



## STATUTORY MINOR CORRECTION

DOJ 42-2020  
CHAPTER 137  
DEPARTMENT OF JUSTICE

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

AMEND: 137-055-5240

RULE TITLE: Credit for Support Payments not made to the Department of Justice

RULE SUMMARY: Legislative statutory reference update

RULE TEXT:

- (1) In accordance with ORS 25.020, in any support case where the obligor is required to pay support through the Department of Justice, the administrator will not credit the obligor's support account for any payment not made through the Department of Justice, except as provided in ORS 25.020 and this rule.
- (2) The other provisions of this rule notwithstanding, in any case where an order of another jurisdiction is registered in Oregon under ORS Chapter 110 for enforcement only, and either the issuing jurisdiction or the jurisdiction in which the obligee resides has an active child support accounting case open, the administrator does not have authority to give credit for payments not paid through the Department of Justice. In any such case, the obligor seeking credit must request credit from the jurisdiction with the active child support accounting case. The administrator will adjust its records to reflect credit for such payments only upon receiving notification from the other jurisdiction, in a record, by telephone, or by court order, that specified payments will be credited.
- (3) Except as provided in OAR 137-055-3240, the administrator will credit the obligor's support account for payments not made to the Department of Justice when:
- (a) Credit for the payments would not apply to support assigned to the State of Oregon or to another jurisdiction, and
- (A) The obligor and obligee agree in writing that specific payments were made and should be credited to support owed to the obligee; or
- (B) The obligor and the current or former child attending school to whom arrears are owed, as defined in ORS 107.108 and OAR 137-055-5110, agree in writing that specific payments were made and should be credited to support owed to the child.
- (b) The administrator is enforcing the case at the request of another jurisdiction, credit would not apply to support assigned to the State of Oregon, and the requesting jurisdiction verifies that payments not paid to the Department of Justice were received by the other jurisdiction or by the obligee directly. Such verification may be in a record, by telephone, or by court order; or
- (c) An order of an administrative law judge, or an order from a court of appropriate jurisdiction, so specifies.

(4)(a) The administrator will deny the amount of the credit agreed to by the parties or found in an order to the extent the credit exceeds the balance owed to the party who received the direct payments at the time the administrator processes the credit.

(b) If additional arrears become owed to the party that received the direct payments, and the administrator had denied credit under subsection (4)(a) of this rule, the obligor may, no more often than once per year, make a request to have any unapplied credit that was agreed by the parties or found in an order applied to the subsequently accrued arrears.

(5) To receive credit for payments not made to the Department of Justice, the obligor may apply directly to the administrator for credit, by providing a signed statement from the recipient or verification from another state that direct payments were made and intended as support.

(6) Except as provided in section (2) of this rule if the obligee, the current or former child attending school to whom arrears are owed, or other jurisdiction does not agree that payments were made or does not make a sworn written statement the obligor may make a written request to the administrator for a hearing.

(a) Prior notice of the hearing and of the right to object will be served upon the obligee in accordance with ORS 25.085 and upon any current or former child attending school to whom arrears are owed.

(b) Prior notice of the hearing and of the right to object may be served upon the obligor by regular mail to the address provided by the obligor when applying for credit.

(c) A hearing conducted under this rule is a contested case hearing in accordance with ORS 183.413 through ORS 183.470. Any party may also seek a hearing de novo in the Oregon circuit court.

(d) The other provisions of this section notwithstanding, an administrative law judge does not have jurisdiction under this section in cases where the administrator is enforcing another jurisdiction's order.

STATUTORY/OTHER AUTHORITY: ORS 180.345

STATUTES/OTHER IMPLEMENTED: ORS 25.020, 25.085