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 340:25-1-1.1 is amended to: (1) add definitions for non-cash support, non-TANF Medicaid, and Oklahoma Health Care Authority (OHCA); and (2) revise the definitions for Medicaid and Office of Administrative Hearings (OAH).

OAC 340:25-5-114 is amended to: (1) change the assignment of medical support rights from OKDHS to OHCA in cases involving non-TANF Medicaid benefits for minor children; and (2) add the process within an OHCA referral for determining whether good cause exists for noncooperation.

OAC 340:25-5-117 is amended to: (1) add a new referral source and cash medical support as reasons to open a full-service case; and (3) define OHCA referrals.

OAC 340:25-5-123 is amended to: (1) revise the conditions under which a child support case may not be closed; and (2) define when a case may be closed when the referral is received from OHCA.

OAC 340:25-5-124.2 is amended to add to the conditions under which OCSS does not retain cases with tribal members and tribal child support orders.

OAC 340:25-5-140.1 is amended to add that OCSS does not calculate or collect interest on unpaid cash medical support.

OAC 340:25-5-168 is amended to: (1) clarify that OCSS
standards for health insurance comply with the Oklahoma Insurance Department administrative rules; (2) add that a cash medical support order is effective the first day of the month following a modification order; and (3) clarify cases where OCSS proceeds with a modification of child support rather than proceeding with the termination of cash medical support administrative process.

OAC 340:25-5-178 is amended to: (1) clarify the amount of income used to calculate child support when one of the parents is a minor; (2) amend the beginning date for a child support obligation for an incarcerated parent to the first day of the month after 45 days has lapsed following release from incarceration instead of the second month; and (3) clarify that OCSS staff request the court reserve the child support obligation of an incarcerated parent and the time period reserved.

OAC 340:25-5-179.1 is amended to state that OCSS requests the court reserve the issue of child support for the time period prior to the entry of the court order to the date the child support obligation begins.

OAC 340:25-5-198.2 is amended to add that a cash medical support order is effective the first day of the month following a modification order.

OAC 340:25-5-203.1 is amended to change the amount of past due support or overpayments that triggers an OCSS claim on lottery prizes.

OAC 340:25-5-235 is amended to add that issuance of funds may be delayed when an offset is made to satisfy non-TANF past-due support from a state tax refund.

OAC 340:25-5-270 is amended to add that when genetic testing is required in interstate cases, the responding state is responsible for paying the cost of testing.

OAC 340:25-5-312 is amended to: (1) modify amount of overpayment recovery from 50 percent of current support to 25 percent; and (2) and added an OCSS director's exception; (2) clarify process OCSS follows to recover overpayments from recipients when overpayment occurs in same month when full child support payment is received; and (3) add that in overpayment recovery disputes, overpayment recipient may request an administrative hearing if recipient does not agree with agency decision.

OAC 340:25-5-350.1 is amended to: (1) add a three dollar
minimum for overpayment refunds; and (2) add that overpayments not refunded will be remitted to the Oklahoma Department of Human Services General Revenue Fund Treasury.

OAC 340:25-5-351 is amended to: (1) remove specific details of how interest debt is handled; and (2) add that federal tax refund offset collections are first applied to assigned arrearages up to the unreimbursed assistance amount, and the remainder is paid to the custodial person.

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

340:25-1-1.1
340:25-1-5.1
340:25-5, Table of Contents
340:25-5-67
340:25-5-67.1
340:25-5-114
340:25-5-117
340:25-5-123
340:25-5-124.2
340:25-5-124.3
340:25-5-140
340:25-5-140.1
340:25-5-168
340:25-5-169
340:25-5-178

INSERT

340:25-1-1.1, pages 1-8, revised 7-1-11
340:25-1-5.1, pages 1-4, revised 7-1-11
340:25-5, Table of Contents, pages 1-10, revised 7-1-11
340:25-5-67, pages 1-6, revised 7-1-11
340:25-5-67.1, pages 1-2, revised 7-1-11
340:25-5-114, pages 1-6, revised 7-1-11
340:25-5-117, pages 1-3, revised 7-1-11
340:25-5-123, pages 1-5, revised 7-1-11
340:25-5-124.2, pages 1-4, revised 7-1-11
340:25-5-124.3, pages 1-7, revised 7-1-11
340:25-5-140, pages 1-5, revised 7-1-11
340:25-5-140.1, pages 1-5, revised 7-1-11
340:25-5-168, pages 1-8, revised 7-1-11
340:25-5-169, pages 1-2, revised 7-1-11
340:25-5-178, pages 1-7, revised 7-1-11
<table>
<thead>
<tr>
<th>REMOVE</th>
<th>INSERT</th>
</tr>
</thead>
<tbody>
<tr>
<td>340:25-5-203.1</td>
<td>340:25-5-203.1, pages 1-2, revised 7-1-11</td>
</tr>
<tr>
<td>340:25-5-235</td>
<td>340:25-5-235, 1 page only, revised 7-1-11</td>
</tr>
<tr>
<td>340:25-5-270</td>
<td>340:25-5-270, pages 1-6, revised 7-1-11</td>
</tr>
<tr>
<td>340:25-5-350.1</td>
<td>340:25-5-350.1, 1 page only, revised 7-1-11</td>
</tr>
<tr>
<td>340:25-5-351</td>
<td>340:25-5-351, pages 1-3, revised 7-1-11</td>
</tr>
</tbody>
</table>
340:25-1-1.1. Definitions

Revised 7-1-11

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 SoonerCare (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]
"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" 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. In Oklahoma, the Oklahoma Health Care Authority (OHCA) provides Medicaid services for eligible adults and children.

"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.

"Non-cash support" means support provided to a family in the nature of goods or services, rather than in cash, but which has a certain and specific dollar value.

"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.

"Non-TANF SoonerCare (Medicaid)" means a case in which a parent or custodial person receives Title XIX Medicaid services for the minor child(ren).

"Notice of Income Assignment" means the tool used to affect the income withholding process. This document is used to notify employers and other withholding 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 Legal Division Office of Administrative Hearings: Child Support, which employs and assigns administrative law judges to conduct 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.

"Oklahoma Health Care Authority (OHCA)" means the Oklahoma agency that administers the Medicaid and SoonerCare programs for adults and children who meet eligibility requirements. OHCA operates under the authority of Title XIX of the Social Security Act and Sections 5003, et seq. of Title 63 of the Oklahoma Statutes.

"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. Refer to 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 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.
340:25-1-5.1. Administrative complaint procedure

Revised 7-1-11

(a) Purpose and scope.

(1) The administrative complaint procedure is for Oklahoma Department of Human Services (OKDHS), Oklahoma Child Support Services (OCSS) IV-D customers. OCSS:

(A) represents the state's economic interest in children;

(B) does not represent parents, custodial persons, or children. Parents and custodial persons may apply for OCSS services, and OCSS enforces the duties of parents to support their children; and

(C) considers parents and custodial persons as customers, and treats them with dignity and respect.

(2) The administrative complaint procedure is established under Section 303.35 of Title 45 of the Code of Federal Regulations and is available to Oklahoma customers and those from other states. The purpose is to provide:

(A) OCSS customers an opportunity to raise concerns about services or treatment received, request an administrative review, and take appropriate action when there is evidence that an error occurred, or an action should have been taken on their case; 1

(B) customers a fast and effective procedure for reviewing issues that have no other review process. The intent of the complaint procedure is to provide customers a process to have their cases reviewed and not to require formal administrative hearing processes or adjudication of complaints; and

(C) an informal rather than a formal hearing process. It does not replace or extend other child support enforcement processes, such as court processes, that are established by federal or state statutes, rules, or regulations. The complaint process is intended to remedy errors, not to allow individuals to dictate action in a case. 2

(b) Procedure.

(1) Step 1. OCSS encourages any customer with a complaint about an OCSS
district office or state office center to address the complaint orally or by letter, fax, or e-mail to the OCSS district or state office for resolution. Interstate customers express their concerns to the IV-D agency in the state where they applied or were referred for services.

(2) Step 2.

(A) If the customer receives no response or is dissatisfied with the response from the OCSS district or state office, the customer may contact Oklahoma Child Support Services, Attention: Center for Customer Services (CCS), P.O. Box 53552, Oklahoma City, Oklahoma 73152, or fax to 405-522-3685, or e-mail =ocss.customeroutreach@okdhs.org, or telephone 405-522-5871. The customer may describe the complaint on Form 03EN012E, Child Support Comments, (available upon request by telephone, at a district office, or on the OKDHS Internet) that elicits the information listed in (i) through (ix), or by letter, fax, or e-mail, including:

(i) first and last name;

(ii) standing of the person submitting the complaint, for example, the noncustodial parent, custodial person, biological parent, or an attorney of record or authorized representative on behalf of the noncustodial parent, custodial person, or biological parent;

(iii) the first and last names, mailing address, and telephone number of the attorney of record or authorized representative, if any;

(iv) Social Security number;

(v) child support case number;

(vi) mailing address;

(vii) telephone number;

(viii) an explanation, including names of people and locations, dates, and times of incidents; and

(ix) a description of the desired action to resolve the complaint.

(B) The CCS refers complaints about cases to the OCSS district office or state office center for administrative review. The district office or state office center
conducts the administrative review and notifies the customer of the review's results and any actions taken within five days after CCS sends the written complaint. The method of notification is requested by the customer. If contact in the manner requested by the customer is unsuccessful, written notification is made. ■ 4

(3) Step 3. If the customer is dissatisfied with the response, the customer may ask for further review by submitting a request to the CCS. This request for review may be made by telephone, letter, fax, or e-mail.

(A) The division director or a designee reviews the complaint, the administrative review of the complaint, and any action taken.

(B) Within five days after CCS receives the written request for further review, OCSS notifies the customer and the district office or state office center of the results and any actions taken. The method of notification is requested by the customer. If contact in the manner requested by the customer is unsuccessful, written notification is made. The result of this review is the final decision of OCSS. ■ 5

INSTRUCTIONS TO STAFF 340:25-1-5.1

Revised 7-1-11

1. Oklahoma Child Support Services (OCSS) advises interstate customers to address their concerns to the IV-D agency in the state where they applied or were referred for services. OCSS conducts administrative reviews at the request of the other state IV-D agency.

2. (a) District offices determine appropriate action, as needed, to resolve the complaint, subject to review and modification by the OCSS division director or designee.

(b) Customers include custodial persons, noncustodial parents, biological parents, and their attorneys of record and authorized representatives.

3. Child support offices make complaint procedure notices available to customers. Information about the complaint procedure is available from the OCSS Internet at http://www.okdhs.org/library/forms/default.htm.

4. The managing attorney, office manager, or assistant district attorney in charge of a district office or the manager in charge of a state office center conducts
the administrative review or designates an appropriate person per OAC 340:25-5-200.1(c) through (e). The person conducting the administrative review sends a copy of the response to the customer and to the Center for Customer Service (CCS).

5. CCS sends the district office or the state office center a copy of the response and track complaints.
## SUBCHAPTER 5. OPERATIONAL POLICIES

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

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>340:25-5-1</td>
<td>Purpose [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-2</td>
<td>Definitions [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-3</td>
<td>Mission of program [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-4</td>
<td>Structure of program [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-5</td>
<td>Legal base [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-6</td>
<td>Statewide operations [REVOKED]</td>
</tr>
</tbody>
</table>

### PART 3. PATERNITY AND SUPPORT SERVICES [REVOKED]

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

### PART 5. GENERAL AND FINANCIAL PROGRAM ADMINISTRATION [REVOKED]

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>340:25-5-35</td>
<td>Cooperative arrangements [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-36</td>
<td>Reports and maintenance of records [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-37</td>
<td>Standards for an effective program [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-38</td>
<td>Non-discrimination [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-39</td>
<td>Bonding of employees [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-40</td>
<td>Separation of cash handling and accounting functions [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-41</td>
<td>Safeguarding information [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-42</td>
<td>Computerized support enforcement system [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-43</td>
<td>Publicizing the availability of support enforcement services [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-44</td>
<td>Notice of collection of assigned support [REVOKED]</td>
</tr>
<tr>
<td>340:25-5-45</td>
<td>Guidelines for setting child support obligations within the state [REVOKED]</td>
</tr>
</tbody>
</table>
340:25-5-46. Payment of support through the IV-D agency or other entity [REVOKED]
340:25-5-47. Financial administration [REVOKED]

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

340:25-5-55. Case records
340:25-5-56. Structure of child support case records [REVOKED]
340:25-5-57. Legal documents to be kept in the case file folder [REVOKED]
340:25-5-58. Other materials to be kept in the case file folder [REVOKED]

PART 9. DISCLOSURE OF INFORMATION

340:25-5-65. Scope and applicability [REVOKED]
340:25-5-66. Legal basis for release of information
340:25-5-67. Information disclosure
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. Physical security [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
340:25-5-96. Archives and Records Commission procedures [REVOKED]
340:25-5-97. Record storage during retention - Central Records [REVOKED]
340:25-5-98. Types of records maintained [REVOKED]
340:25-5-99. Record requests or inquiry [REVOKED]
340:25-5-100. Retrieval of case folders [REVOKED]
340:25-5-102. Record storage requests or inquiry [REVOKED]
340:25-5-103. Retrieval from archives storage [REVOKED]
340:25-5-104. Procedure for microfilming records [REVOKED]
340:25-5-105. Conversion to microfilm/microfiche [REVOKED]
340:25-5-106. Request for microfilming [REVOKED]

PART 15. CASE INITIATION, CASE MANAGEMENT, AND CASE CLOSURE

340:25-5-110. Scope and applicability
340:25-5-110.1. Applications
340:25-5-111. Time frame for case initiation [REVOKED]
340:25-5-112. Initiation of child support cases (IV-D) [REVOKED]
340:25-5-113. Assignment of child support rights in cash assistance and medical assistance cases [REVOKED]
340:25-5-114. Procedures for determining and processing noncooperation on TANF and non-TANF SoonerCare (Medicaid) cases
340:25-5-115. Good cause claims for refusal to cooperate in AFDC, foster care, and Medicaid cases [REVOKED]
340:25-5-116. Initiation of IV-E cases (foster care) [REVOKED]
340:25-5-117. Initiation of IV-D cases
340:25-5-118. Noncooperation on non-TANF and child care subsidy cases
340:25-5-119. Initiation of interstate cases [REVOKED]
340:25-5-120. Initiation of locate only cases [REVOKED]
340:25-5-121. Prioritization and categories of cases [REVOKED]
340:25-5-122. Reprioritization [REVOKED]
340:25-5-123. Case closure system
340:25-5-124. Transfer of administrative establishment case to another district child support office
340:25-5-124.1. Transfer of administrative establishment case to another district child support office
340:25-5-124.2. Tribal case referral of cases to an Oklahoma tribal child support office
340:25-5-124.3. Assignment and management of deprived cases
340:25-5-125. Department client numbers [REVOKED]
340:25-5-126. Assignment of case numbers [REVOKED]
340:25-5-127. Computer transactions for AFDC and foster care cases [REVOKED]
340:25-5-128. Computer transactions for non-AFDC cases [REVOKED]
340:25-5-129. Computer transactions for interstate cases [REVOKED]
340:25-5-130. Computer transactions for locate only cases [REVOKED]
340:25-5-131. Pending cases [REVOKED]
340:25-5-132. Updating pending cases [REVOKED]
340:25-5-133. Current child support follows the child when physical custody changes
PART 17. PAST SUPPORT

340:25-5-140. Past support
340:25-5-140.1. Interest
340:25-5-141. Calculation of account debt [REVOKED]
340:25-5-142. Assignment of responsibility [REVOKED]
340:25-5-143. Conditions which affect calculations [REVOKED]
340:25-5-144. Reasons for returning a request to the local office - AFDC [REVOKED]
340:25-5-145. Information required for calculation [REVOKED]
340:25-5-146. When to request a calculation [REVOKED]
340:25-5-147. Procedure to initiate a request for calculation [REVOKED]
340:25-5-149. Method of calculation [REVOKED]
340:25-5-150. Calculation time frame [REVOKED]

PART 19. LOCATE SERVICES

340:25-5-155. Locate services
340:25-5-156. Reasonable probability [REVOKED]
340:25-5-158. Central locate section [REVOKED]
340:25-5-159. Oklahoma and interstate cases [REVOKED]
340:25-5-161. System display and selection process of locate cases [REVOKED]
340:25-5-162. Initiating display of individual case locate data [REVOKED]
340:25-5-163. Search procedures for instate locate resources (online responses) [REVOKED]
340:25-5-164. Search procedures for automated locate resources [REVOKED]
340:25-5-165. Search procedures for out of state request [REVOKED]
340:25-5-166. Encoding/updating locate searches and results to the file [REVOKED]
340:25-5-167. Locate services for parental kidnapping cases [REVOKED]

PART 20. MEDICAL SUPPORT

340:25-5-168. Establishment of medical support
340:25-5-169. Establishment of medical enforcement only cases
340:25-5-170. Enforcement of medical enforcement only cases
340:25-5-171. Enforcement of a medical support notice

PART 21. ESTABLISHMENT

340:25-5-175. General [REVOKED]
340:25-5-176. Establishment of paternity
340:25-5-176.1. Challenges to paternity establishment
340:25-5-177. Jurisdiction in paternity cases [REVOKED]
340:25-5-178. Establishment of current child support
340:25-5-179. Duration of support
340:25-5-179.1. Establishment of support for a prior period
340:25-5-181. Requests for modification [REVOKED]
340:25-5-182. Review and adjustment [REVOKED]
340:25-5-185. Establishment of spousal support [REVOKED]
340:25-5-185.1. Docketing
340:25-5-186. Temporary child support [REVOKED]
340:25-5-188. Procedures for establishment of support through District Court [REVOKED]
340:25-5-190. Services of process [REVOKED]
340:25-5-191. Diligent efforts to serve process [REVOKED]
340:25-5-195. Calculation of support debt when non-custodial parent has made unrecorded payments [REVOKED]
340:25-5-196. Calculation of child support judgements not covered by court order in non-public assistance cases [REVOKED]

PART 22. REVIEW AND MODIFICATION

340:25-5-198. Review and modification of support orders
340:25-5-198.1. Review of a child support order
340:25-5-198.2. Modification

PART 23. ENFORCEMENT

340:25-5-200. Scope and applicability
340:25-5-200.1. Administrative review process
340:25-5-200.2. Enforcement of spousal support
340:25-5-201. Income assignment [REVOKED]
340:25-5-201.1. Termination or amendment of income withholding
340:25-5-203. Unemployment compensation intercept
340:25-5-203.1. Collection from lottery prize winnings
340:25-5-203.2. Insurance intercept
340:25-5-204. Workers compensation [REVOKED]
340:25-5-205. Contempt [REVOKED]
340:25-5-207. Liens against real estate and personal property [REVOKED]
340:25-5-208. Attachment, levy, and execution [REVOKED]
340:25-5-209. Garnishment [REVOKED]
340:25-5-211. License revocation [REVOKED]
340:25-5-211.1. License revocation and reinstatement for failure to comply with child support order
340:25-5-212. Financial institution data match reporting system
340:25-5-213. Annual notice
340:25-5-214. Passport denial, revocation, restriction, or limitation

PART 25. FEDERAL OFFSET PROGRAMS

340:25-5-215. Collection of past-due support from federal tax offset
340:25-5-216. Eligible case for federal tax refund offset program [REVOKED]
340:25-5-218. Submittal for federal tax refund offset [REVOKED]
340:25-5-220. Updates to cases submitted for federal tax offset [REVOKED]
340:25-5-221. Collections from federal tax refund offset [REVOKED]
340:25-5-222. Distribution of federal tax refund offsets [REVOKED]
340:25-5-223. Refund of federal tax refund offsets [REVOKED]
340:25-5-225. Formal and informal review procedures for federal offset programs
340:25-5-226. Formal review procedures for cases submitted by Oklahoma or other states [REVOKED]

PART 27. STATE TAX REFUND OFFSET PROGRAM

340:25-5-235. Collection of past support and overpayments from state tax refund offset
340:25-5-236. Eligible cases for state tax refund offset program [REVOKED]
340:25-5-238. Submittals for state tax refund offset program [REVOKED]
340:25-5-240. Updates to cases submitted for state tax refund offset [REVOKED]
340:25-5-244. Review procedures for state tax refund offset program
PART 29. FULL IRS COLLECTION PROGRAM [REVOKED]

340:25-5-250. Purpose [REVOKED]
340:25-5-251. Eligible cases for federal full IRS collection program [REVOKED]
340:25-5-252. Sources for identifying assets for referral [REVOKED]
340:25-5-253. Exempt assets [REVOKED]
340:25-5-258. Updates and deletions of full IRS collections [REVOKED]
340:25-5-259. IRS process after case certified [REVOKED]

PART 31. CONSUMER REPORTING AGENCIES - CREDIT BUREAUS

340:25-5-265. Release of arrearage information to consumer reporting agencies - credit bureaus
340:25-5-265.1. Access of consumer reporting agency - credit bureau - information

PART 33. INTERSTATE AND INTERNATIONAL CASES

340:25-5-270. Interstate cases
340:25-5-270.1. Definitions [REVOKED]
340:25-5-270.2. Uniform Interstate Family Support Act (UIFSA)/Uniform Reciprocal Enforcement of Support (URESA) split [REVOKED]
340:25-5-270.3. Central registry [REVOKED]
340:25-5-270.4. Data/documentation [REVOKED]
340:25-5-270.5. Establishment of a case in the IV-D system [REVOKED]
340:25-5-270.6. Assignment of case to local office [REVOKED]
340:25-5-270.7. Locate activities by local child support office [REVOKED]
340:25-5-270.9. Concept of continuing, exclusive jurisdiction (CEJ) [REVOKED]
340:25-5-270.10. Establishment and/or enforcement activities [REVOKED]
340:25-5-270.11. UIFSA time frames [REVOKED]
340:25-5-270.15. Collections and distribution [REVOKED]
340:25-5-270.17. General procedures [REVOKED]
340:25-5-273. Data items [REVOKED]
340:25-5-274. Data/documents required for establishment or enforcement
activities [REVOKED]

340:25-5-275. Establishment of case in IV-D system [REVOKED]
340:25-5-276. Assignment of case to local office [REVOKED]
340:25-5-277. Location activities by local child support office [REVOKED]
340:25-5-278. Establishment and/or enforcement activities [REVOKED]
340:25-5-282. Other required interstate activities [REVOKED]
340:25-5-283. Cooperation with other states when using long-arm [REVOKED]
340:25-5-284. Other services [REVOKED]

PART 35. OUTGOING INTERSTATE CASES [REVOKED]

340:25-5-290. Purpose [REVOKED]
340:25-5-292. Use of "long-arm" [REVOKED]
340:25-5-293. Use of reference guides and standardized forms for interstate actions [REVOKED]
340:25-5-296. Acknowledgment/review activities [REVOKED]
340:25-5-297. Establishment and/or enforcement activities [REVOKED]
340:25-5-299. Collections and distributions [REVOKED]
340:25-5-300. Monitoring [REVOKED]
340:25-5-301. Assignment of rights/pay records and copies of out-of-state orders [REVOKED]

PART 37. RECOVERY

340:25-5-305. General overpayment and recovery policies
340:25-5-306. Treatment of assigned support payments received directly and retained by AFDC recipients [REVOKED]
340:25-5-308. Overpayments due to inadvertent client or agency error [REVOKED]
340:25-5-309. Overpayments classified as willful misrepresentation [REVOKED]
340:25-5-310. Cases referred for willful misrepresentation [REVOKED]
340:25-5-311. Recovery of overpayments due to inadvertent client or agency error [REVOKED]
340:25-5-312. Overpayment rules and procedures
340:25-5-313. Monthly repayment amount [REVOKED]
340:25-5-314. Repayment agreement - retained support [REVOKED]
340:25-5-315. Non-cooperation of former AFDC recipient [REVOKED]
340:25-5-316. Informal meeting - notice of overpayment [REVOKED]
340:25-5-318. Agenda for informal meeting [REVOKED]
340:25-5-319. Determination of the arrearages [REVOKED]
340:25-5-320. Disagreement between non-custodial parent and custodial parent regarding amount of retained support [REVOKED]
340:25-5-321. AFDC sanctions for non-cooperation [REVOKED]
340:25-5-323. Money received as a result of recovery action counts as a IV-D AFDC collection [REVOKED]
340:25-5-324. Recovery of erroneous payments made to custodial persons (AFDC and non-AFDC) [REVOKED]
340:25-5-325. Credit for $50.00 disregards [REVOKED]
340:25-5-327. Repayment agreement - administrative error [REVOKED]
340:25-5-328. Recovery of overpayments from other entities
340:25-5-329. Informal meeting [REVOKED]
340:25-5-331. CSED Overpayment Unit responsibilities [REVOKED]
340:25-5-332. Processing of payments received pursuant to repayment agreements [REVOKED]
340:25-5-333. Withholding of money from support collected by CSED - non-AFDC cases only [REVOKED]
340:25-5-335. Status of recovery cases [REVOKED]
340:25-5-336. Inactive status and closure of overpayment recovery cases
340:25-5-337. Other types of overpayments [REVOKED]

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

340:25-5-338. Purpose
340:25-5-339. Central Case Registry

PART 39. ACCOUNTING AND DISTRIBUTION

340:25-5-345. Advice of deposit [REVOKED]
340:25-5-345.1. Accounting and fiscal policies and procedures
340:25-5-345.2. Definitions
340:25-5-346. Deposits by district and contract offices into local bank accounts [REVOKED]
340:25-5-347. Cash payments [REVOKED]
340:25-5-348. Insufficient checks [REVOKED]
340:25-5-349. Payments not logged [REVOKED]
340:25-5-350.1. Return of overcollected support amounts
340:25-5-350.2. Unreimbursed public assistance
340:25-5-350.3. Payment of support through Centralized Support Registry
340:25-5-350.4. Undistributed and pended issuance payments
340:25-5-351. Allocation and distribution of collections
340:25-5-352. Distributed payment adjustments
340:25-5-353. Monthly/Quarterly reports [REVOKED]

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

340:25-5-360. Claims processing [REVOKED]
340:25-5-361. Purchasing and Inventory [REVOKED]
340:25-5-67. Information disclosure

Revised 7-1-11

(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

(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 per OAC 340:25-5-67.1.

(b) **Authorized disclosure.** Information, when requested per OAC 340:25-5-68, may be shared with: 2

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

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

   (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: 4 & 5

(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 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 per 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 approved by a child support attorney. ■ 6

INSTRUCTIONS TO STAFF 340:25-5-67

Revised 7-1-11

1. (a) 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 OKDHS employee or agent. 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.

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

(1) any OKDHS employee or agent is reported by child support staff to the employee or agent’s supervisor; and

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

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

2. Release of information.

(a) 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.

(b) 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.

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

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

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

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

(d) 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.

(e) 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.

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

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

3. Parent Locator Service.

(a) 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.

(b) 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.

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

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

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

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

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


4. When a party to a child support case is represented by an attorney, per the Oklahoma Rules of Professional Conduct, (Chapter 1, Appendix 3-A of Title 5 of the Oklahoma Statutes), OCSS staff may not discuss the case with the party unless OCSS has the attorney's permission to communicate with the party. When a represented party contacts OCSS for information and OCSS has not received the attorney's permission to communicate with the party, OCSS may only release case information available in OCSS records, including:

(1) date and location of the next court hearing;

(2) status of service of process of pleadings on the other party in actions initiated by OCSS; and

(3) child support payment information and arrearage balance information.

5. When a party who appears in the record to be represented by counsel claims to be unrepresented, OCSS initiates contact with the attorney to confirm the status of the representation.
6. 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.
340:25-5-67.1. Family violence

Revised 7-1-11

(a) A family violence indicator is a designation placed on a participant in a IV-D or non-IV-D case by the Oklahoma Child Support Services program (OCSS) of the Oklahoma Department of Human Services (OKDHS) indicating the participant is associated with child abuse or domestic violence. The family violence indicator is used to restrict disclosure of the location of a participant who is reported to OCSS as being at risk of family violence.

(b) OCSS considers as reasonable evidence of family violence, and enters a family violence indicator on appropriate persons, when:

(1) a parent or custodian states that he or she or the child(ren) is at risk of emotional or physical harm from another person in the same child support case; or

(2) OKDHS has knowledge of a court-ordered protective order or other information that family violence exists.

(c) OCSS makes available to custodial persons and noncustodial parents Form 03EN008E, Family Violence - Address of Record Statement, to collect address of record information and explain how the information is used. The custodial person or noncustodial parent may use Form 03EN008E to:

(1) request that his or her home address, or location information, not be released to another parent or party in a child support case because release could result in family violence to the requesting person or his or her children; or

(2) designate an address of record per OAC 340:25-5-340. OCSS may release the address of record per OAC 340:25-5-340.1.

(d) The presence or absence of a family violence indicator on a case does not guarantee anyone's safety. OCSS is not liable for harm arising from the use or non-use of a family violence indicator.

(e) OCSS may remove a family violence indicator from a case participant when OCSS receives:

(1) a written request from the participant;

(2) information that the family violence indicator was entered in error; or
(3) a court order to remove the family violence indicator.

(f) Upon order of a court having the authority to make or enforce child custody or visitation determinations per Section 663 of Title 42 of the United States Code, OCSS may:

(1) request the federal Office of Child Support Enforcement to override a family violence indicator in a single instance; and

(2) authorize release of the person’s home address or location to the court.

(g) Interstate cases follow OAC 340:25-5-270.

INSTRUCTIONS TO STAFF 340:25-5-67.1

Revised 7-1-11

1. Child support staff follow the:

   (1) Child Support Manual, Volume 10 – Case Management, Address of Record and Family Violence chapter on the OCSS InfoNet;

   (2) federal Office of Child Support Enforcement (OCSE) Action Transmittal AT-08-11, available from the OCSE Web site at http://www.acf.hhs.gov/programs/cse/pol/AT/2008/at-08-11.htm; and

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

Revised 7-1-11

(a) Cooperation of custodial persons. The custodial person must cooperate with the Oklahoma Child Support Services (OCSS) program in establishing paternity or in establishing, modifying, or enforcing a support order per Section 654 of Title 42 of the United States Code and Section 264.30 of Title 45 of the Code of Federal Regulations. A custodial person receiving:

1. Temporary Assistance for Needy Families (TANF) must assign rights to support to the Oklahoma Department of Human Services (OKDHS) per Section 608 of Title 42 of the United States Code; and

2. non-TANF SoonerCare (Medicaid) benefits for minor child(ren) must assign medical support rights to the Oklahoma Health Care Authority (OHCA) per Section 433.146 of Title 42 of the Code of Federal Regulations.

(b) Noncooperation of custodial persons receiving TANF. When a custodial person fails to cooperate, OCSS reviews the case to determine noncooperation. If OCSS determines noncooperation, OCSS notifies OKDHS Family Support Services (FSS) staff in the appropriate human services center (HSC). OKDHS FSS staff in the contacted HSC update the computer document for noncooperation with OCSS and a computer-generated notice per OAC 340:65-5-1 is sent advising the recipient of any decrease in benefits due to noncooperation.

1. For OCSS to make a noncooperation determination on a TANF case, the cooperation must be essential for the next step in providing child support services, per OAC 340:10-10-5 and 340:10-10-7.

2. Noncooperation is indicated when the custodial person:

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

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

   (C) fails to comply with an order to submit oneself and the child(ren) to genetic testing to determine paternity;
(D) fails to appear as a witness at an administrative or district court hearing or other proceeding;

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

(F) fails to forward to OCSS all child support payments received from the noncustodial parent(s) or those received from entities other than the Centralized Support Registry;

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

(H) pursues private legal action affecting paternity, child support, medical support, or child care, or authorizes payments made other than through the Centralized Support Registry without giving OCSS notice and fails to keep OCSS informed of the status of the case.

(3) OKDHS FSS staff in the local HSC determine whether good cause for noncooperation with OCSS exists per OAC 340:10-10-6.

(c) Noncooperation of custodial persons on non-TANF SoonerCare (Medicaid) cases. When the OCSS district office receives an OHCA referral on a non-TANF or existing case update with a pending good cause indicator (PGC), OCSS district office makes the determination whether good cause exists for noncooperation per OAC 317:35-5-7.

INSTRUCTIONS TO STAFF 340:25-5-114

Revised 7-1-11

1. When an Oklahoma Child Support Services (OCSS) district office receives a non-Temporary Assistance for Needy Families (TANF) SoonerCare (Medicaid) referral or case update from the Oklahoma Health Care Authority (OHCA) with a pending good cause indicator, and the custodian is requesting IV-D services, the custodian must agree to cooperate with OCSS, except when the case contains good cause, per Section 654 Title 42 of the United States Code and OAC 317:35-5-7. OCSS district office follows the noncooperation procedures for good cause determination per OAC 340:25-5-114 ITS # 4.

2. (a) OAC 340:10-10-5(a) requires, as a condition of eligibility for TANF, applicants or recipients who are parents of the child(ren) in their custody to
cooperate with the Oklahoma Department of Human Services (OKDHS) to receive services. Custodial persons who are parents of the child(ren) receiving TANF benefits must cooperate with Oklahoma Child Support Services (OCSS). Other custodial persons receiving TANF benefits who are not parents of the child(ren), such as grandparents, aunts, or unrelated persons, are not subject to this requirement.

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

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

(d) When OCSS receives returned mail or is aware that the custodial person is not at the address used by FSS, child support staff do not report the custodial person as noncooperative. Instead, child support staff e-mail the FSS worker. The FSS worker is responsible for sending Form 08AD092E, County Client Contact and Information Request, to the custodial person and terminating TANF benefits if the custodial person fails to contact the FSS worker with a current address. If the TANF case is closed, child support staff may close the child support case per Section 303.11(b)(10) of Title 45 of the Code of Federal Regulations.

(e) When noncooperation with OCSS is determined, FSS staff in the human services center (HSC) reduce the family's cash assistance by 25 percent of the TANF payment standard per OAC 340:10-10-5.

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

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

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

3. Retaining private counsel or other services for support collection purposes is not in and of itself justification for a noncooperation referral.

4. (a) If child support staff have reason to believe the TANF custodial person has good cause for noncooperation with OCSS, the staff refer the custodial person to OKDHS FSS staff in the HSC for a good cause determination per OAC 340:10-10-6.

(b) The Instructions to Staff for OAC 340:10-10-6 explain the process FSS uses for determining good cause for noncooperation with OCSS after considering the OCSS recommendation on Form 08TA009E, Good Cause Report.

5. (a) OCSS district office staff build the case in the Oklahoma Support Information System (OSIS) as "Pending Good Cause Determination," and send the custodial person (CP) letter C11/03GN542E, Pending Good Cause Determination. This letter requests the CP return the required documentation to claim good cause within 14 days to the district office.

(b) Upon receipt of the CP's completed information and documentation, the district office staff make the determination of good cause. OCSS staff follow these good cause determination guidelines:

(1) has the noncustodial parent been abusive to the custodial person or the child(ren)?

(2) was the child conceived as a result of rape or incest?

(3) is the custodial person considering or has the CP decided to place the child for adoption?

(c) If the answer is "yes" to any of these questions, then good cause for noncooperation exists. The type of documentation necessary to make the
good cause determination includes:

(1) birth certificate, medical record, law enforcement report indicating a rape occurred, or that the child may have been conceived by rape or incest;

(2) court document indicating adoption proceedings occurred or are pending;

(3) written statement from public or licensed private social services agency indicating adoption proceedings are pending or are being considered;

(4) court, medical, child welfare, social services, psychological, or law enforcement record indicating physical or emotional harm inflicted by the noncustodial parent on the custodial person or child; or

(5) sworn statements from individuals other than the custodial person with knowledge of circumstances based on the good cause claim indicating there is a potential for physical or emotional harm from the noncustodial parent toward the custodial person or child(ren).

(d) If district office staff determine good cause exists, staff update the CCPU screen with good cause 'G,' close the case per Section 303.11(b)(10) of Title 45 of the Code of Federal Regulations, and send letter, C12/03GN543E, Good Cause Determination to the CP. OSIS sends the good cause determination to OHCA.

(e) If the CP fails to provide adequate good cause documentation or fails to respond to the Pending Good Cause Determination letter, the case is pursued as a full service case. The case remains open and district office staff update the CCPU with a 'Y.' OSIS sends an electronic submission to OHCA indicating OCSS is proceeding with the case.

(f) When district office staff determine good cause does not exist, letter, C13/03GN544E, Notice of Denial of Good Cause for Failure to Cooperate, is sent to the CP, and the district office continues working the case.

(g) The CP may dispute the good cause determination by providing additional information on the Notice of Denial of Good Cause for Failure to Cooperate letter and submitting supporting documentation to OCSS State Office Center for Operations (CO).
(h) CO forwards the CP's good cause request and information to the appropriate Regional Administrator (RA) for review. The RA confirms or reverses the district office's good cause determination and notifies the CP and district office staff accordingly.

6. When a CP on an existing OCSS non-TANF or Medical Enforcement Only case claims good cause for noncooperation in a district office, OCSS staff update the case in OSIS as Pending Good Cause, send letter, C11/03GN542E, Request for Determination of Good Cause for Failure to Cooperate, to the CP and follow the steps outlined in Instructions to Staff # 5 (e) – (h).

7. The penalty for noncooperation with OCSS by a custodial person who is a parent receiving non-TANF Medicaid benefits is the removal of the custodial person's Medicaid benefits from the case. There is no penalty for noncooperation with OCSS on child-only non-TANF SoonerCare (Medicaid) cases since no adults are included in the case.
340:25-5-117. Initiation of IV-D cases

Revised 7-1-11

(a) IV-A, IV-E foster care, non-TANF SoonerCare (Medicaid), and child care subsidy referrals.

(1) Oklahoma Child Support Services (OCSS) automatically initiates child support cases without additional application for certified IV-A, IV-E foster care, non-TANF (Temporary Assistance for Needy Families) SoonerCare (Medicaid), and child care subsidy referrals.

(2) Custodial persons who apply for non-TANF SoonerCare (Medicaid) on behalf of themselves and their child(ren) must assign medical support rights to the state per Section 1396k of Title 42 of the United States Code.

   (A) A referral from the Oklahoma Health Care Authority (OHCA) means receipt of data that includes verified information with no errors or duplications that is sufficient for OCSS to initiate a child support case.  ■ 1

   (B) These custodial persons must cooperate establishing paternity and obtaining medical support unless an exception exists per Sections 1396a(l)(1)(A), 1396k, or 1396r-6 of Title 42 of the United States Code.  ■ 2

   (C) OCSS must open a IV-D medical enforcement only case per OAC 340:25-5-169. OCSS may open a full-service case to provide all appropriate IV-D services per OAC 340:25-1-1.2 at the custodial person's request.  ■ 3

(3) When OCSS receives a referral from the Family Support Services (FSS) worker per OAC 340:40-7-9, OCSS must open a full-service case if any of the applicant's children in the household are certified for a child care subsidy.

(4) When OCSS receives a non-TANF SoonerCare (Medicaid) referral from the OHCA in which assigned court-ordered or cash medical support child support is owed, OCSS must open a full-service case per OAC 340:25-5-169.

(5) Custodial persons who apply for non-TANF SoonerCare (Medicaid) on behalf of their child(ren) only are not required to cooperate in establishing paternity and obtaining medical support. Therefore, except when (a)(3) of this Section applies, OCSS does not provide child support services unless the custodial person has made a request for a full-service case or the case is for medical enforcement only.  ■ 3
(b) **Termination of IV-A, IV-E foster care, and non-TANF SoonerCare (Medicaid) benefits.** When a family is no longer eligible for assistance under IV-A, IV-E foster care, or SoonerCare (Medicaid) programs, all appropriate IV-D services continue without application per Section 302.33 of Title 45 of the Code of Federal Regulations. Non-TANF SoonerCare (Medicaid) cases previously limited to medical support continue as full-service cases. If a custodial person refuses continued IV-D services and subsequently requests services, the person must submit a completed and signed Form 03EN001E, Application for Child Support Services, even if OCSS has an active case because of unreimbursed assistance owed to the state.

(c) **Referrals from other jurisdictions.** OCSS accepts cases referred:

1. by any state or tribal IV-D agency and from other countries when the noncustodial parent resides in Oklahoma. OCSS does not require an application for cases referred from another IV-D agency;

2. by interstate referrals for judgment only collections if the case was opened in the initiating state during the minority of any child on the case; and

3. when Oklahoma is an appropriate jurisdiction to establish, enforce, modify, or determine the controlling order per the Uniform Interstate Family Support Act in Sections 601-101 through 601-901 of Title 43 of the Oklahoma Statutes, whether or not the noncustodial parent resides in Oklahoma.

(d) **Responses from noncustodial parents who sign an acknowledgment of paternity.** OCSS opens full-service cases for noncustodial parents who have filed Form 03PA209E, Acknowledgment of Paternity, with the Oklahoma State Department of Health, Division of Vital Records, and requested child support services by completing and signing Form 03EN001E in response to outreach letters sent to them.

(e) **Other IV-D cases.** Except as provided in (a), (c), and (d) of this Section, an applicant must submit a completed and signed Form 03EN001E to receive all appropriate child support services or locate only services.

**INSTRUCTIONS TO STAFF 340:25-5-117**

Revised 7-1-11

1. OCSS staff are not authorized to select and update Oklahoma Health Care Authority Agency View with the primary care provider unless the SoonerCare (Medicaid) client has advised OCSS what provider to add.
2. The exceptions to the cooperation requirement include:

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

   (2) persons receiving continued medical benefits;

   (3) persons receiving family planning services only; and

   (4) persons with good cause.

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


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

340:25-5-123. Case closure system

Revised 7-1-11

(a) Except as provided in (b) and (c) of this Section, Oklahoma Child Support Services (OCSS) closes cases eligible for closure per Section 303.11 of Title 45 of the Code of Federal Regulations (CFR). ■ 1

(b) A child support case may not be closed when there is a pending paternity, establishment, or modification action filed with the court by OCSS and the non-applicant has been served, unless the pending action is withdrawn or dismissed at the discretion of the OCSS state's attorney. ■ 2 & 3

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

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

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

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

(2) The custodial person is participating in the Oklahoma Department of Human Services (OKDHS) Child Care Subsidy Program, is not receiving Temporary Assistance for Needy Families (TANF) or non-TANF SoonerCare (Medicaid), requests closure, and (A) and (B) of this paragraph apply.

(A) There is a child support order.

(B) The custodial person is receiving the full amount of the current monthly child support obligation and has reported to the person's Family Support Services worker receipt of this child support income. ■ 4

(3) The custodial person is participating in the OKDHS Child Care Subsidy Program, is receiving non-TANF SoonerCare (Medicaid) benefits for a child(ren) only, requests closure, and all the criteria in (2) of this subsection apply. ■ 1 & 5

(4) The noncustodial parent is receiving Supplemental Security Income, has no income or assets to pay arrears, and the child support order is set at or modified to $0 per month due to the parent's disability and lack of income.
(d) A child support case may be closed when the custodial person receives non-TANF SoonerCare (Medicaid) child-only benefits when:

(1) the case is received from Oklahoma Health Care Authority as a referral, but OCSS learns the custodial person desires to decline child support services and no service of process is initiated on a legal action filed by OCSS to establish or enforce the child support order, including the medical support portion; or

(2) the custodial person:

(A) cannot be located per Section 303.11(b)(10) of Title 45 of CFR; or

(B) fails to cooperate and an action by the custodial person is essential for the next step in providing child support services per Section 303.11(b)(11) of Title 45 of CFR.

(e) When OCSS closes a non-public assistance child support case, OCSS terminates the Order/Notice to Withhold Income for Child Support with the employer per OAC 340:25-5-201.1.

(f) Per Section 302.33 of Title 45 of the CFR when IV-A TANF, IV-E foster care, and non-TANF SoonerCare (Medicaid) services are discontinued, OCSS notifies the recipient that OCSS maintains a full-service child support case unless the custodial person declines services in writing. If the custodial person declines services in writing, OCSS closes the case. If the custodial person fails to respond, OCSS maintains a full-service child support case.

INSTRUCTIONS TO STAFF 340:25-5-123

Revised 7-1-11


2. OCSS may withdraw or dismiss a pending action at the state's attorney's discretion if the withdrawal or dismissal is in the best interest of the child.

3. OCSS does not close a case only because the applicant moves out-of-state.

4. (a) Child support staff must manually review the OCSS CP Day Care Closure
(CSDCC) screen on the automated Oklahoma Support Information System (OSIS) to determine if the amount of child support income in the F95 block on the EF screen of the automated Family Support Services Division (FSSD) PS2 system is equal to or greater than the child's court-ordered monthly child support amount on the Obligation Current Support Inquiry (OBCSI) screen.

(b) If the amount in the F95 block is equal to or greater than the amount on the OBCSI screen, a message, "ENTER 'X' TO CLOSE CASE," appears on the CSDCC screen allowing child support staff to close the case if the criteria in subsection (c) of this rule are met.

(c) If the amount per child in the F95 block is less than the court-ordered amount, the message "IF FSSD HAS VERIFIED CHILD SUPPORT INCOME, ENTER 'X' TO CLOSE CASE" appears. Child support staff must e-mail the Family Support Services (FSS) worker and the Field Operations Division county director to report the discrepancy and request verification of the monthly amount of child support income reported by the custodial person to the FSS program worker.

(d) Child support staff must document on the Case Log Add (CSLOGA) screen when the e-mail was sent to the FSS program worker. When the FSS program worker e-mails child support staff confirming the monthly amount of child support income reported by the custodial person, child support staff may close the child support case if the criteria in subsection (c) of this rule are met. Child support staff must document on CSLOGA when the FSS program worker e-mailed them and the information provided.

5. (a) OCSS does not close a child support case in which a custodial person is receiving a child care subsidy referral at the custodial person's request, except per OAC 340:25-5-123(c)(2).

(b) When OCSS receives a payment on a non-TANF SoonerCare (Medicaid) benefits only case, child support staff process the case as described in (1) through (3).

(1) District office staff:

(A) resolve the payment on OSIS in the OCSS Undistributed Payments Select Menu (UNDL) screen by using the OCSS Financial Notes Add (UNDR) screen and coding the payment with a 'W' resolution indicator and a note that the payment is a non-IV-D pass through; and
(B) close the case on OSIS with the closure codes 04/01 that converts the case to a non-IV-D pass through case to allow future payments to automatically pass through to the custodial person.

(2) Center for Finance and Budget staff log the payment for issuance to the custodial person as a non-IV-D pass through case per OAC 340:25-5-350.3.

(3) District office staff review the child support order for a medical support provision per OAC 340:25-5-168 and, if there is no such provision:

(A) re-open the child support case to obtain a modification of the child support order to include a medical support provision, document medical insurance actually provided, and/or issue a National Medical Support Notice to an existing employer per OAC 340:25-5-171;

(B) update OSIS with this information; and

(C) close the case with OSIS closure codes 04/01.

6. Child support staff follow the Child Support Training Minute: Case Initiation on Resolving Erroneous and Duplicate Referral Information from the Oklahoma Health Care Authority for the process to close the case, update the referral to the appropriate level of child support services, or to remove the referral by indicating that child support services have been declined. Child support staff access the Child Support Training Minute on the Oklahoma Child Support Services (OCSS) InfoNet Home page.

7. Examples of appropriate and not appropriate for noncooperation in a child-only SoonerCare (Medicaid) case include, but are not limited to:

(1) appropriate: when the custodial person refuses to bring the child in for court-ordered genetic testing despite multiple notices to do so. The case may be closed because genetic testing, when ordered, is an essential next step for establishing paternity per OAC 340:25-5-114 Instructions To Staff #2 for noncooperation.

(2) not appropriate: when the noncustodial parent has requested a review of the order, but the custodial person fails to appear at the modification hearing after having been served with notice. The court enters an order imputing income to the custodial person despite the custodial person’s failure to appear. The case may not be closed because OCSS was able to
proceed with the modification without the custodial person's appearance per OAC 340:25-5-114 ITS 2(c).
340:25-5-124.2. Tribal case referral of cases to an Oklahoma tribal child support office

Revised 7-1-11

(a) Definitions. The following words and terms, when used in this Section, have the following meanings:

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

(2) "Tribal child support office program" means a federally recognized comprehensive IV-D child support program in Oklahoma.

(b) Scope. The tribal child support programs:

(1) provide child support services to tribal members as outlined in their tribal codes; and

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

(c) Tribal case referrals from Oklahoma Child Support Services (OCSS) to tribal child support programs.

(1) Per OAC 340:25-5-124, Oklahoma's Interstate Central Registry and Oklahoma's Centralized Support Registry, also known as the State Disbursement Unit, assign to a district child support office incoming interstate referrals, Form 03EN001E, Application for Child Support Services, and Form 03AD020E, Request for Paternity Testing and Services Notice of Applicant Responsibilities, with a:

(A) Native American noncustodial parent;

(B) tribal child support order; or

(C) tribal employer.

(2) OCSS retains cases with tribal members and tribal child support orders unless:
(A) the applicant of the OCSS case applies for child support services with a tribal child support program, and the OCSS case meets the eligibility requirements as determined by the tribal child support program; ■ 5

(B) the noncustodial parent is a tribal employee, and the employer refuses to honor the OCSS income withholding order; or

(C) the child is in a deprived or delinquent juvenile court case in tribal court and not subject to a state court deprived or delinquent juvenile action.

(3) Upon confirmation from a tribal child support program that the OCSS case applicant has applied for tribal child support services and there is no pending litigation, the district office provides copies of relevant documents from the district office case file to that tribal child support program and retains the district office case file.

(4) OCSS maintains a case record when state assistance is being provided to the child or assistance has been provided in the past and there is assigned child support or cash medical support owed per OAC 340:25-5-117. ■ 6 through 8

(d) **Tribal case referrals from tribal child support programs to OCSS.** OCSS accepts case referrals from a tribal child support program when:

1. there is lack of jurisdiction to proceed in the tribal court system;
2. a current customer with a tribal child support program applies for services with OCSS; or
3. a noncustodial parent leaves tribal employment and the applicant on the former OCSS case does not apply for services with the tribal child support program.

(e) **Registration of tribal child support orders.** OCSS registers tribal child support orders in state courts per The Full Faith and Credit for Child Support Orders Act (FFCCSOA) in Section 1738B of Title 28 of the United States Code and may establish and enforce a child support order in tribal or federal courts outside the tribal programs' service area. ■ 1

**INSTRUCTIONS TO STAFF 340:25-5-124.2**

Revised 7-1-11

1. (a) The Full Faith and Credit for Child Support Orders Act (FFCCSOA) is found
in Section 1738B of Title 28 of the United States Code. It requires courts of all United States territories, states, and tribes to accord full faith and credit to a child support order issued by another state or tribe that properly exercised jurisdiction over the parties and the subject matter. As described in the federal Office of Child Support Enforcement (OCSE) Action Transmittal AT-02-03, this includes registering, for enforcement or modification purposes, state child support orders in tribal courts or Courts of Indian Offenses. AT-02-03 is available from the OCSE Web site at http://www.acf.hhs.gov/programs/cse/pol/AT/2002/at-02-03.htm.

(b) Oklahoma Child Support Services (OCSS) accepts and reassigns cases returned from tribal child support programs when:

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

(2) the tribal child support program determines there is not an enrolled member of a federally recognized Indian tribe in the tribal child support program service area;

(3) there is no tribal or federal court order and the non-Native American custodial person requests that the case be referred back to OCSS;

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

(5) the applicant in the tribal child support program case applies for child support services with OCSS.

2. OCSS may request a tribal program’s assistance to obtain service of process for a person who resides on tribal land or for issuance of an income assignment to a noncustodial parent who is employed with the tribe or in other extenuating case circumstances. Staff contact their district office tribal liaison for assistance from a tribal program.

3. Tribal nations in Oklahoma that have tribal programs are the Chickasaw Nation, Cherokee Nation, Osage Nation, Kaw Nation, Muscogee (Creek) Nation, Ponca Nation, Modoc Tribe, and the Comanche Nation.

4. OCSS retains tribal cases when there is a deprived or delinquent state juvenile court action and the child is placed in the custody of a Native American.
5. Prior to case referral, OCSS staff contact and confirm in writing with staff in
the tribal child support program that a case meets their tribal code
jurisdictional requirements, including, but not limited to, member enrollment,
tribal employee status, residing on tribal land, existence of a tribal order, or
tribal deprived or delinquent juvenile court case.

6. If an Oklahoma tribal child support program uses the Oklahoma Support
Information System (OSIS), the case remains in an active open status. OCSS
child support staff change the office code to the appropriate tribal child
support numeric office code and document case actions on the OSIS Case
Log Add (CSLOGA) screen.

7. Staff follow the procedures detailed in the Oklahoma Child Support Tribal
Transfer and Referral Guide found on the OCSS InfoNet Library page and in
Outlook Public Folder OCSS All/Tribal.

8. When the tribal child support program is not from Oklahoma or using OSIS as
their case management system, staff initiate an intergovernmental referral on
the Referral Add (REFA) screen on OSIS using the assigned tribal FIPS code.
Tribal FIPS codes are found in the Oklahoma Child Support Tribal Transfer
Referral Guide found on the OCSS InfoNet Library page and in Outlook Public
Folder OCSS All/Tribal.
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) **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) **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) **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) **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:  ■ 5

(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.

(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 7-1-11**

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 per 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 (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 the stage of the deprived action;

(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 does 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/OHCA Referral Listing (RFLI) screen or notify the receiving office by e-mail if the referral is 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/OHCA Referral Listing (RFLI) screen or notify the receiving office by e-mail if the referral is 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 is 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. 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 files the amended orders with the deprived court and sends the orders to the district office that serves the county where the mother resides for docketing in that district court.

6. 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.
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) 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 7-1-11

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

2. **(a) Arrears** are calculated and added to the case without waiting 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.

   **(b) Child support staff file an action to determine arrears when:**

   (1) both parties respond and there is a dispute as to the arrears amount; and
(2) the noncustodial parent requests credit for non-cash support and the custodial person does not agree. Child support staff file the action without including credit for the non-cash support.

(c) When the noncustodial parent fails to return the affidavit of payments, arrears are calculated and added to the case after 30 days.

(d) When only the noncustodial parent returns the affidavit of payments, child support staff:

(1) contact the custodial person to verify the information provided by the noncustodial parent;

(2) enforce current support only from the date the obligation is built;

(3) file an action to determine arrears; and

(4) review the case for non-cooperation and case closure when appropriate.

(e) When neither party returns the payment affidavits, child support staff do not calculate arrears or add arrears to the case and enforce current support only from the date the obligation is built.

3. Child support staff follow the Guide to the Servicemembers Civil Relief Act (SCRA), available from the 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 the custodial person may not make a claim for the waived child support amounts in the future.
340:25-5-140.1. Interest

Revised 7-1-11

(a) **General.** Oklahoma Child Support Services (OCSS) collects and enforces interest on delinquent Oklahoma court-ordered child support payments per Section 114 of Title 43 of the Oklahoma Statutes.

(b) **Support for a prior period.** OCSS collects interest on support for a prior period per OAC 340:25-5-179.1 from the date of the order. ■ 1

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

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

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

(d) **Grace period and accrual.** OCSS may allow a grace period when interest is not charged. Interest accrues from the date the arrears are in excess of one month's current support. ■ 3

(e) **Interest on cash medical support.** OCSS does not calculate or collect interest on unpaid cash medical support.

(f) **Servicemember relief.**

   (1) Upon a servicemember's written request, an interest rate cap of six percent applies to child support arrearages of members of the military service incurred prior to the start of military service per Section 527 of Title 50A of the United States Code. ■ 4

   (2) The servicemember must provide a written request for reduced interest and a copy of the military orders calling the servicemember to service and any orders further extending military service to OCSS no later than 180 days after the date of the servicemember's termination or release from military service.

   (3) Upon receipt of these documents, OCSS applies the six percent interest rate to child support arrearages existing as of the date when the servicemember is called to military service and throughout the active military service.
(4) OCSS may initiate a court action to challenge the claim that the servicemember’s military duty has materially affected his ability to pay an interest rate over six percent. 

(g) Interest rate.

(1) OCSS calculates simple interest per Section 114 of Title 43 of the Oklahoma Statutes.

(2) For orders established in other states, the law of the state entering the order determines the amount and rate of interest due until a determination of controlling order is made.

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

(4) When there are multiple child support orders and Oklahoma is determining the controlling order, OCSS determines the rate of interest charged per Section 601-604 of Title 43 of the Oklahoma Statutes.

(h) Order silent as to interest. When an order that settles or determines a past-due child support amount is silent as to interest, the party with the right to collect has not waived the interest.

(i) Enforcement. Accrued interest is considered child support. Interest is included in enforcement remedies.

(j) Incoming interstate cases. In the absence of an Oklahoma order, OCSS collects interest on incoming interstate cases when an initiating state calculates the interest owed and requests that OCSS collect it.

(k) Outgoing interstate cases. Before requesting a responding state to enforce a child support order(s) entered in a state other than the responding state, OCSS calculates the arrears including the accrued interest claimed.

(l) Application of payments to interest. OCSS applies payments to interest per OAC 340:25-5-351.

(m) Waiver of interest. OCSS acknowledges the rights of the custodial person and noncustodial parent to mutually agree to waive, with approval of the court, all or a portion of the interest due to the custodial person. OCSS may negotiate the right to collect all or part of the interest owed to the State of Oklahoma. Settlements of interest
must be memorialized in a court order and may include:

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

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

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

(B) non-cash support.  ■ 12

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

INSTRUCTIONS TO STAFF 340:25-5-140.1

Revised 7-1-11

1. Orders for support for a prior period are obtained in paternity and notice of support debt cases per OAC 340:25-5-179.1. Support for a prior period is defined per OAC 340:25-1-1.1.

2. Child support staff attempt to calculate interest from the accrual date in the original child support obligation, unless interest has been calculated and included in a judgment provision in a subsequent order. Child support staff use Form 03EN002E, Affidavit of Child Support Payments Received, to obtain child support payment information from a custodial person.

   (1) When child support staff do not have information on how a judgment was determined or on the amount of past-due child support accrued prior to when Oklahoma Child Support Services (OCSS) opened the child support case, child support staff mail the Interest Disclosure Notice document to the custodial person to gather this information and determine the calculation period. The Interest Disclosure Notice is available from the OCSS InfoNet Library page.

   (2) If the custodial person fails to supply the information within two weeks or the information is not available, child support staff update the automated Oklahoma Support Information System (OSIS) with interest balances that have accrued on child support arrearages from the date adequate payment documentation exists. Child support staff include the amount and time period of the interest accrued on the child support judgment in the child support order.
3. Grace periods are intended to accommodate obligors who pay by income assignment, but they apply to all obligors.

4. Any arrearage incurred after the date the servicemember is called to active military service accrues interest at the statutory rate of ten percent.

5. OCSS challenges the six percent interest rate if the servicemember is earning as much income in the military service as in non-military service.

6. See Phillips v. Hedges, 2005 OK 77, that interprets Section 114 of Title 43 of the Oklahoma Statutes as meaning simple interest is applied to delinquent child support payments.

7. When using the one-state process to enforce an order established in another state, it is the responsibility of child support staff to calculate interest using the interest rate of the state that established the order, also known as the issuing state.

8. (a) When there is no initiating state, child support staff calculate the interest due on all existing child support orders in an action to enforce those arrears, even if the order was entered in another state.


   (c) To determine the current applicable interest rate for orders from other states, child support staff may use the reconciliation calculator provided in DCL-03-27, or the OCSE online Intergovernmental Referral Guide on the Internet at http://www.acf.hhs.gov/programs/cse/newhire/irg/irg.htm.

   (d) Child support staff consult with the district office state's attorney to determine if the interest rate has changed during the period when the arrears accrued.

9. OCSS requests that an Oklahoma court determine the accrued principal and interest and registers that order with the responding state for enforcement when:

   (1) Oklahoma asks another state to enforce arrears due under an Oklahoma child support order; and
(2) service of process is obtained on all parties.

10. If the settlement or waiver is silent or ambiguous as to interest, OCSS staff consult the state's attorney for the steps to determine the intent of the parties as to settlement or waiver of principal and interest arrearage balances. This includes contacting the parties to determine their intent, memorializing the agreement, and may include filing an action to determine the total principal and interest arrearage amount.

11. When using the two-state process in interstate cases, it is the responsibility of the initiating state to calculate whether the noncustodial parent has paid all current support, arrears, and interest under the law of the state that issued the order. [43 O.S. § 601-604]

12. Waiver of interest.

   (1) Child support staff use the Custodial Person's Waiver of Interest in Conjunction with a Settlement legal settlement document on OSIS.

   (2) Child support staff include in the court order settlement terms of the waiver of interest. The district office state's attorney must approve all settlements of interest owed to Oklahoma.
340:25-5-168. Establishment of medical support

Revised 7-1-11

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

(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.

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

(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.

(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 ordered to provide health insurance.

(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).
(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 in compliance with Oklahoma Insurance Department per OAC 365:10-5-3(14) and 10-5-5(f). Limited Insurance Coverage per OAC 365:10-5-5(k) does not satisfy this requirement. 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 when:

(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 seeks:

(A) an order for the parent to provide health insurance when insurance is provided through the spouse of a parent; or

(B) 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 per 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 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, 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) prorating 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 per OAC 340:25-5-179.1.

(6) In a child support modification action, OCSS requests a cash medical support order be effective the first day of the month following the date the modification order is entered.

(j) 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 ten 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 ten 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 ten-day time period; or

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

(5) OCSS does not proceed with a separate termination of cash medical support when the child support and medical support order is modified within 30 days of notification that the child(ren) is enrolled in health insurance.

(6) When a cash medical support order is terminated within a modification action, OCSS requests the termination become effective the date of filing of the Motion to Modify or the date if later, when the child was actually enrolled in the insurance.

(k) Fixed medical costs. When 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 IHS 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.

(n) **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 per 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 7-1-11

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. (a) 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;

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

   (3) available health coverage that only meets the definition of:

      (A) a Limited Benefit Health Insurance Coverage; or

      (B) a policy with an excessive deductible and co-payment amount.

(b) Child support staff follow the Child Support Manual, Medical Support
chapter for information on deductible and co-payment amounts. Child
support staff access the Child Support Manual on the OCSS InfoNet Home page.

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

(c) Examples of cases when termination of cash medical support is appropriate include when OCSS staff receive notice that:

  (1) a parent's employer has enrolled the child in health insurance;

  (2) 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) 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 7-1-11

(a) **Medical enforcement only (MEO) status.** When a person receiving non-TANF (Temporary Assistance for Needy Families) SoonerCare (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.

(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 per OAC 340:25-5-198.1 and seeks a modified order including 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 reasonable in cost.

(c) **Exception to MEO status.** OCSS opens a full-service case when OCSS receives a non-TANF SoonerCare (Medicaid) referral, as defined in OAC 340:25-5-117, from the Oklahoma Health Care Authority and:

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

(4) the custodial person is a child care subsidy recipient. ■ 1 through 3

INSTRUCTIONS TO STAFF 340:25-5-169

Revised 7-1-11

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 is ordered for the child(ren), OCSS staff update the case as an MEO case upon the custodial person's request.

3. When OCSS establishes a child support order with a medical support provision for cash medical support greater than $0 assigned to the Oklahoma Health Care Authority per OAC 340:25-5-117, OCSS staff must not update the case as an MEO case.
340:25-5-178. Establishment of current child support

Revised 7-1-11

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

(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 per Section 120 of Title 43 of the Oklahoma Statutes.

(c) Per 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 per 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 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 per 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, unless it is otherwise inappropriate, OCSS uses the greater of imputed gross income for the minor parent(s) based on minimum wage at 20 hours per week, or actual income.

(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 per 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 per 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 order that the child support obligation begin
the first day of the month following a lapse of 45 days from release from incarceration. OCSS requests the court reserve the amount of child support for the time period prior to the entry of the court order as per OAC 340:25-5-179.1 through the time of incarceration to the date the current child support obligation begins. ■ 12

(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. ■ 13

(m) OCSS does not impute gross income to a person who has been determined disabled by the Social Security Administration. ■ 3 & 5

(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. ■ 14 & 15

INSTRUCTIONS TO STAFF 340:25-5-178

Revised 7-1-11

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 per 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. Refer to 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 per 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 a Social Security Administration award letter or a physician's statement affirming the:

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

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

6. Child support staff access the Guidelines screen (GLS) on the OCSS automated Oklahoma Support Information System. Child support staff may also use Form 03EN025E, Child Support Computation, and its child support guidelines computation form completion instructions are available from the Oklahoma Department of Human Services (OKDHS) Internet at http://www.okdhs.org.


8. (a) 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.
(b) 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.

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

(A) the actual monthly gross income; or

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

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

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

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

(3) 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:

(A) the parent's actual income; or

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

9. When a custodial person is participating in the OKDHS Child Care Subsidy Program, child support staff use the child support guidelines computation form for child care subsidy cases.

10. (a) Child support staff request the court 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 request the court 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 supersedes 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. (a) In an incarcerated noncustodial parent's order, OCSS staff calculate a sum certain under the child support guidelines for the current child support obligation and requests the court order that amount to begin the first day of the month following a 45 day lapse after the noncustodial parent is released from incarceration. OCSS staff update the obligation on the OSIS Obligation (OBLN) screen as "P" for pending, but does not update the order as "A" for active.

(b) For example, a child is born January 28, 2003. OCSS files a paternity action April 1, 2008. The court entered an order on June 1, 2008. Current support for one child is calculated at $212 per month beginning on the first
day of the month following a 45 day lapse after the noncustodial parent is released from incarceration. Judgment for support from April 2003, forward is reserved. The noncustodial parent is released from incarceration August 1, 2010. Current support begins October 1, 2010. OCSS may request a judgment for the reserved time period of April 2003, through September 2010.

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

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

   (2) appearance in court actions;

   (3) stays of court; and

   (4) default orders.

14. 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.

15. 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:

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

Revised 7-1-11

(a) The Oklahoma Child Support Services (OCSS) establishes support for a prior period.

(1) When paternity is being established by court order or when paternity has been previously established by a signed Form 03PA209E, Acknowledgment of Paternity, OCSS establishes current support and support for a prior period at the same time per Sections 83 and 7700-636 of Title 10, Sections 118 and 119 of Title 43, and Section 238.6B of Title 56 of the Oklahoma Statutes. ■ 1

(2) When a child(ren) is born during a marriage and no order addressing support for a prior period exists, OCSS establishes support for a prior period per Sections 118 and 119 of Title 43 and Section 238.1 of Title 56 of the Oklahoma Statutes. ■ 1

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

   (i) current child support is sought; and

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

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

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

(c) OCSS does not establish an order for support for a prior period on an incarcerated noncustodial parent. OCSS requests the court reserve the amount of child support for the time period prior to the entry of the court order through the time of incarceration to the date the current child support obligation begins per OAC 340:25-5-178.

(d) When OCSS establishes an order for 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. ■ 2

(e) When the noncustodial parent is a current TANF or Supplemental Security Income (SSI) recipient and:

   (1) OCSS has information that the noncustodial parent had no obligation based on the child support guidelines for the prior time period, OCSS requests the court set the judgment at $0; or

   (2) OCSS determines that a debt may be owed for a prior period, OCSS requests the court reserve the issue of support for a prior period until the noncustodial parent is no longer receiving TANF or SSI.

INSTRUCTIONS TO STAFF 340:25-5-179.1

Revised 7-1-11

1. In all cases, child support staff request the court set a periodic payment plan to collect support for a prior period.

2. Child support staff follow the Guide to the Servicemembers Civil Relief Act (SCRA), available from the Oklahoma Child Support Services InfoNet, for procedure regarding:

   (1) waivers of rights and protection per SCRA;

   (2) appearance in court actions;

   (3) stays of court; and

   (4) default orders.
340:25-5-198.1. Review of a child support order

Revised 7-1-11

(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 per 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 is temporary.
(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, per 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 the support order should be modified.  ■ 4

(h) Modification after review. OCSS staff follow OAC 340:25-5-198.2 to determine if the child support order is 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 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.  ■ 6
(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) per 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 per 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 7-1-11

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 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 is receiving Social Security Administration disability...
benefits;

(4) a child reaching the age of majority per Section 112 of Title 43 of the Oklahoma Statutes;

(5) changes in child care expenses; or

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

(A) the cost of health insurance;

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

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

(D) health insurance is not accessible; or

(E) 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 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; or

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

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 which forms to send to a responding state to request a modification. Prior to transmitting documents to a responding state, OCSS calculates past child support, including interest; obtains certified copies of orders and requires parties to complete any necessary documents. OCSS uses the documents in
340:25-5-198.2. Modification

Revised 7-1-11

(a) **Authority for modification.** Oklahoma Child Support Services (OCSS) may initiate modification of a child support order per 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 is 20 percent higher or lower than the existing order;

2. there is a change in physical custody verified per OAC 340:25-5-201.1;

3. the original order fails to set child support according to the guidelines; or

4. one of the parents is 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 SoonerCare (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 per 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 is inappropriate due
to family violence and a cash medical order is appropriate per 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.

(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 per 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 per 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 per OAC 340:25-5-198.1.

(4) When cash medical support is ordered as part of a modification action, OCSS requests that a cash medical support order be effective the first day of the month following the date the modification order is entered.

INSTRUCTIONS TO STAFF 340:25-5-198.2

Revised 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.
340:25-5-203.1. Collection from lottery prize winnings

Revised 7-1-11

(a) Oklahoma Child Support Services (OCSS) files claims with the Oklahoma Lottery Commission against lottery prize winnings per Section 724.1 of Title 3A of the Oklahoma Statutes to collect:

(1) child support arrearages, child support judgments and interest thereon, past-due alimony, and judgments for child care costs and medical expenses; and

(2) overpayments established by OCSS per OAC 340:25-5-305 and 340:25-5-312.

(b) OCSS files a claim for cases in which at least $150 in past-due support or overpayment is owed.

(c) Within five days after filing a claim with the Oklahoma Lottery Commission, OCSS sends a notice by regular mail to the noncustodial parent. The notice includes:

(1) that a claim has been filed with the Oklahoma Lottery Commission;

(2) the basis for the claim;

(3) that the noncustodial parent has the right to contest the claim by requesting in writing an administrative review within ten days of the date on the notice from OCSS; and

(4) that the administrative review is granted only on the grounds of:

(A) a mistake of identity; or

(B) the amount of arrearage or judgment is incorrect.

(d) After the administrative review, OCSS issues a notice of administrative review decision and information about requesting an administrative hearing. The noncustodial parent may request in writing a hearing within 20 days after the date of the administrative review decision.

(e) Upon timely receipt of a written request for an administrative hearing, OCSS schedules the matter for an administrative hearing before the Office of Administrative Hearings: Child Support (OAH). OAH conducts a hearing and enters an order determining the contested issues.
(f) If the noncustodial parent settles the arrearage or judgment with OCSS before expiration of the 30-day administrative review period as per OAC 340:25-5-200.1, OCSS notifies the Oklahoma Lottery Commission in writing or by electronic media that the claim has been released.

INSTRUCTIONS TO STAFF 340:25-5-203.1

Revised 7-1-11

1. Child support staff send notices to the noncustodial parent at the most recent address in the Oklahoma Support Information System (OSIS), whether the address has been verified.
340:25-5-215. Collection of past-due support from federal tax offset

Revised 7-1-11

(a) Oklahoma Child Support Services (OCSS) requests collection of child support debts from federal income tax refunds. This program is governed by:

   (1) Section 664 of Title 42 of the United States Code; and

   (2) Section 285.3 of Title 31, and Sections 302.60 and 303.72 of Title 45 of the Code of Federal Regulations.

(b) A custodial person receiving a payment under this program must return the payment if the Internal Revenue Service (IRS) makes an adjustment within six years following the end of the tax year for which the refund was paid. Any adjusted amount not returned by the custodial person is an overpayment and subject to recovery under Part 37 of this Subchapter.

(c) If an offset is made to satisfy non-TANF past-due support from a refund based on a joint return, OCSS delays issuance of the funds for a period of time not to exceed six months from the notice of deposit.

(d) Collections received by a IV-D agency as a result of a federal income tax refund intercept must be distributed as past-due support per Section 657 of Title 42 of the United States Code.

INSTRUCTIONS TO STAFF 340:25-5-215

Revised 7-1-11

1. Collection from federal income tax refunds.


refund offset.
340:25-5-235. Collection of past support and overpayments from state tax refund offset

Revised 7-1-11

(a) The Oklahoma Department of Human Services through Oklahoma Child Support Services (OCSS) requests collection of overpayments and past child support, including interest, and spousal support from state tax refund offset. The state tax offset program is governed by:

(1) Section 303.102 of Title 45 of the Code of Federal Regulations;

(2) Sections 205.2 and 205.3 of Title 68 of the Oklahoma Statutes; and

(3) Sections 11-6 through 11-11 of Chapter 50 of Title 710 of the Oklahoma Administrative Code.

(b) When an offset is made to satisfy non-TANF past-due support from a state tax refund, OCSS delays issuance of the funds for a period of 45 days from the notice of deposit.
340:25-5-270. Interstate cases

Revised 7-1-11

(a) **Legal base.** When referring and processing interstate IV-D cases, Oklahoma Child Support Services (OCSS) is governed by:

1. the Uniform Interstate Family Support Act as provided in Sections 601-100 through 601-901 of Title 43 of the Oklahoma Statutes;
2. Section 240.9 of Title 56 of the Oklahoma Statutes;
3. Sections 1738B of Title 28 and 549A, 654, 659A, and 666 of Title 42 of the United States Code; and
4. Sections 302.36 and 303.7 of Title 45 of the Code of Federal Regulations.

(b) **Interstate central registry.** OCSS operates an interstate central registry per Section 303.7 of Title 45 of the Code of Federal Regulations.

(c) **Forms.** OCSS uses forms issued by the Secretary of the United States Department of Health and Human Services per Section 652 of Title 42 of the United States Code as applicable for processing interstate cases.

(d) **Communication.** When:

1. Oklahoma is the initiating state, OCSS obtains information and communicates with the custodial person;
2. Oklahoma is the responding state, OCSS communicates to the initiating state with which OCSS has established a case; or
3. OCSS receives written communication from a party or a party's attorney, OCSS sends copies to the appropriate agency or person within two business days of receipt, as required by Section 601-307 of Title 43 of the Oklahoma Statutes.

(e) **Family violence and nondisclosure.** When Oklahoma is the initiating state and a party claims family violence, OCSS does not release the physical address of the party without a court order. OCSS:

1. enters the address of record, if designated, or the district office's address instead of the physical address of the party requesting nondisclosure on the Child Support
Enforcement Transmittal # 1, Initial Request, and on the General Testimony, if applicable;

(2) does not file the interstate transmittal forms with the tribunal;

(3) does not release a copy of the interstate transmittal form to the other party per OAC 340:25-5-67; and

(4) seeks an order from the appropriate tribunal regarding release of the information when the responding state or a party requests release of specific identifying information per Section 601-312 of Title 43 of the Oklahoma Statutes. ■ 5

(f) Services provided. Except as provided in paragraphs (1) through (4), OCSS processes interstate cases in the same manner as intrastate cases. OCSS processes intrastate cases per OAC 340:25-1-1.2.

(1) Evidence. If one of the parties is a nonresident of the forum state, OCSS arranges for telephonic testimony at the request of the nonresident party or a IV-D agency and requests the court to admit evidence per Section 601-316 of Title 43 of the Oklahoma Statutes. ■ 6

(2) One-state processing. In the absence of an order to establish paternity or support, OCSS uses a one-state process to establish an order if personal and subject matter jurisdiction may be exercised over a nonresident party per Section 303.7 of Title 45 of the Code of Federal Regulations and Section 601-201 of Title 43 of the Oklahoma Statutes.

(3) Determination of controlling order. When there are multiple orders for current support for the same child, OCSS seeks a determination of controlling order (DCO) or a new order from the appropriate tribunal per Sections 601-207 and 601-602 through 601-615 of Title 43 of the Oklahoma Statutes.

(A) When making the arrears calculation for the DCO proceeding, OCSS applies the law of the respective issuing states in determining the arrears under each order.

(B) Once the court issues a DCO, OCSS applies the law of the controlling order state to the consolidated arrears, even if the support orders of other states contributed a portion to those arrears. ■ 7

(4) Redirection of payments. In accordance with Sections 601-307 and 601-319 of Title 43 of the Oklahoma Statutes:
(A) OCSS issues a notice to redirect payments to the IV-D agency in the state in which the custodial person resides and issues an Order/Notice to Withhold Income for Child Support to implement the order when:

(i) Oklahoma is the state that issued the child support or income assignment order;

(ii) neither the noncustodial parent, custodial person, or any child lives in Oklahoma; and

(iii) OCSS or another IV-D agency makes the request.  ■ 8

(B) OCSS issues a notice to redirect payments to the IV-D agency in the state of residence of the custodial person when:

(i) a child support or income assignment order has been issued;

(ii) neither the noncustodial parent, custodial person, or any child lives in the issuing state; and

(iii) Oklahoma provides child support services.  ■ 8

(C) OCSS furnishes a certified record of payments to a requesting party or tribunal when OCSS receives redirected payments per Section 601-319 of Title 43 of the Oklahoma Statutes.

(g) **Determination of arrears.** When Oklahoma 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.

(h) **Choice of law.** The applicable law for determination of duration of support and other choice of law issues is controlled by subsection (h) of the Full Faith and Credit for Child Support Orders Act, codified in Section 1738B(h) of Title 28 of the United States Code and Sections 601-604 and 601-611 of Title 43 of the Oklahoma Statutes. The law of the initial controlling order state governs the duration of support even after the order is modified by another state.

(i) **Definition.** For purposes of this Section, forum state means the state in which the hearing is held or the responding court proceeding is filed to establish or enforce a support order.
(j) When genetic testing is required in interstate cases, the responding state is responsible for paying the cost of testing per Section 303.7 of Title 45 of the Code of Federal Regulations and OAC 340:25-5-176.

INSTRUCTIONS TO STAFF 340:25-5-270

Revised 7-1-11


2. (OCSS) registers a foreign support order per Sections 601-601 through 601-604 of Title 43 of the Oklahoma Statutes when enforcement of the order is requested. If Section 601-207 of the same title applies, OCSS consolidates multiple orders.


   

   (2) When it is necessary to communicate with the custodial person from the initiating state, child support staff update the Case Log Add (CSLOGA) screen on the Oklahoma Support Information System (OSIS) with "***CARE***. Please send call from custodial person to district office." The Customer Assistance Response Effort (CARE) passes calls through from the custodial person as long as there is no follow-up message to stop doing so.
5. **Section 601-312 of Title 43 of the Oklahoma Statutes applies to disclosure of information when:**

   (1) Oklahoma does not have jurisdiction to order the party requesting nondisclosure of an address to provide an address of record; or

   (2) other specific identifying information is requested.

6. Child support staff attempt to coordinate with the IV-D agency in the initiating or responding state, if any, in arranging telephonic testimony with an out-of-state witness or party. Child support staff request a phone number from the nonresident party where he or she can be reached on the date of a hearing if unable to appear in person.

7. **Determination of controlling order.**

   (1) When there are multiple orders for support, OCSS seeks a judicial determination of controlling order (DCO). To determine which state has the presumed controlling order, child support staff use the Worksheet to Determine Controlling Order, available from the OCSS InfoNet Library page.


   (B) When it is appropriate to register an order for enforcement or modification, child support staff combine the registration and DCO proceedings.

   (2) When an Oklahoma tribunal has personal jurisdiction, child support staff file an application for the DCO with the appropriate tribunal per OAC 340:25-5-124. Child support staff follow the instructions for the DCO in Oklahoma, available from the OCSS InfoNet Library page. Child support staff send notice of the hearing on the application for DCO to all parties and public agencies that the determination may affect.

   (3) When a state tribunal other than an Oklahoma tribunal has personal jurisdiction over the noncustodial parent and custodial person, child support staff send an application for DCO, copies of all existing child support orders, a completed Interstate Transmittal # 1, and a record of
payments reconciling the arrears and interest due under all existing orders to the IV-D agency in the state with jurisdiction to determine the controlling order.

(4) OCSS seeks a DCO when requested by another tribunal and there are sufficient minimum contacts with the noncustodial parent and custodial person, even if no parties currently reside in Oklahoma. Refer to OAC 340:25-5-124 for assignment of cases without an Oklahoma order.

(5) OCSS files a certified copy of the DCO within 30 days with all tribunals that entered or registered prior orders. The DCO:

(A) includes findings, prospective child support amount, and total amount of principal and interest due under all prior orders; and

(B) is entitled to full faith and credit.

8. OCSS may seek an order to redirect payments from either district court or the Office of Administrative Hearings: Child Support.
340:25-5-312. Overpayment rules and procedures

Revised 7-1-11

(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. □ 1 through 4

(c) Recovery amount.

(1) In order to recover overpayments of any child support, 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 until the overpayment is recovered in full. The percent retained can be changed at the discretion of the OCSS director.

(2) When the custodial person has received his or her full monthly support payment in the same month as an overpayment, OCSS retains the full amount of any subsequent payments for that month up to the amount of the overpayment. OCSS satisfies any remaining overpayment as set forth in (1) above.

(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 per 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 per Section 205.2 of Title 68 of the Oklahoma Statutes; and

(3) lottery prize claims per 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 and hearing.

(1) If an administrative review is requested per OAC 340:25-5-200.1, the purpose of the review is to provide the overpayment 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.

(2) After the administrative review, OCSS issues a notice of administrative review decision and information about requesting an administrative hearing. The overpayment recipient may request in writing a hearing within 20 days after the date of the administrative review decision.

(3) Upon timely receipt of a written request for an administrative hearing, OCSS schedules the matter for an administrative hearing before the Office of Administrative Hearings: Child Support (OAH). OAH conducts a hearing and enters an order determining the contested issues.

INSTRUCTIONS TO STAFF 340:25-5-312

Revised 7-1-11
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 no older than two and one-half years from the date of the fraud report; and

   (4) resides 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 accompanied by documentation, original documents if available, evidencing the fraud.
340:25-5-350.1. Return of overcollected support amounts

Revised 7-1-11

(a) When Oklahoma Child Support Services (OCSS) receives:

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

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

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

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

(b) When a noncustodial person makes an overpayment, the minimum amount for a refund payment is $3. Amounts less than $3 are not refunded, but are remitted to the OKDHS General Revenue Fund Treasury.

INSTRUCTIONS TO STAFF 340:25-5-350.1

Revised 7-1-11

1. Collections for future support are not overcollections.
340:25-5-351. Allocation and distribution of collections

Revised 7-1-11

(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 fee once $500 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.

(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 and first applies these collections to any assigned arrearages, up to the total amount of unreimbursed assistance. Any remainder is then paid to the custodial person(s).

(2) Except for collections under a payment plan, OCSS allocates collections above the current support obligation to total arrears.
(3) After all child support arrearages are satisfied, OCSS allocates remaining collections to spousal support arrearages.

(g) **Allocation and distribution of arrears 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 is 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.