<table>
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<tr>
<th>POLICY TRANSMITTAL NO. 10-22</th>
<th>DATE: MAY 4, 2010</th>
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<tr>
<td>OKLAHOMA CHILD SUPPORT SERVICES</td>
<td>DEPARTMENT OF HUMAN SERVICES</td>
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<td>OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY</td>
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**TO:** ALL OFFICES  

**SUBJECT:** MANUAL MATERIAL  


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

OAC 340:25-5-312 is amended to reduce the percentage of current support withheld from 50 percent to 25 percent when OCSS is recovering an overpayment.

Original signed on 4-16-10  

Gary W. Dart, Director  
Oklahoma Child Support Services  

Sandra Harrison, Coordinator  
Office of Intergovernmental Relations and Policy  

WF # 10-05 (NAP)
INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following 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.

REMOVE

340:25-5-312

INSERT

340:25-5-312, pages 1-3, revised 4-28-10
340:25-5-312. Overpayment rules and procedures

Revised 4-28-10

(a) Overpayment recipient. A custodial person, noncustodial parent, or other entity to whom Oklahoma Child Support Services (OCSS) has made an overpayment is an overpayment recipient and owes the amount of the overpayment to OCSS, acting on behalf of the State of Oklahoma.

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

(c) Recovery amount. OCSS retains 25 percent of monthly current support payments collected for the recipient and retains the total amount of any arrearage payments collected at any time, in order to recover any type of overpayment until the overpayment is recovered in full. OCSS does not reduce the recovery amount at the recipient's request.

(d) Notice. OCSS sends a notice of overpayment and recovery to the recipient of the overpayment. The notice includes:

1. a statement that the recipient received money to which the recipient was not entitled and owes money to OCSS;
2. the amount of the overpayment;
3. the method of withholding from monthly payments until the overpayment is recovered in full;
4. a statement that OCSS may collect the overpayment through any means permitted by law; and
5. instructions for requesting in writing an administrative review under OAC 340:25-5-200.1 within 30 days after the date on the notice of overpayment and recovery letter, if the recipient disagrees with the amount of the overpayment.

(e) Other overpayment recovery methods. OCSS also recovers overpayments, including, but not limited to:
(1) voluntary payments;

(2) state income tax refund intercepts under Section 205.2 of Title 68 of the Oklahoma Statutes; and

(3) lottery prize claims under Section 724.1 of Title 3A of the Oklahoma Statutes.

(f) **TANF customers.** In active Temporary Assistance for Needy Families (TANF) cases, when a TANF recipient retains child support receipts, OCSS may make a noncooperation referral to the TANF social services specialist. OCSS recovers overpayments from TANF customers through voluntary payments, state income tax refund intercepts, and lottery prize claims.

(g) **Administrative review.** If an administrative review is requested under OAC 340:25-5-200.1, the purpose of the review is to provide the recipient an opportunity to offer new or additional information regarding the amount of the overpayment. Upon timely receipt of a written request for an administrative review, the OCSS office conducts the review within 30 days.

**INSTRUCTIONS TO STAFF 340:25-5-312**

Revised 4-28-10

1. Child support staff report to the Oklahoma Department of Human Services, Office of Inspector General (OIG), cases in which the overpayment recipient:

   (1) has improperly received at least $500;

   (2) has had no judgments for recovery of the overpayment;

   (3) has had a last incident of fraud not older than two and one-half years from the date of the fraud report; and

   (4) lives in Oklahoma.

2. OIG evaluates a referral involving an out-of-state overpayment recipient on a case-by-case basis.

3. Child support staff report fraud to the OIG on Form 19MP001E, Referral Form, which is found on the InfoNet Forms page under the Multiple Programs category.
4. Child support staff submit a fraud report to OIG which is accompanied by documentation, original documents if available, evidencing the fraud.