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137-055-6022

Distribution and Disbursement When Support Assigned

The terms used in this rule have the meanings set out in OAR 137-055-1020 and 137-055-6010.

(1) Except as provided in OAR 137-055-6021, 137-055-6023, ~~and 137-055-6024~~ **and section (4) of this rule**, the Department of Justice (DOJ) will distribute and, as appropriate, disburse support payments received on behalf of a family receiving **Temporary Assistance for Needy Families (TANF) cash payments** assistance in the following sequence:

(a) Current support to the state, not to exceed the amount of unreimbursed assistance ~~unless the state is making foster care maintenance payments on behalf of the child(ren);~~

(b) State's permanently-assigned arrears, not to exceed the amount of unreimbursed assistance ~~unless the state is making foster care maintenance payments on behalf of the child(ren);~~

(c) State's temporarily-assigned arrears, not to exceed the amount of unreimbursed assistance ~~unless the state is making foster care maintenance payments on behalf of the child(ren);~~

(d) **Family's unassigned arrears;**

(e) **Family's conditionally-assigned arrears;**

(f) ~~Family's unassigned arrears during assistance period unless the state is making foster care maintenance payments on behalf of the child(ren);~~

(eg) ~~If the state is making foster care maintenance payments on behalf of the child(ren), support payments in excess of unreimbursed assistance, up to the total support obligation owed, will be reported as excess and be paid to Department of Human Services (DHS) to be used in the manner it determines will serve the best interests of the child(ren).~~ **If the total amount received is sufficient to pay the arrears in full, any remaining funds may be disbursed to a parentage testing fee if the support payment is from a state tax refund intercept, or if the payment meets the provisions in OAR 137-055-6023 (1) & (2).**

(2) **Except as provided in OAR 137-055-6021, 137-055-6023, 137-055-6024 and section (4) of this rule, the Department of Justice (DOJ) will distribute and, as appropriate, disburse support payments received on behalf of a family with a child(ren) in foster care or in Oregon Youth Authority (OYA) custody in the**

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following sequence:

(a) Current support to the state;

(b) State's permanently-assigned arrears;

(c) State's temporarily-assigned arrears;

(d) Family's unassigned arrears during assistance period;

(e) If the total amount received is sufficient to pay the arrears in full, any remaining funds may be disbursed to a parentage testing fee if the support payment is from a state tax refund intercept, or if the payment meets the provisions in OAR 137-055-6023 (1) & (2).

(f) If the state is making foster care maintenance payments on behalf of the child(ren), support payments in excess of the maintenance payments, up to the total support obligation owed, will be reported as excess and be paid to Department of Human Services (DHS) to be used in the manner it determines will serve the best interests of the child(ren).

(g) If the child is in OYA custody, support payments in excess of unreimbursed assistance, up to the total support obligation owed, will be reported as excess and be paid to OYA.

(3) Except as provided in section (~~34~~) of this rule, DOJ will distribute and, as appropriate, disburse support payments received on behalf of a family who formerly received assistance in the following sequence:

(a) Current support to the family;

(b) Family's unassigned arrears;

(c) Family's conditionally-assigned arrears;

(d) State's permanently-assigned arrears, not to exceed the amount of unreimbursed assistance;

(e) Family's unassigned arrears during assistance period.

(34) DOJ will distribute and, as appropriate, disburse support payments received from federal tax refund intercepts in the following sequence:

(a) State's permanently-assigned arrears not to exceed the amount of unreimbursed

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assistance;

(b) State's temporarily-assigned arrears, not to exceed the amount of unreimbursed assistance;

(c) Family's conditionally-assigned arrears not to exceed the amount of unreimbursed assistance;

(d) Family's unassigned arrears.

~~(4) DOJ will distribute and, as appropriate, disburse support payments received from state tax refund intercepts in the following sequence:~~

~~(a) Current support;~~

~~(b) Family's unassigned arrears;~~

~~(c) Family's conditionally assigned arrears;~~

~~(d) State's permanently assigned arrears, not to exceed the amount of unreimbursed assistance;~~

~~(e) State's temporarily assigned arrears, not to exceed the amount of unreimbursed assistance;~~

~~(f) Parentage testing fee.~~

(5) Whenever support payments are assigned to the state, the state share of the payments will be either:

(a) Disbursed to DHS if funds were expended to provide foster care assistance to the family;

(b) Disbursed to Oregon Youth Authority (OYA) if funds were expended by OYA to provide care **assistance** to a member of the family; or

(c) Retained by the Department of Justice (DOJ) if funds were expended to provide Temporary Assistance for Needy Families (TANF) cash assistance to the family, except:

(A) As payments are received each month, DOJ will pass through to the obligee no more than \$50 for each dependent child, up to a maximum of \$200 per month, not to exceed the current support due that month.

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(B) Current support collected from each obligor may only be passed through for the child(ren) of that obligor, even if the maximum pass-through has not been met.

(6) Whenever support payments are assigned to a Tribe, the Tribe's share of the payments will be disbursed to the Tribe as provided in 42 USC 657.

Stat. Auth.: ORS 25.020; ORS 180.345

Stats. Implemented: ORS 25.020; 25.150

Effective: October 1, 2009