States Code, associated federal regulations, and state statutes. This Section establishes provisions necessary to implement Sections 666(a)(17) and 669A of Title 42 of the United States Code and Sections 240.22 through 240.22G of Title 56 of the Oklahoma Statutes. The definitions in Section 240.22A of Title 56 of the Oklahoma Statutes apply to the terms used in this Section.

(b) **Financial institutions.**

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

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

(c) **Levies.** Levies are for the total amount of past-due support as defined in Section 237.7 of Title 56 of the Oklahoma Statutes. Under Section 240.22G of Title 56 of the Oklahoma Statutes, OCSS automatically issues a levy for each matched account unless the noncustodial parent is in full and timely compliance with a court-ordered payment plan. OCSS considers a noncustodial parent in full and timely compliance with a court-ordered payment plan when the noncustodial parent has made voluntary payments of at least 92 percent of the court-ordered payment plan payments due over the last six full calendar months prior to the date of the levy. OCSS considers a manual levy appropriate if there is evidence that the noncustodial parent has funds subject to levy not previously considered by OCSS in establishing the monthly court-ordered payment plan. OCSS requests the financial institution not remit funds in an amount less than $50.

(d) **Notice of levy and administrative review.**
(1) OCSS sends a notice of levy to a noncustodial parent within three days after sending the levy to the financial institution. [56 O.S. § 240.22G] The notice of levy includes:

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

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

(C) a description of the review process; and

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

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

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

(4) A non-obligated joint account holder may request an administrative review in writing when the levied funds are not owned by the noncustodial parent.

(5) Upon receipt of a request for an administrative review OCSS:

(A) contacts the requesting party within three business days to:

   (i) notify the party that the review has begun; and

   (ii) request further information as necessary;

(B) completes the review as soon as possible, not to exceed three business days from receiving all necessary information; and

(C) completes the review using the best information available when the party requesting a review does not provide the information requested by OCSS within five business days of the request.

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

(7) After the administrative review, OCSS issues a notice of administrative review
(e) **Administrative hearing.** Either the noncustodial parent or a non-obligated joint account holder may request a hearing before the Oklahoma Department of Human Services Office of Administrative Hearings: Child Support (OAH), by the date specified in the notice of administrative review decision. A request for an OAH hearing must be submitted in writing to the district office.

(f) **Release of funds from levy.**

1. OCSS releases funds from levy when the noncustodial parent submits sufficient and credible evidence at the administrative review that the source of the funds is:

   (A) Supplemental Security Income (SSI) benefits;
   
   (B) State Supplemental Payments (SSP) for Aged, Blind and the Disabled;
   
   (C) Temporary Assistance for Needy Families (TANF) benefits; or
   
   (D) child support payments, if the obligor is the custodial person of a minor child(ren) and is receiving the payments as required by a court order.

2. Funds from a levy may be released, in full or in part, at the discretion of the state’s attorney when it is determined the levy negatively impacts a reliable source of child support, or is not in the best interest of the child(ren). When the funds are not assigned to the state, OCSS considers the input of the custodial person in reviewing the case for release. ■ 2

**INSTRUCTIONS TO STAFF 340:25-5-212**

Revised 7-1-09

1. Child support staff follow the Child Support Manual, Volume 7 – Enforcement, FIDM chapter, section on analyzer criteria for automated levies. This section includes the payment time frames for a noncustodial parent to be considered in full and timely compliance with a court-ordered payment plan that removes the noncustodial parent from the automated levy process and places the noncustodial parent on the child support district office manual levy list.

   (1) Oklahoma Child Support Services (OCSS) does not issue an automated levy when the noncustodial parent has made voluntary payments of at least 92 percent of the court-ordered payment plan payments due over the last
six full calendar months prior to the date of the levy.

(2) Child support staff do not issue a manual levy against a checking account of a noncustodial parent who has made voluntary payments of at least 92 percent of the court-ordered payment plan payments due over the last six full calendar months prior to the date of the levy unless the district office state’s attorney has information that the checking account has significantly more funds in the account than the noncustodial parent has previously reported to OCSS as periodic income.

(3) Voluntary payments include payments made directly from the noncustodial parent, payments from income withholding and from unemployment offset. Collections made by OCSS intercepting federal or state tax refunds from prior levies, from contempt purge amounts, from workers’ compensation lump sum collections are not considered voluntary payments and will not be considered in calculating the percentage of voluntary payments necessary to reach the 92 percent of court-ordered payment plan amounts paid.

2. Release of levy.

(1) District offices must coordinate with each other to ensure a levy is not released in one district office when a noncustodial parent has another levy in another district office.

(2) In cases where the noncustodial parent is in full and timely compliance with a court-ordered payment plan but a manual levy is still appropriate for a checking account, district offices do a partial levy release which allows the noncustodial parent to retain funds in the checking account in an amount consistent with the withholding limits set out in Section 1171.2 of Title 12 of the Oklahoma Statutes.

(3) After approval by the state’s attorney, child support staff document the reason for the levy release on the automated Oklahoma Support Information System Case Log Add (CSLOGA).

(4) Child support staff:

(A) attach a cover letter and a copy of the levy when sending a release of levy to the financial institution; and

(B) access the levy cover letter on the OCSS InfoNet.
340:25-5-305. General overpayment and recovery policies

Revised 7-1-10

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

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

2. resolve payment disputes arising from overpayments.

(b) **Overpayment categories.**

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 OCSS has incorrectly paid money to a custodial person, noncustodial parent, or other entity, or failed to retain money assigned to the State of Oklahoma because of an administrative error.

3. Bad debt occurs when:

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

   B. a check or other payment instrument received by OCSS 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; or

   C. OCSS issues a payment to a custodial person based on an incorrect arrearage balance or an incorrect allocation of a payment.

(c) **Authority.** When recovering overpayments under this Part, OCSS is governed by Title IV, Part A of Subchapter IV of Chapter 7 of Title 42 of the United States Code; Section 109.5 of Title 43 of the Oklahoma Statutes; and Sections 171, 185, and 231 through 244 of Title 56 of the Oklahoma Statutes.

(d) **Recovery.** OCSS may use any legal remedy to recover overpayments, including, but not limited to, state tax offsets under OAC 340:25-5, Part 27.
(1) OCSS is not responsible for creating or recovering overpayments for non-IV-D time periods when non-IV-D cases convert to IV-D cases.

(2) OCSS does not charge, collect, or pay interest on overpayments.

Revised 7-1-10

(a) **Scope and Authority.** Section 112A of Title 43 of the Oklahoma Statutes provides the basis for Oklahoma Child Support Services (OCSS) to collect and maintain addresses of record for:

1. parties and custodial persons subject to paternity orders or child support orders entered in Oklahoma;
2. noncustodial parents under Section 237A of Title 56 of the Oklahoma Statutes and OAC 340:25-5-213;
3. parties and custodial persons subject to paternity orders or child support orders entered in other jurisdictions; and
4. parties and custodial persons when they voluntarily submit them.

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

1. completion of Form 03EN008E, Family Violence - Address of Record Statement;
2. a court order; or
3. a support order summary form when services are not being provided under the OKDHS state IV-D plan pursuant to Section 237 of Title 56 of the Oklahoma Statutes.

(c) **Updating an address of record.**

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

2. A custodial person updates an address of record:
(A) by completing and signing a change of records letter;

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

(C) through a court order.

(3) A custodial person who is represented by an attorney may designate the attorney's address as the address of record pursuant to Sections 112A and 413(F) of Title 43 of the Oklahoma Statutes. The designation must include the signature of the custodial person and the attorney. When a custodial person has designated an attorney's address as the address of record, the address of record can only be updated with the written permission of the custodial person and the attorney. In accepting designation as the custodial person's address of record, the attorney becomes responsible for receiving the custodial person's legal documents and other official papers by regular mail, and may receive the custodial person's payments.

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

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

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

(B) through a court order.

Revised 7-1-10

(a) A party or custodial person seeking disclosure of the address of record of another party or custodial person from the Central Case Registry (CCR) of Oklahoma Child Support Services (OCSS) must submit Form 03EN009E, Request for Address of Record, that:

(1) elicits information about the requester and the reasons for the request; and

(2) includes information about statutory limitations on the release of addresses of record.

(b) OCSS may:

(1) refuse to release an address under Sections 112A and 413 of Title 43 of the Oklahoma Statutes, OAC 340:25-5-67.1, or other applicable law; and


(c) The address of record of a party or custodial person may be released by CCR staff or an OCSS state’s attorney after verifying that the sole purpose of providing the address is for service of process in support, visitation, and custody actions. The release of the address of record by a state’s attorney is at the discretion of the state's attorney pursuant to OAC 340:25-5-67.1 and Section 112A of Title 43 of the Oklahoma Statutes.

INSTRUCTIONS TO STAFF 340:25-5-340.1

Issued 7-1-10

1. Process for release of address of record:

(1) Cases with Family Violence Indicator. Prior to releasing an address of record in a case with a family violence indicator, Oklahoma Child Support Services (OCSS) staff notify the case participant whose address has been requested that the existing address of record will be released unless the case participant provides an updated address of record.

(2) Cases with no Family Violence Indicator. In cases with no family violence indicator, CCR staff or state’s attorneys release the current address of record...
upon written request after determining that the request is made by an authorized person and the request is for service of process in support, visitation, and custody actions as provided in Section 112A of Title 43 of the Oklahoma Statutes.

(3) Cases with no current address of record. In cases where the case participant does not have a current address of record, CCR staff or OCSS staff request the case participant establish an address of record. When the case participant whose address of record is requested does not respond to the address of record request, OCSS district office staff take further steps to compel that the case participant establish a current address of record so that the information may be released pursuant to Section 112A of Title 43 of the Oklahoma Statutes.
340:25-5-351. Allocation and distribution of collections

Revised 7-1-10

(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 Part A of Subchapter IV of Chapter 7 of Title 42 of the United States Code, 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 657 of Title 42 of the United States Code after collections are allocated according to this Section. Oklahoma Child Support Services (OCSS) is also governed by Section 654 of Title 42 of the United States Code, Section 302.33 of Title 45 of the Code of Federal Regulations, and Section 237 of Title 56 of the Oklahoma Statutes in the collection of the annual fee.

(b) **Annual fee.** OCSS automatically collects an annual $25.00 fee once $500.00 support has been collected and issued to the custodial person. A case is exempt from this annual fee when the family is currently receiving or formerly received assistance under state or tribal Temporary Assistance for Needy Families (TANF) or Aid to Families with Dependent Children program. When there is more than one IV-D child support program involved, OCSS collects the annual fee on cases when Oklahoma is the initiating state.

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

   (1) Oklahoma Child Support (OCSS) 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 OCSS receives a voluntary payment, OCSS honors designated payments from noncustodial parents who have multiple family obligations if payments are reasonably consistent with this Section. Otherwise, OCSS allocates voluntary payments to cases with court-ordered obligations before cases without court-ordered obligations.

   (2) In a non-IV-D case, OCSS 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 of Oklahoma.
(3) Except as provided for in (f) of this Section, OCSS applies arrearage collections owed to the custodial parent before paying conditionally or permanently assigned arrears owed to a state.

(4) OCSS applies payments to interest owed to a particular custodial person after current child support and the principal arrears balance is paid in full. All interest debt is referred and distributed for Internal Revenue Service (IRS) offset as arrears owed to the custodial person and not as a state debt or as assigned cash medical support. When OCSS has been unable to locate the custodial person after reasonable efforts; OCSS applies interest collections from an IRS offset to state debt.

(d) Initial allocation to monthly current support obligations. Except as provided in (f) of this Section, OCSS initially allocates collections to current support obligations due each month.

(1) If collections are less than the amount of all current support due, OCSS allocates collections between the current child support and the cash medical support specified in the order in proportionate shares.

(2) After the current child support and cash medical support obligation is met, OCSS allocates collections to current spousal support due.

(e) Allocation to monthly past-due support obligations under payment plans. Except as provided in (f) of this Section, after all current support obligations are met, OCSS 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, OCSS first allocates collections to past-due current child support.

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

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

(f) Allocation and distribution to total amount in arrears.

(1) OCSS allocates federal income tax refund offset collections to the total amount in arrears.
(2) Except for collections under a payment plan, OCSS allocates collections above the current support obligation to total arrearages.

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

(g) **Allocation and distribution of arrearages to assigned cash medical support.** After the past-due current child support, cash medical support, and spousal support are met, OCSS allocates collections to assigned cash medical support.

(h) **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.** OCSS prorates and applies support collections to each family based on the current child support obligation due each family. The collections are allocated within each family obligation under subsection (d) of this Section.

(2) **Past-due support under a payment plan.** OCSS prorates and allocates collections to payment plans for multiple families based on each family’s fixed monthly payment plan obligations due.

(3) **Total arrears, including principal and interest balances.** OCSS prorates and allocates collections to arrears, including principal and interest balances, for multiple families based on each family’s total arrears due.

(i) **Past-due support in interstate cases.** In cases where OCSS is collecting support for a custodial person who is receiving services from another state’s child support agency, OCSS allocates arrearage payments based on information provided by the initiating state. After all current support obligations are met, OCSS allocates collections to past-due support for payment plans, total arrears, and interest as follows:

(1) **Non-public assistance balance.** If any portion of the past-due balance is owed to the custodial person or will be passed through to the custodial person under federal distribution regulations, OCSS allocates collections to that portion of the past-due balance and pays that amount to the other state’s State Disbursement Unit.

(2) **Public assistance balances.** If no portion of the past-due balance is owed to the custodial person, OCSS allocates collections first to balances owed to Oklahoma and then prorates between balances owed to the other state(s).
(j) **Interest.** OCSS distributes interest last in single family, multiple family, and interstate cases.