Date: January 18, 2022

Tammy Hall, Programs Manager	**405-522-0022**
Holli Kyker, Policy Specialist	**405-982-2217**
Brandi Smith, Legal Secretary III	**405-982-2703**

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org. The proposed policy is **PERMANENT**.

SUBJECT:
>Subchapter 3. Commissioned Peace Officers
>340:25-3-1 through 340:25-3-1.1 [REVOKED]
>340:25-3-3 [REVOKED]
>340:25-3-5 [REVOKED]
>Subchapter 5. Operational Policies
>Part 11. OCSS System Security
>340:25-5-75 [AMENDED]
>Part 15. Case Initiation, Case Management, and Case Closure
>340:25-5-114 [AMENDED]
>Part 17 Past Support
>340:25-5-140 [AMENDED]
>Part 21. Establishment
>340:25-5-178 [AMENDED]
>340:25-5-190 [NEW]
>Part 22 Review and Modification
>340:25-5-198.2 [AMENDED]
>Part 23 Enforcement
>340:25-5-200 [AMENDED]
>Part 33. Intergovernmental Cases
>340:25-5-270 [AMENDED]
>Part 37. Recovery
>340:25-5-305 [AMENDED]
>**(Reference WFs 21-7 and 22-25)**

SUMMARY:
>The proposed amendments to Chapter 25 Subchapters 3 and 5 amend the rules to: (1) implement rule changes recommended during the annual Child Support Services (CSS) policy review process; (2) bring CSS process for implementing national background checks into compliance with Internal Revenue Service (IRS) requirements for employees and contractors that have access to federal tax information (FTI); (3) align CSS process with Senate Bill 421 (SB 421) from the 1st Regular Session of the 58th Oklahoma Legislature as it amends Section 118A through 118I of Title 43 of the Oklahoma Statutes (43 O.S. §§ 118A through 118I) modify the child support guidelines

for income computation under certain conditions; (4) amend legal authorities as necessary; and (5) make non-substantive changes to improve rule clarity.

PERMANENT APPROVAL: Permanent rulemaking is requested.

LEGAL AUTHORITY: Director of Human Services, Section 162, of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 56 O.S. § 237; 75 O.S. § 253; 43 O.S. §§ 118A, 118B, 118G, 118I; SB 421; Chapter III of Subtitle B of Title 45 of the Code of Federal Regulations (C.F.R.); 45 C.F.R. §§ 302.56, 303.8 and 303.11; and Executive Order 13563: Improving Regulation and Regulatory Review; Section 1738B of Title 28 of the United States Code (28 U.S.C. § 1738B); 42 U.S.C. § 1396k; Chapter 7, Subchapter IV, Part D; 50A U.S.C. §§ 501 through 596; 3A O.S. § 724.1; 10 O.S. §§ 80, 83, 90.5, 7700-101 through 7800; 12 O.S. §§ 1170, 1171.2 through 1171.4, 2004, and 2005.2; 21 O.S. §§ 566, 566.1, 567, and 852; 36 O.S. § 6058A; 43 O.S. §§ 109.2 through 110, 112, 112A, 112.1A, 114 through 120, 135 through 139.1, 140, 410 through 413, 601-100 through 601-903; 47 O.S. §§ 1-153, 6-201, 6-201.1, 6-211, and 6-212; 56 O.S. §§ 166.1, 183, 230.60, and 231 through 240.24; 63 O.S. §§ 1-311, 1-311.2, 1-311.3, and 1-321; 68 O.S. § 205.2; and 70 O.S. §§ 3970.1 through 3970.12.

OKLAHOMA HUMAN SERVICES
Rule Impact Statement

To: Programs Administrator
          Office of Intergovernmental Relations and Policy

From: Renee Banks, Director
          Child Support Services

Date: December 15, 2021

Re: **CHAPTER 25. CHILD SUPPORT SERVICES**
          Subchapter 3. Commissioned Peace Officers
          340:25-3-1 through 340:25-3-1.1 [REVOKED]
          340:25-3-3 [REVOKED]
          340:25-3-5 [REVOKED]
          Subchapter 5. Operational Policies
          Part 11. OCSS System Security
          340:25-5-75 [AMENED]
          Part 15. Case Initiation, Case Management, and Case Closure
          340:25-5-114 [AMENDED]
          Part 17. Past Support
          340:25-5-140 [AMENDED]
          Part 21. Establishment
          340:25-5-190 [NEW]
          Part 22 Review and Modification
          340:25-5-198.2 [AMENDED]
          Part 23. Enforcement
          340:25-5-200 [AMENDED]
          Part 33. Intergovernmental Cases
          340:25-5-270 [AMENDED]
          Part 37. Recovery
          340:25-5-305 [AMENDED]
          [REFERENCE WF 22-25]

Contact: Tammy Hall, Programs Manager, 405-522-0022

A. Brief description of the purpose of the proposed rule.
Purpose:

The proposed amendments to Chapter 25 Subchapters 3 and 5 amend the rules to: (1) implement rule changes recommended during the annual Child Support Services (CSS) policy review process; (2) bring CSS process for implementing national background checks into compliance with Internal Revenue Service (IRS) requirements for employees and contractors that have access to federal tax information (FTI); (3) amend legal authorities as necessary; and (4) make non-substantive changes to improve rule clarity.

Strategic Plan Impact.

The proposed amendments support Oklahoma Human Services (OKDHS) goals of helping Oklahomans lead safer, healthier, more independent and productive lives; keeping our workforce informed, supported, and engaged; meeting the needs of vulnerable Oklahomans; and cultivating a culture of continuous improvement. The proposed amendments support the CSS strategic plan by providing customers access to tools and resources to achieve and maintain healthy families, prioritizing CSS ability to provide core services to customers, and clarifying how CSS provides services to customers.

Substantive changes.

Subchapter 3. Commissioned Peace Officers

Oklahoma Administrative Code (OAC) 340:25-3-1 is revoked per Executive Order 13563: Improving Regulation and Regulatory Review.

OAC 340:25-3-1.1 is revoked per Executive Order 13563: Improving Regulation and Regulatory Review.

OAC 340:25-3-3 is revoked and renumbered to 340:25-5-190 per Executive Order 13563: Improving Regulation and Regulatory Review.

OAC 340:25-3-5 is revoked per Executive Order 13563: Improving Regulation and Regulatory Review.

Subchapter 5. Operational Policies

Part 11. OCSS System Security

OAC 340:25-5-75 is amended to add procedures for national criminal history background checks according to IRS Publication 1075 and Title 26 of the United States Code (U.S.C.) § 6103.

Part 15. Case Initiation, Case Management, And Case Closure

OAC 340:25-5-114 is amended to provide a centralized Good Cause determination for noncooperation in CSS cases process.

Part 21. Establishment

OAC 340:25-5-190 new rule is added to: (1) relocate the service of process subsection deleted from Chapter 3 and; (2) introduce guidance of service by electronic means provided in Section 2005.2 of Title 12 of the Oklahoma Statutes (12 O.S. §2005.2).

Part 33. Intergovernmental Cases

OAC 340:25-5-270 is amended to add a Nondisclosure Finding Affidavit used to help protect victims of family violence in intergovernmental cases.

Reasons.

Chapter 25, Subchapter 3: Revoked, Subchapter 5: The proposed amendments: (1) amend rules to provide improved customer service; (2) provide additional clarification regarding CSS processes to the public; (3) provide additional guidance regarding internal CSS business processes to staff; and (4) clarify language and legal citations.

Repercussions.

Chapter 25, Subchapter 5: The proposed amendments are designed to contribute to the health, safety, and wellbeing of children entitled to support and to promote healthy families by: (1) increasing program efficiency; (2) improving customer service; and (3) providing clear and accurate guidance to staff to ensure consistency in rule application.

Legal authority.

Section 1738B of Title 28 of the United States Code (28 U.S.C. § 1738B); 42 U.S.C. § 1396k; Chapter 7, Subchapter IV, Part D; 50A U.S.C. §§ 501 through 596;

Chapter III of Subtitle B of Title 45 of the Code of Federal Regulations; 45 C.F.R. § 303.11;

Director of Human Services, Section 162, of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 3A O.S. § 724.1; 10 O.S. §§ 80, 83, 90.5, 7700-101 through 7800; 12 O.S. §§ 1170, 1171.2 through 1171.4, 2004, and 2005.2; 21 O.S. §§ 566, 566.1, 567, and 852; 36 O.S. § 6058A; 43 O.S. §§ 109.2 through 110, 112, 112A, 112.1A, 114 through 120, 135 through 139.1, 140, 410 through 413, 601-100 through 601-903; 47 O.S. §§ 1-153, 6-201, 6-201.1, 6-211, and 6-212; 56 O.S. §§ 166.1, 183, 230.60, and 231 through 240.24; 63 O.S. §§ 1-311, 1-311.2, 1-311.3, and 1-321; 68 O.S. § 205.2; and 70 O.S. §§ 3970.1 through 3970.12.

Executive Order 13563: Improving Regulation and Regulatory Review.

Permanent rulemaking approval is requested.

B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities: The classes of persons most likely to be affected by the proposed amendments are children entitled to support, noncustodial parents (NCP) who owe child support, custodial parents (CP) who are owed child support, CSS staff, CP private attorneys and courts. Most affected classes of persons will bear no costs associated with implementation of the amendments.

C. A description of the classes of persons who will benefit from the proposed rule: The classes of persons who will benefit are children, NCPs, CP, CSS staff, employers, courts, and taxpayers.

D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change: The proposed amendments facilitate efficient use of program funds and reduce expenditures by eliminating non-essential services. There are no fee changes with these rule changes.

E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency: The probable cost to OKDHS

to implement the amendments to OAC 340:25-5-75 is approximately $54,000 every ten years. If OKDHS is unable to perform national background checks on employees with access to FTI, CSS will be out of compliance with the IRS Publication 1075, which could result in losing the ability to offset refunds from federal tax returns for the payment of delinquent child support. CSS collects an average of $33 million per year from federal tax refunds. The probable cost to implement and enforce all other amendments is estimated to be under $100. All costs have been included in the current budget and require no additional funding. These amendments do not increase a need for additional full-time employees.

F. **A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments do not have an economic impact on any political subdivision, nor will the cooperation of any political subdivisions be required in implementation or enforcement of the rules.

G. **A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** There are no anticipated adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

H. **An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** The proposed amendments are intended to minimize compliance costs and intrusive regulations while fully complying with state and federal mandates. There are no less costly or intrusive methods to achieve full compliance.

I. **A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** The proposed amendments are intended to comply with state and federal child support mandates, increase program effectiveness, protect CSS ability to deliver services, and improve services delivered to families, thereby contributing to the health, safety, and wellbeing of children entitled to support.

J. **A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** Failure to adopt the amendments could cause hardships on families by negatively impacting the services CSS provides and result in unnecessary expenditures of public funds to provide support for children that could otherwise be provided by noncustodial parents.

K. **The date the rule impact statement was prepared and, if modified, the date modified:** Prepared: July 1, 2021; modified December 15, 2021.

OKLAHOMA HUMAN SERVICES
Rule Impact Statement

To: Programs Administrator
                Office of Intergovernmental Relations and Policy

From: Renee Banks, Director
                Child Support Services (CSS)

Date: December 15, 2021

Re: **CHAPTER 25. CHILD SUPPORT SERVICES**
                Subchapter 5. Operational Policies
                Part 17 Past Support
                340:25-5-140 [AMENDED]
                Part 21. Establishment
                340:25-5-178 [AMENDED]
                Part 22 Review and Modification
                340:25-5-198.1 through 340:25-5-198.2 [AMENDED]
                Part 23 Enforcement
                 340:25-5-200 [AMENDED]
                Part 37. Recovery
                340:25-5-305 [AMENDED]
                [REFERENCE WF 21-7]

Contact: Tammy Hall, Programs Manager, 405-982-2855

B. Brief description of the purpose of the proposed rule.
     Purpose:
       The proposed amendments to Chapter 25 Subchapters 5 amend the rules to: (1) align Child Support Services (CSS) process with Senate Bill 421 (SB 421) from the 1st Regular Session of the 58th Oklahoma Legislature as it amends Section 118A through 118I of Title 43 of the Oklahoma Statutes (43 O.S. §§ 118A through 118I) to modify the child support guidelines for income computation under certain conditions.

     Strategic Plan Impact.
       The proposed amendments support Oklahoma Human Services (OKDHS) goals of: (1) helping Oklahomans lead safer, healthier, more independent and productive lives; (2) keeping our workforce informed, supported, and engaged; (3) meeting the needs of vulnerable Oklahomans; and (4) cultivating a culture of continuous improvement. The proposed amendments: (1) support the CSS strategic plan by providing customers access to tools and resources to achieve and maintain healthy families; (2) prioritize CSS ability to provide core services to customers; and (3) clarify how CSS provides services to customers.

     Substantive changes.

Subchapter 5. Operational Policies
Part 17 Past Support
　　Oklahoma Administrative Code (OAC) 340:25-5-140 is amended to: (1) clarify rebuttable presumptions for incarcerated noncustodial parents (NCPs) per 43 O.S. § 118I; (2) add definitions per 43 O.S. § 118A.
Part 21 Establishment
　　OAC 340:25-5-178 is amended per 43 O.S. §§ 118G and 118I to: (1) remove references to child care subsidy; (2) clarify the child care subsidy copay is the actual child care expense used in the child support computation; (3) remove obsolete references used in the child support guideline computation to calculate income; and (4) clarify abatement of child support for qualified incarcerated NCPs.
Part 22 Review and Modification
　　OAC 350:25-5-198.2 is amended to align policy with SB 421.
Part 23 Enforcement
　　OAC 340:25-5-200 is amended to add authority for abatement of child support for incarcerated NCPs per 43 O.S. § 118I.
Part 37 Recovery
　　340:25-5-305 is amended to clarify CSS is not responsible for recovering overpayments on ongoing regular payments when NCP is incarcerated.

Reasons.
　　The proposed amendments **bring** OAC 340:25-5-140, 340:25-5-178, 340:25-5-200, and 340:25-5-305 **into compliance with federal and state law. SB 421, approved by the Governor and effective November 1, 2021, provides for modification and establishment of orders in line with actual income when an NCP is incarcerated for more than 180 days.**

Repercussions.
　　The proposed amendments are designed to align OAC 340:25-5-140, 340:25-5-178, 340:25-5-200, and 340:25-5-305 with federal and state statutes. Failure to do so could lose or suspend Title IV-D federal funding.

Legal authority.
　　Director of Human Services, Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 56 O.S. § 237; 75 O.S. § 253; 43 O.S. §§ 118A, 118B, 118G, 118I; SB 421; and Sections 302.56 and 303.8 of Title 45 of the Code of Federal Regulations.

Permanent rulemaking approval is requested. This rule package was approved as emergency rules on October 20, 2021.

B. **A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons most likely affected by the proposed amendments are children entitled to support, NCPs who owe child support, custodial parents (CPs) who are owed child support, CSS staff, CP or NCP private attorneys,

and courts. Most affected classes of persons will bear no costs associated with implementation of the amendments.

C. A description of the classes of persons who will benefit from the proposed rule: The classes of persons who will benefit are NCPs who have been incarcerated for over 180 days. CPs and children will directly benefit through increasing compliance rates of previously incarcerated NCPs by enforcing orders based on actual income.

D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change: The proposed amendments do not have an effect on political subdivisions. There are no fees associated with the proposed amendments.

E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency: The probable cost to OKDHS to implement the amendments is estimated to be under $100, this includes the cost of printing and distributing the rules and training materials and is within current budget, and requires no additional funding

F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule: The proposed amendments do not have an impact on any political subdivision, nor will the cooperation of any political subdivisions be required in implementation nor enforcement of the rules.

G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act: There are no anticipated adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule: The proposed amendments are intended to minimize compliance costs and intrusive regulations while fully complying with state and federal mandates. There are no less costly nor intrusive methods to achieve full compliance.

I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk: The

proposed amendments are intended to comply with state and federal child support mandates, increase program effectiveness, protect CSS ability to deliver services, and improve services delivered to families, thereby contributing to the health, safety, and wellbeing of children entitled to support.

J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented: Failure to adopt these rules could cause hardships on families by negatively impacting the services CSS provides and result in unnecessary expenditures of public funds to provide support for children that could otherwise be provided by noncustodial parents.

K. The date the rule impact statement was prepared and, if modified, the date modified: Prepared: August 25, 2021; modified December 15, 2021.

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 25. OKLAHOMA CHILD SUPPORT SERVICES

SUBCHAPTER 3. COMMISSIONED PEACE OFFICERS

340:25-3-1. Authority and scope [REVOKED]
(a) Section 162.2 of Title 56 of the Oklahoma Statutes authorizes the Director of the Oklahoma Department of Human Services (OKDHS) to appoint and commission peace officers to conduct investigations and assist in prosecuting court proceedings related to child support. Peace officers of Oklahoma Child Support Services (OCSS) serve civil process and execute, arrest warrants and other court orders in cases in which OKDHS is a party or participant. ■ 1
(b) Peace officers may be authorized to possess and use firearms while performing their official OKDHS duties. Firearms are carried in compliance with applicable state and federal laws. ■ 2
(c) This Subchapter does not apply to peace officers employed by entities under contract or agreement with OCSS.

INSTRUCTIONS TO STAFF 340:25-3-1 [REVOKED]
1. (a) Peace officers must meet all applicable requirements for certification under:
   (1) Sections 3311, 3311.4, 3311.5, and 3311.7 of Title 70 of the Oklahoma Statutes; and
   (2) applicable rules of the Council on Law Enforcement Education and Training (CLEET).
(b) Peace officers must be certified by CLEET under OAC 390:10 to be authorized to carry and use firearms.
(c) Peace officers of Oklahoma Child Support Services (OCSS) must meet applicable continuing law enforcement education requirements under OAC 390:25.
(d) Peace officers, while armed, must have their credentials in their possession.
(e) Firearms may be carried by authorized peace officers only when authorized to do so by the OCSS director.
(f) Peace officers provide their own firearms. Peace officers who carry a firearm must annually meet requalification standards with that firearm. Requalification standards are established by CLEET. A certified firearms instructor conducts the requalification process. Failure to meet the requalification standards, for any reason, immediately results in the removal of duties requiring the use of a firearm until the requalification standards are met.
(g) A peace officer may only carry firearms:
   (1) approved by the OCSS director; and
   (2) with which the officer qualified during the most recent requalification process.
(h) Peace officers may not carry a rifle or shotgun.
(i) Peace officers may only use ammunition supplied by OCSS.

2. Authority for any peace officer to carry firearms may be withdrawn, temporarily or permanently, at any time, at the sole discretion of the OCSS director or the Oklahoma Department of Human Services Director.

340:25-3-1.1. Definitions [REVOKED]
1. Definitions
The following words and terms, when used in this Subchapter shall have the following meanings unless the context clearly indicates otherwise:
"CLEET" means the Council on Law Enforcement Education and Training.
"Next friend" means a person who appears in court on behalf of another person who is under disability, a minor, or otherwise unable to maintain a lawsuit on their own behalf as a result of their circumstances. The next friend is not a party to the lawsuit and can be any legally-competent person whose interests do not run counter to those of the person on whose behalf they are acting. The next friend is considered an agent of the court whose role is to protect the rights of the person on whose behalf they are acting.
"Peace officer" means a peace officer commissioned and employed by the Oklahoma Department of Human Services (OKDHS) within Oklahoma Child Support Services under Section 162.2 of Title 56 of the Oklahoma Statutes. It does not include peace officers employed by entities under contract or agreement with OKDHS.
"Service of Process" means the delivery of a writ or summons to a party for the purpose of obtaining jurisdiction and to notify of a legal proceeding against the party.

340:25-3-3. Service of process [REVOKED]
(a) **Authority.** Oklahoma Department of Human Services Child Support Services (CSS) follows the provisions of Section 2004 of Title 12 of the Oklahoma Statutes (12 O.S. § 2004) for service of process. CSS uses the most cost effective and efficient method of service of process depending on what is most appropriate under the facts of the case. ■ 1
(b) **Service by regular mail to address of record (AOR).** Service to the AOR by regular mail may be appropriate when an AOR is on file with the Central Case Registry for a party in the case per Oklahoma Administrative Code 340:25-5-340. ▢ 3 through 5 Service to the AOR is not appropriate when the:
(1) remedy sought may result in the obligor's incarceration including, but not limited to, indirect civil contempt actions; or
(2) court may require a higher level of notice to the affected party including, but not limited to, actions to determine paternity.
(c) **Service by acknowledgment.** CSS delivers the documents directly to a party and requests the party accepts and acknowledges service, as appropriate. The Acknowledgment of Service is filed in the court case. ■ 2
(d) **Service by certified mail.** Service by mail is made by certified mail, return receipt requested, and delivery restricted to the addressee. CSS uses service by certified mail when service to the AOR or by Acknowledgment of Service is not appropriate or successful. CSS staff is not required to attempt service by certified mail before attempting personal service when the case history indicates a low probability of acceptance or the court requires personal service. ■ 6

(e) **Service by personal delivery.** ~~Service by personal delivery is completed by a sheriff, deputy sheriff, individual licensed to make service of process in civil cases, or an individual specially appointed for that purpose per 12 O.S. § 2004. CSS uses service by personal delivery when:~~
    ~~(1) an individual has not accepted service by certified mail;~~
    ~~(2) service to the AOR or by acknowledgment is not available or appropriate;~~
    ~~(3) case history indicates a low probability of acceptance of service by certified mail; or~~
    ~~(4) the court requires service by personal delivery.~~ ■ 7
(f) **Diligent efforts.** ~~When CSS contracts with vendors for service of process, the vendor must make diligent efforts to complete service and provide timely documentation to CSS. Diligent efforts means at least three repeated attempts to serve the individual at different times of day or on different days of the week, before declaring inability to serve. CSS:~~
    ~~(1) attempts to serve process in the manner, at the time, and place most reasonably calculated to complete service of process in the most efficient and cost effective manner;~~
    ~~(2) makes diligent efforts to serve process utilizing all information:~~
        ~~(A) provided by CSS staff;~~
        ~~(B) documented in the case record; or~~
        ~~(C) gathered from other locate resources;~~
    ~~(3) provides address and employer information to the process server;~~
    ~~(4) attempts to serve the person at:~~
        ~~(A) work;~~
        ~~(B) home; or~~
        ~~(C) other locations based on information gathered on his or her lifestyle; and~~
    ~~(5) documents all facts about attempts to serve process in the case record.~~ ■ 8
(g) **Minor noncustodial parent.** ~~CSS serves a minor noncustodial parent (NCP) who is:~~
    ~~(1) 15 years of age and older per 12 O.S. § 2004; or~~
    ~~(2) younger than 15 years of age, through a parent, guardian, or other appropriate adult as the next friend of the minor NCP.~~
(h) **Subsequent Electronic Service.** ~~A Notice of Consent to Electronic Service or recognized substitute must be completed by a party or party's attorney and filed with the court in accordance with 12 O.S. § 2005(B) and applies to an individual court action. Pleadings asserting new or additional claims require a new consent of electronic service.~~

INSTRUCTIONS TO STAFF 340:25-3-3 [REVOKED]
1. ~~**(a) Unless there is a family violence indicator on the case, upon request, Oklahoma Department of Human Services Child Support Services (CSS) staff provides legal documents with an instructional cover letter for a customer to serve on the other party by a process server, hired by a customer. The customer must return an Affidavit of Service signed by the process server to CSS for filing in the court action.**~~
    ~~**(b) When a party appears for hearing without being served, CSS staff provides copies of the legal documents to the party and has the party sign an Acknowledgment of Receipt that CSS files with the court.**~~

(c) CSS staff updates the automated Oklahoma Support Information System (OSIS) Case Log Add (CSLOGA) and Document Service Update (DOCSU) screens with the date of the Acknowledgment of Receipt or Affidavit of Service.
(d) CSS does not release locate information to a customer for the purpose of service by private process server, except for a request for release of an Address of Record (AOR), per Oklahoma Administrative Code (OAC) 340:255340.1.
2. CSS staff may use service by acknowledgment to serve documents on an incarcerated party.
3. (a) The AOR is case-specific unless the custodial person or noncustodial parent has designated otherwise. CSS cannot use the AOR on file in one case for the party's other cases.
(b) A party may designate different AORs for different cases.
(c) CSS staff reviews the caselog and physical <u>electronic</u> file to determine if a case has a current AOR.
4. When a child support case closes or subsequently reopens, the established AOR remains in effect. An AOR is updated on a closed case per OAC 340:255-340(c).
5. When CSS is serving a party by regular mail to the AOR, CSS staff:
    (1) sends copies of all the pleadings and orders being served to the AOR and any other current address; and
    (2) does not include non-AOR addresses on the pleadings, orders, or certificates of service.
6. Parties who refuse to accept service by certified mail are considered properly served and a default order may be entered. When service is refused, CSS staff:
    (1) upon receipt of the proof showing the service was refused, and at least 10-calendar days before obtaining a default order, sends the legal documents to the party by regular mail with a Notice of Default After Refusal of Service (GN16). The Notice of Default After Refusal of Service notifies the party that despite the refusal, legal action will proceed and a default order will be entered unless the party appears for hearing;
    (2) files the Affidavit of Service and attaches the envelope showing it was refused. The Affidavit of Service must show the date and place of any subsequent mailing; and
    (3) files a copy of the Notice of Default After Refusal of Service with the court.
7. Examples of situations where personal service is appropriate include, when the:
    (1) party to be served is scheduled to appear in court on another matter;
    (2) party's employment necessitates frequent travel;
    (3) party cannot be served by mail or at home; or
    (4) party's employment address is the only available service location.
8. CSS staff updates the OSIS CSLOGA and DOCSU screens with all service attempts and completed service.

340:25-3-5. Use of force [REVOKED]
Peace officers have the right to use reasonable, necessary force to defend themselves and others against life-threatening, violent, and dangerous personal attack. Force may

~~only be used by peace officers within applicable laws and the limits given in (1) - (4) of this subsection.~~

> ~~(1) The degree of force used must be the minimum necessary to defend oneself or others as described in (2) of this subsection and may include physical apprehension and restraining techniques which result in an application of less than deadly force.~~
> ~~(2) Deadly force is that which is applied with the intent of causing, or which a reasonable person should know would cause, death or serious bodily harm. Deadly force is only used in:~~
>> ~~(A) self defense to prevent death or serious injury to oneself; or~~
>> ~~(B) defense of others to prevent death or commission of a violent offense threatening serious bodily harm to others.~~
> ~~(3) Firearms may not be used to attempt to stop or disable a vehicle. However, if a vehicle is being used as a weapon, firearms may be used toward the driver of the vehicle, but not after the vehicle is no longer in a position to threaten the peace officer.~~

~~INSTRUCTIONS TO STAFF 340:25-3-5~~ [REVOKED]

~~1. (a) Application of the levels of response must be consistent with the severity of the situation encountered by the peace officer.~~
   ~~(b) Instruments of restraint may not be used for punitive purposes.~~
   ~~(c) Any use of physical force or restraint must be documented and forwarded to the immediate supervisor within 24 hours following the incident, or on the next work day.~~
   ~~(d) The discharge of any firearm, outside normal training, whether an accident or a deliberate act, is a serious matter and must be thoroughly investigated. Any peace officer of Oklahoma Child Support Services (OCSS) who discharges a firearm while on duty or is aware of such an incident must report the incident to his or her supervisor within 24 hours. The supervisor confirms the incident and makes a report to his or her supervisor and to the OCSS director as soon as possible after the confirmation of the incident. The OCSS director designates one or more peace officers to conduct an independent investigation of the incident and make a report to the OCSS director. The investigation is concurrently conducted with any investigation conducted by a law enforcement agency.~~
   ~~(e) Any person who discharges a firearm without authorization is subject to disciplinary action, up to and including termination, in accordance with Oklahoma Department of Human Services policies relating to personnel actions.~~
   ~~(f) Persons are responsible for their own conduct in handling firearms. They must observe safety precautions and must:~~
      ~~(1) regard all firearms as being loaded;~~
      ~~(2) never aim or point a firearm unless they intend to use that firearm;~~
      ~~(3) never use a firearm to play tricks, games, engage in any other form of horseplay, or allow themselves to become involved in unauthorized acts;~~
      ~~(4) know and use all the safety devices of firearms they carry;~~
      ~~(5) first identify the target and ensure a clear field of fire before discharging a firearm;~~

(6) promote firearms safety through their actions;
(7) be cautious when loading and unloading a firearm;
(8) never arm themselves with a firearm they are not fully qualified to use; and
(9) ensure a firearm is properly secured and that access is denied to others at all times.

SUBCHAPTER 5. OPERATIONAL POLICIES

PART 9. DISCLOSURE OF INFORMATION

340:25-5-67. Information disclosure [ITS Only]
(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* per Section 183 of Title 56 of the Oklahoma Statutes (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 per 56 O.S. § 237, except as otherwise authorized by law.

(2) Any information Oklahoma Department of Human Services (DHS) Child Support Services (CSS) obtains from federal or state agencies is subject to limitations on disclosure imposed by laws governing the information received from those agencies. CSS complies with the limitations imposed by federal laws and regulations per Section 653 of Title 42 of the United States Code (42 U.S.C. § 653), Section 285.3 of Title 31 of the Code of Federal Regulations (31 C.F.R. § 285.3), and Internal Revenue Service Publication 1075. ■ 2

(3) Nothing in this Section authorizes disclosure of the location or information that may lead to discovery of the location of a case participant with a family violence indicator per Oklahoma Administrative Code (OAC) 340:25-5-67.1.

(4) CSS redacts personal information, including Social Security and driver license numbers, from court documents prior to filing them, pursuant to Rule 31 of the Rules for District Courts of Oklahoma.

(b) **Authorized disclosure.** Information, when requested per OAC 340:25-5-68, may be shared with: ■ 3 & 4

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

(A) exchange of information to the extent necessary to carry out the state agency Title IV-D program responsibilities directly and through statewide automated data processing and information retrieval networks within DHS, with authorized representatives of DHS programs 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 DHS representatives and other state agencies administering programs under Titles IV-A through IV-E, XIX, and XXI of Chapter 7 of Title 42 of the U.S.C., and the Supplemental Nutrition

Assistance Program (SNAP) to the extent necessary to carry out the responsibilities of those agencies;

(C) release of information received from the Federal Parent Locator Service, through the State Parent Locator Service, to an authorized person for an authorized purpose, per 42 U.S.C. § 663 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 U.S.C. to the extent necessary to carry out state agency Titles IV-B and IV-E responsibilities; and

(ii) the United States or 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 ■ 5

(D) release of Social Security numbers for child support purposes, such as:

(i) locating the parents;

(ii) submitting cases for federal administrative and income tax refund offset;

(iii) state income tax refund offset;

(iv) financial institution data match;

(v) enrolling children as beneficiaries of health insurance coverage; and

(vi) processing interstate child support services;

(2) parties to a child support case, their attorneys, interpreters, and authorized representatives, who may only access: ■ 6 & 7

(A) income information, records of payment, and balances;

(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 enforcing, reviewing, establishing, or modifying a support order or judgment;

(E) information necessary to enroll children as beneficiaries of court-ordered health insurance coverage;

(F) information necessary to access court-ordered health care coverage and obtain health care for the children; and

(G) address of record for service of process per 43 O.S. § 112A. 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;

(4) persons as directed by court order or by a subpoena approved by a CSS state's attorney; and ■ 8

(5) persons with written authorization from a child support case member to release information. ■ 3

INSTRUCTIONS TO STAFF 340:25-5-67
Revised ~~09-15-16~~ **09-15-22**

1. (a) Oklahoma ~~Department of~~ Human Services ~~(DHS)~~ (**OKDHS**) employees or agents do not access or use confidential information or data obtained through the child support program except on a need to know basis in the performance of his or her official duties. 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~~ performing official duties.
   (b) Instances of inappropriate access or misuse of confidential information by:
      (1) any ~~DHS~~ **OKDHS** employee or agent is reported by ~~DHS~~ **OKDHS** Child Support Services (CSS) staff to the employee's or agent's supervisor; and
      (2) ~~a DHS~~ any **OKDHS** agent is reported by CSS supervisors to the agent's supervisor.
   (c) ~~DHS~~ **OKDHS** employees' and agents' supervisors must take appropriate action, per ~~DHS~~ **OKDHS**:2-1-7.
2. CSS staff does not share federal tax information in Microsoft Office 365 applications including, but not limited to, Outlook email, Yammer, Teams, SharePoint, OneDrive, and Planner.
3. Release of information.
      (1) CSS releases written child support payment information to housing authorities and other entities ~~upon~~ when the custodial person (CP) or noncustodial parent (NCP) provides written authorization ~~of the custodial person (CP) or noncustodial parent (NCP)~~. District offices may coordinate this release of information to housing authorities with ~~the CSS Center for Customer Service~~ CARE call center.
      (2) CSS releases information to Child Welfare Services (CWS) staff to ~~facilitate the location of any individual who has, or may have parental rights with respect to a child, and may be a potential placement for the child. To~~ assist CWS staff in carrying out child welfare responsibilities under Titles IV-B and IV-E programs~~,~~. ~~CSS staff provides the information in (A) through (F) of this paragraph. The NCP's, alleged father's, CP's, or child's:~~
         ~~(A) name;~~
         ~~(B) Social Security number;~~
         ~~(C) address;~~
         ~~(D) employer's name, address, and identification (ID) number;~~
         ~~(E) employment income and benefits, including health care coverage; and~~
         ~~(F) type, status, location, and amount of assets or debts owed by or to the individual.~~
      (3) CSS does not release Internal Revenue Service (IRS) information unless CSS ~~obtained~~ obtains the information from another source. CSS limits disclosure of Federal Tax Information (FTI) per (A) through (D) of this paragraph.
         (A) Per IRS Publication 1075, limited information may be disclosed to CSS agents or contractors for the purpose of, and to the extent necessary in, establishing and collecting child support obligations from, and locating individuals owing such obligations. The information disclosure is limited to the:
            (i) address;

(ii) individual's Social Security number ~~against whom~~ when CSS is seeking to establish or enforce <u>the individual's</u> child support obligations; and

(iii) amount offset from any tax refund otherwise payable to such <u>an</u> individual, per IRS Code Section 6402(c).

(B) When handling caseworker questions from other ~~DHS~~ <u>OKDHS</u> offices or programs, CSS cannot specifically identify information about FTI. In response to an inquiry, staff may disclose the payment amount as a:

(i) non-regular payment from a non-wage source; or

(ii) one-time lump-sum payment.

(C) CSS is permitted to inform a CP, his or her authorized representative, or attorney that CSS received a federal income tax refund offset and the payment amount. CSS cannot provide the NCP's address, wage data, or other FTI provided by the IRS.

(D) CSS is permitted to confirm to the NCP taxpayer or the NCP's spouse ~~and/or~~ <u>or</u> joint filer that CSS received a federal income tax refund offset.

(4) CSS may release Financial Institution Data Match ~~(FIDM)~~ information as to the <u>payment</u> amount and source ~~of payment,~~ such as a bank levy. CSS cannot disclose specific account information or details, such as the <u>bank's</u> name ~~of the bank~~.

(5) CSS releases information to entities, such as:

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

(B) personnel in the juvenile court system, in order to assist with administering Titles IV-B and IV-E programs;

(C) law enforcement personnel prosecuting federal and state child support enforcement crimes, parental kidnapping, and statutory rape; and

(D) staff administering Title IV-A programs.

(6) CSS does not release information to law enforcement personnel prosecuting crimes unrelated to ~~the provision of~~ Title IV-D ~~services~~ <u>service provision</u>, per Oklahoma Administrative Code 340:25-1-1.2.

(7) CSS staff releases only information the case member is entitled to receive, limited to the information requested in the disclosure form. When CSS staff questions ~~the~~ <u>a disclosure</u> form's authenticity ~~of a disclosure form~~, staff verifies with the authorizing case member before releasing information.

4. CSS staff may release general information that benefits were paid on behalf of the children to establish the fact that amounts are due to the state, that CSS is a necessary party, or that the case cannot be closed because benefits are being expended. When benefit information is contested, CSS state's attorneys may release information regarding the payment amount and dates of benefits paid on behalf of the children to the court per Section 237(H) of Title 56 of the Oklahoma Statutes. CSS state's attorneys release information only to the extent necessary to establish amounts owed to the state.

5. Parent Locator Service.

(1) When a Child Protective Service Alert (CPSA or PSA) indicator appears during a <u>family history</u> search ~~for history on a family~~ in the KIDS or IMS

system, as a PSA case type in KIDS and a CPSA designation in IMS on a CWS case, CSS staff releases locate information to ~~DHS~~ <u>OKDHS</u> CWS at 405-521-3777.

(2) When CWS staff requests Federal Parent Locator Service (FPLS) information from CSS, CWS staff must submit a request to the State Parent Locator Service (SPLS) to the CSS Center for Coordinated Programs. For example, CWS staff may request locate information from SPLS to locate a non-parent for researching a possible placement for a deprived child.

    (A) CSS staff directs authorized persons requesting FPLS information to submit requests to the SPLS.

    (B) The SPLS provides the information to the requester in person or by email, phone, or letter rather than through the automated system.

(3) For further information concerning release of FPLS information, refer to the:

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

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

    (C) ~~federal~~ Office of Child Support Enforcement (OCSE) Action Transmittal AT-03-06, available from the OCSE website at ~~http://www.acf.hhs.gov/programs/cse/pol/AT/2003/at-03-06.htm~~ <u>https://www.acf.hhs.gov/css/policy-guidance/policy-clarifications-automated-systems-title-iv-d-child-support-enforcement</u>.

6. When <u>an attorney represents</u> 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, CSS staff may not discuss the case with the party without the attorney's permission. When a represented party contacts CSS for information and CSS has not received the attorney's permission to communicate with the party, CSS may only release case information available in CSS records, including the:

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

    (2) status of service of process of pleadings on the other party in <u>CSS initiated</u> actions ~~initiated by CSS~~; and

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

7. When a party ~~who appears in~~ <u>claims to be unrepresented but</u> the <u>court</u> record ~~to be~~ indicates the party has ~~represented by counsel claims to be unrepresented~~ <u>representation</u>, CSS initiates contact with the attorney to confirm the <u>representation</u> status ~~of the representation~~. <u>CSS communicates directly with the party and removes the attorney from CSS records even when CSS is unable to confirm representation after initiating contact with the attorney. At the conclusion of a court case with a final order, an attorney is not required to file a withdrawal from the court case. CSS does not add private attorneys in completed divorce or paternity cases or on an application unless CSS confirms the party's representation with the attorneys. When it has been over one year on a pending court action with no final order, CSS confirms representation with the private attorney before adding the attorney to the case. When there is no representation or confirmation, CSS does not add the attorney to the case.</u>

8. **A subpoena is not a court order requiring automatic release of information. CSS state's attorneys review court orders and subpoenas before CSS releases information as directed by a court order or subpoena.**

PART 11. OCSS SYSTEM SECURITY

340:25-5-75. Computer system ~~Authority~~ authority and responsibility.
Revised ~~07-01-09~~ 09-15-22
(a) **Scope and Legal Authority.** Oklahoma Human Services (OKDHS) Child Support Services ~~(OCSS)~~(CSS) operates a single statewide automated data processing and information retrieval system that meets the requirements of:
   (1) Sections 652, 654, 654a, and 655 of Title 42 of the United States Code (42 U.S.C. §§ 652, 654, 654a & 655), 26 U.S.C.§ 6103 ; ~~and~~
   (2) Section 302.85 and Part 307 of Title 45 of the Code of Federal Regulations. ■ ~~1 & 2~~;
   (3) Section 150.9 and 150.9.1 of Title 74 of the Oklahoma Statutes (74 O.S. §150.9 & 150.9.1); and
   (4) Internal Revenue Service (IRS) Publication 1075 ■ 1 & 2.
(b) **Background Investigations.**
   (1) National criminal history background checks are completed for all employees, contractors, and subcontractors prior to and during employment as required in IRS Publication 1075 and 26 U.S.C. § 6103. An individual seeking employment with CSS, CSS employees, contractors and sub-contractors complete a national criminal history background check, including fingerprinting, per 74 O.S. § 150.9.1. The national criminal history background check is required in order to have access to the OKDHS and CSS networks, that results in having access to federal tax information and data, as defined in IRS Publication 1075 and 26 U.S.C. § 6103.
   (2) Applicants for positions requiring national criminal history background checks are advised any employment offer is conditional upon completion of a background check that reveals no disqualifying history as outlined in the CSS Favorability Standards. ■ 3
   (3) All employees authorized to access and review national criminal history records check information submit to a national criminal history background check including fingerprinting to obtain access and review status.

INSTRUCTIONS TO STAFF 340:25-5-75
Revised ~~07-01-08~~ 09-15-22
1. **Child support staff follows Oklahoma ~~Department of~~ Human Services ~~(DHS)~~ (OKDHS) ~~DHS:2-21-50~~ OKDHS: 2-21-51 through ~~DHS:2-21-57~~ OKDHS: 2-21-66 for information on coordinating, planning, developing, and implementing the ~~DHS~~ OKDHS Records Management Program.**
2. **Data processing procedures.**
   (1) Access to the data processing environment is restricted by level of authorized access.
   (2) Within each district office and state office center, the office manager, managing attorney, or center supervisor is responsible for submitting host

and Child Support Services (CSS) computer authorization and acknowledgment forms for each user to the CSS decentralized security administrator.

(3) The district office or state office center may email or fax a copy of Form 05SC003E, Logon Authorization Request for ~~DHS~~ OKDHS Employees; Form 05SC004E, Logon Authorization Request for Non- ~~DHS~~ OKDHS Employees; or Form 19SC001E, Logon Authorization Request Supplemental Information, as appropriate, to the CSS decentralized security administrator for submission to Oklahoma Management Enterprise Systems (OMES) for security access.

    (A) These forms are available ~~from~~ on the OKDHS Infonet Forms page, under General Use, ~~Forms page of the DHS OKDHS InfoNet under General Use~~.

    (B) OMES grants interim access to the data processing environment.

(4) The office manager, managing attorney, or center supervisor is responsible for notifying the CSS security administrator of all employee separations and monitoring and complying with system and data security, per ~~DHS:2-41-15~~ OKDHS: 2-45 and ~~DHS~~ OKDHS Data Security Guidelines within his or her area of responsibility.

(5) Computer and laptop users are responsible for completing and signing statements related to security agreements, responsibilities, and penalties associated with data misuse ~~of data~~. No one is permitted to sign anyone on to the data processing system without a user identification number (ID).

(6) To protect access and prevent unauthorized disclosure or use of data processing information, CSS staff:

    (A) does not share passwords with anyone;

    (B) does not leave his or her data processing terminal open to unauthorized access;

    (C) obscures active data processing terminals from external customers' views;

    (D) follows Oklahoma Administrative Code ~~(OAC)~~ 340:25-5-67 and Instructions to Staff~~,~~ pertaining to ~~the~~ confidential CSS data use ~~of confidential CSS data~~ and reporting instances of inappropriate access or misuse of confidential information;

    (E) does not share federal tax information in Microsoft Office 365 applications including, but not limited to, Outlook email, Yammer, Teams, SharePoint, OneDrive, and Planner; and

    (F) are subject to disciplinary action, up to and including discharge, for failure to follow the procedures in (6)(A) through (E).

3. (a) Favorability standards for access to the OKDHS and CSS networks.

    (1) An individual seeking employment with CSS or access to federal tax return information (FTI), is disqualified if he or she has been found guilty of, pled guilty to, or pled no contest to:

        (A) omitting to provide child support under Section 852 of Title 21 of the Oklahoma Statutes or under another state's laws that require proof of substantially similar elements; or

(B) failure to pay legal child support obligations under Section 228 of Title 18 of the United States Code.
(2) For any other offense, whether felony or misdemeanor, the effect of a conviction on potential employment or access to FTI is considered on an individual basis. Considerations include:
  (A) whether the conviction is disclosed during the application process or during a subsequent re-investigation;
  (B) for the position the individual is seeking, the job duties and FTI access level in relation to the offense;
  (C) the length of time that has passed since the conviction without subsequent charge or conviction of further offenses;
  (D) whether the individual complied, or is complying, with terms of parole or probation for example, the individual has paid or is paying any restitution that was ordered; and
  (E) whether the individual offered any explanation of mitigating circumstances such as youthfulness or extreme immaturity.
(b) Designated CSS managers review the national criminal history background results considering the above factors and any other relevant information to determine whether to hire the individual or to disqualify an existing CSS staffer from access to OKDHS and CSS networks and FTI. CSS managers take appropriate personnel action for disqualified staff, to include termination, if appropriate.
(c) After considering the above factors in (a)(2) and any other relevant information, when the individual is hired or the existing CSS staffer is not disqualified, CSS staff is allowed access to OKDHS and CSS networks and FTI.

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

340:25-5-114. Procedures for determining and processing noncooperation on Temporary Assistance for Needy Families (TANF) and non-TANF SoonerCare (Medicaid) cases
Revised ~~09-15-21~~ 9-15-22
(a) **Cooperation of custodial persons.** The custodial person (CP) must cooperate with the Oklahoma ~~Department of~~ Human Services ~~(DHS)~~ (OKDHS) Child Support Services (CSS) program in establishing paternity or in establishing, modifying, or enforcing a support order per Section 654 of Title 42 of the United States Code (42 U.S.C. § 654) and Section 264.30 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 264.30). A CP receiving: ■ 1
  (1) TANF ~~must assign~~ assigns rights to support to ~~DHS~~ OKDHS per 42 U.S.C. § 608; and
  (2) non-TANF SoonerCare (Medicaid) benefits for minor child(ren) ~~must assign~~ assigns medical support rights to the Oklahoma Health Care Authority (OHCA) per 42 C.F.R. § 433.146.
(b) **Noncooperation of custodial persons.** When a CP fails to cooperate, CSS reviews the case to determine noncooperation. When CSS determines noncooperation, CSS notifies Adult and Family Services (AFS) staff in the appropriate ~~DHS~~ OKDHS county

office. AFS staff updates the computer document for noncooperation with CSS and a computer-generated notice, per Oklahoma Administrative Code (OAC) 340:65-5-1, is sent advising the recipient of any decrease in benefits due to noncooperation. ■ 2

    (1) For CSS to make a noncooperation determination on a TANF case, the cooperation must be essential for the next step in providing child support services. ■ 2 & 3

    (2) Noncooperation is indicated when the CP:

        (A) fails to participate in a scheduled CSS conference or meeting.

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

        (C) fails to comply with an order to submit ~~oneself~~ his or her self or the child(ren) to genetic testing to determine paternity;

        (D) fails to appear as a witness at an administrative, 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 CSS all child support payments received from the NCPs or those received from entities other than the Centralized Support Registry;

        (G) 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 CSS notice, and fails to keep CSS informed of the case status; or ■ 4

        H) engages in ongoing conduct detrimental to CSS enforcement efforts. ■ 5

    (3) ~~DHS~~ OKDHS AFS staff ~~in the county office~~ determines in TANF cases ~~if~~ when good cause for noncooperation with CSS exists per OAC 340:10-10-6. ■ 6 ~~& 7~~

(c) **Noncooperation of custodial persons on non-TANF SoonerCare (Medicaid) cases.** When CSS ~~district office staff~~ receives an OHCA referral on a non-TANF or existing case update with a pending good cause indicator, CSS centralized good cause staff determines ~~if~~ when good cause exists for noncooperation per OAC 317:35-5-7. ■ ~~5 through 10~~ 7 and 8

INSTRUCTIONS TO STAFF 340:25-5-114
Revised ~~9-17-18~~ 9-15-22

1. **When an Oklahoma ~~Department of~~ Human Services ~~(DHS)~~ (OKDHS) Child Support Services (CSS) 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 custodial person (CP) is requesting Title IV-D services, the custodian must agree to cooperate with CSS, except when the case contains good cause, per Section 654 Title 42 of the United States Code and Oklahoma Administrative Code (OAC) 317:35-5-7. CSS ~~district office staff~~ follows the noncooperation procedures for good cause determination, per OAC 340:25-5-114 ~~Instructions to Staff (ITS) # 5~~ and the Centralized Good Cause Quest article .**

2. **(a) OAC 340:10-10-5(a) requires applicants or recipients who are parents of the child(ren) in their custody to cooperate with ~~DHS~~ OKDHS to receive services as a condition of eligibility for TANF. CPs who are parents of the child(ren)**

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receiving TANF benefits must cooperate with CSS. Other CPs 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) CSS staff updates the cooperation block on the CSS Custodial Person Data Update (CCPU) screen of the automated Oklahoma Support Information System to 'O' and notifies Adult and Family Services (AFS) staff when a CP is not cooperating. When the CP ~~resumes cooperation~~ takes specific action to cooperate with CSS~~, that is, has taken specific action to cooperate~~, CSS staff changes the cooperation block on the CCPU screen to Y. CSS staff does not consider ~~the CP's~~ a CP statement of willingness to complete the requested action as fulfilling the requirement to cooperate.

(c) When the CP is noncooperative, but cooperation is not essential for the next step in providing child support services, CSS staff does not report noncooperation to AFS staff. For example, if the CP failed to appear at a child support hearing but the court entered a child support order, CSS staff changes the cooperation block on the CCPU screen to Y since the CP's cooperation was not essential in obtaining the child support order.

(d) When CSS receives returned mail or is aware that the CP is not at the address AFS used, CSS staff does not report the CP as noncooperative. Instead CSS staff emails the AFS worker. The AFS worker is responsible for sending Form 08AD092E, County Client Contact and Information Request, to the CP and terminating TANF benefits if the CP fails to contact the AFS worker with a current address. If the TANF case is closed, CSS staff may close the child support case, per Section 303.11(b)(10) of Title 45 of the Code of Federal Regulations ~~(45 C.F.R. § 303.11(b)(10))~~.

(e) When noncooperation with CSS is determined, AFS county office staff reduces the family's cash assistance by 25 percent of the TANF payment standard, per OAC 340:10-10-5.

(f) CSS may pursue legal remedies, such as contempt citations, bench warrants, license revocations, and body attachments, to compel CP cooperation ~~of CPs~~, related and unrelated to the child. Legal remedies~~,~~ such as these are the only means available to CSS to obtain the cooperation of:

    (1) an unrelated ~~CPs~~ CP, as their TANF payments are not reduced; and

    (2) ~~CPs~~ a CP in child-only non-TANF SoonerCare (Medicaid) cases, as they are not included in the case.

3. (a) The case applicant must provide sufficient information for CSS to initiate a search for relevant case documents. CSS requests these documents, including orders and other relevant documents from the case applicant and all available sources, such as state registries and court clerks.

    (b) The case applicant may be placed in noncooperation status, when:

        (1) CSS attempts to obtain necessary information are unsuccessful; and

        (2) the case applicant is given notice of necessary information and then fails to provide it.

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

5. An example of conduct detrimental to CSS enforcement efforts is a CP who harasses a noncustodial ~~parents (NCP)'s~~ <u>parent's (NCP)</u> employer, such that it jeopardizes an ongoing reliable source of support.

6. ~~(a)~~ When CSS staff has reason to believe the TANF CP has good cause for noncooperation with CSS, staff refers the CP to AFS ~~county office~~ <u>Centralized TANF Unit</u> staff for a good cause determination, per OAC 340:10-10-6. <u>CSS staff follows the Centralized Good Cause Quest article.</u>
   ~~(b) OAC 340:10-10-6 ITS explain the AFS process used to determine good cause for noncooperation with CSS after considering the CSS recommendation on Form 08TA009E, Good Cause Report.~~

7. ~~(a) CSS staff builds the case in the Oklahoma Support Information System (OSIS) as "Pending Good Cause Determination," and sends the CP letter C11/03GN542E, Pending Good Cause Determination. This letter requests the CP return the required documentation within 14-calendar days to claim good cause.~~
   ~~(b) CSS staff does not contact or send letters to an NCP until the Pending Good Cause Determination is resolved.~~
   ~~(c) Upon receipt of the CP's completed information and documentation, CSS staff follows guidelines (1) through (3) to make the good cause determination.~~
   ~~(1) Has the NCP been abusive to the CP or the child(ren)?~~
   ~~(2) Was the child conceived as a result of rape or incest?~~
   ~~(3) Is the CP considering, or has the CP decided to place the child for adoption?~~
   ~~(d) When 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) a birth certificate, medical record, law enforcement report indicating a rape occurred or that the child may have been conceived by rape or incest;~~
   ~~(2) a court document indicating adoption proceedings occurred or are pending;~~
   ~~(3) a written statement from public or licensed private social services agency indicating adoption proceedings are being considered or pending;~~
   ~~(4) a court, medical, child welfare, social services, psychological, or law enforcement record indicating physical or emotional harm inflicted by the NCP on the CP or child(ren); or~~
   ~~(5) sworn statements from individuals other than the CP with knowledge of circumstances based on the good cause claim indicating there is a potential for physical or emotional harm from the NCP toward the CP or child(ren).~~
   ~~(e) When CSS staff determines good cause exists, staff updates the CCPU screen with good cause 'G,' closes the case per 45 C.F.R. § 303.11(b)(10), and sends letter, C12/03GN543E, Good Cause Determination, to the CP. OSIS sends the good cause determination to OHCA.~~
   ~~(f) When 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 updates the CCPU with a Y. OSIS sends an electronic submission to OHCA indicating CSS is proceeding with the case.~~
~~(g) When CSS staff determines good cause does not exist letter, C13/03GN544E, Notice of Denial of Good Cause for Failure to Cooperate, is sent to the CP and CSS continues working the case.~~
~~(h) The CP may dispute the good cause determination by providing additional information on C13/03GN544E, Notice of Denial of Good Cause for Failure to Cooperate, and submitting supporting documentation to CSS State Office Center for Operations (CO).~~
~~(i) CO forwards the CP's good cause request and information to the appropriate regional administrator (RA) for review. The RA confirms or reverses the previous good cause determination and notifies the CP and CSS staff accordingly.~~

8. ~~(a) When CSS receives a referral from OHCA with a pending good cause determination, CSS staff builds an information only case (Status 01). The case remains in Status 01 until the good cause determination is made or until the applicant fails to timely continue the good cause determination process.~~
~~(b) CSS staff follows the steps outlined in ITS # 7 to resolve the Pending Good Cause claim.~~
~~(c) When good cause is denied and all opportunities to appeal or review the decision are exhausted or waived, the case is converted to Status 02.~~
~~(d) When good cause is determined, the case is closed.~~

~~9.~~ When a CP on an existing CSS non-TANF or Medical Enforcement Only case claims good cause for noncooperation in a district office, CSS staff ~~updates the case in OSIS as Pending Good Cause, sends C11/03GN542E, Request for Determination of Good Cause for Failure to Cooperate, to the CP and follows the steps outlined in ITS # 7 (f) through (i)~~ follows the existing SoonerCare case process in the Centralized Good Cause Quest article.

~~10~~8. The penalty for CP noncooperation with CSS ~~by a~~ when the CP ~~who~~ is a parent receiving non-TANF Medicaid benefits is the removal of the CP's Medicaid benefits from the case. There is no penalty for noncooperation with CSS on child-only non-TANF SoonerCare (Medicaid) cases since adults are not included in the case.

340:25-5-124. Assignment and transfer of cases to child support offices [ITS Only]
Revised 09-12-22
    In assigning cases to child support offices, Oklahoma Department of Human Services Child Support Services (CSS) considers whether the case is eligible for assignment to one of the tribal programs, per Oklahoma Administrative Code (OAC) 340:25-5-286. CSS treats an order registered in Oklahoma, per Sections 601-601 through 601-614 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 601-601 through 601-614) as an Oklahoma order for purposes of OAC 340:25-5-124(1) and (2). If the case is not assigned to one of the tribal programs, CSS assigns cases under this Section. ∎ 1

(1) Oklahoma child support cases are assigned to a district office serving the county where a prior Family and Domestic district court case exists involving the parents and child(ren), regardless of the case style of the order or whether or not a child support order was entered as to either parent. ■ 2

(2) When a guardianship order is in effect, the case is assigned to the district office serving the county in which the guardianship action was filed. The district office proceeds to petition the guardianship court to:

(A) defer jurisdiction of child support to CSS. The case then follows regular case assignment rules;

(B) defer jurisdiction of child support to a pre-existing Family and Domestic court case involving the parents and child(ren) to enforce an existing child support order or establish a child support order. The case is then assigned to the district office serving the county with the existing Family and Domestic court order; or

(C) establish or modify a child support order. The case remains assigned to the district office serving the county of the guardianship. ■ 3

(3) Cases with intergovernmental child support orders are assigned to a district office serving the county in which the order is registered per 43 O.S. §§ 601-601 through 601-614.

(A) When there are multiple Oklahoma support orders, cases are assigned to a district office serving the county where the presumed controlling order for current child support was entered or docketed in district court. ■ 4

(B) When there is an Oklahoma support order and an intergovernmental support order, the case is assigned to the district office serving the county where the Oklahoma support order is entered or filed. ■ 5

(4) Cases are assigned to a district office serving the county where the custodial person (CP) resides when there is: ■ 6

(A) no Oklahoma child support order and there is no prior Family and Domestic district court case on file; ■ 7

(B) a federal or tribal child support order; or

(C) a child support order from another state.

(5) When the applicant for child support services is the noncustodial parent (NCP), the location of the CP and child is unknown, and there is no prior paternity or child support order established, cases are assigned to the office responsible for the county in which the NCP resides until the CP and child are located. ■ 8

(6) Except in cases where a child support order is registered in Oklahoma, when the CP does not reside in Oklahoma, cases are assigned to the district office serving the county where the NCP or alleged father resides. ■ 8&9

(7) When there is no Oklahoma order and no party resides in Oklahoma, cases are assigned to the district office serving the county with significant contacts with the case. When more than one county has significant contacts with the case, the case is assigned to the district office having the most recent significant contact. ■ 10

(8) CSS does not transfer cases docketed or registered, per 43 O.S. §§ 601-601 through 601-614 in district court because the CP or NCP moves to a county outside of the original district office's service area. ■ 5

(9) CSS does not transfer cases because the CP files a contempt action in a county outside of the original district office's service area. ■ 11

(10) CSS reassigns a case to another district office to avoid a conflict of interest, per OAC 340:2-1-8. ■ 12

11. When there is an existing Office of Administrative Hearings: Child Support (OAH) order that was not docketed in the appropriate district court per 340:25-5-185.1, the case is assigned to the district office that obtained the OAH order. ■ 13 & 14

INSTRUCTIONS TO STAFF 340:25-5-124
Revised ~~9-16-19~~ 9-15-22

1. **When one Oklahoma ~~Department of~~ Human Services ~~(DHS)~~ (OKDHS) Child Support Services (CSS) district office transfers a case to another office through an update on the Oklahoma Support Information System (OSIS), the sending office emails the person designated to receive transfers in the receiving office. The email includes the Family Group Number ~~(FGN)~~ and the district court case number, when applicable.**

2. **When determining office assignment of a case, CSS staff review prior orders and the parties' marital status. An adjudication of parentage in a prior order remains in full force and effect. Child support judgments and child support arrears accruing under the prior order remain due and owing regardless of a subsequent marriage or remarriage between the parties and remain in full force and effect. Between the parties of the marriage, only the current child support obligations are nullified due to a subsequent ~~marriage/remarriage~~ marriage or remarriage. Since there is no valid order for child support, Oklahoma Administrative Code (OAC) 340:25-5-124(1) does not apply.**

3. **Prior Family and Domestic district court case.**
   (1) When there is a Family and Domestic district court case involving the same parents, noncustodial parent/biological parent (NCP/BP), and a subsequent child is born, the case is assigned to the district office in the county with the existing district court case.
   (2) When there is a third party custodian and a prior Family and Domestic district court case involving the same NCP/BP, the case is assigned to the district office responsible for the county where the prior Family and Domestic district court case was filed, regardless of the current custodial person's (CP) county of residence.
   (3) When there is a prior Family and Domestic district court case involving other children of the same parents, an action to establish paternity ~~and/or~~ or support of an additional child of the same parents born during the marriage but omitted from the prior order, the case is assigned to the district office responsible for the county where the prior Family and Domestic action was filed.
   (4) When the district office dockets an administrative child support order in a Family and Domestic district court case but the individual parties subsequently file a new Family and Domestic district court case that addresses child support in addition to custody, visitation, ~~and/or~~ or property settlement, the case is transferred to the district office responsible for the new case.

4. **When there are multiple Oklahoma support orders, a case ~~will be~~ is initially**

assigned to the office with the most recent order for the office to take appropriate action to determine the controlling order.

5. When there is an ~~OK~~ Oklahoma support order and an out of state support order, the case is assigned to the county with the ~~OK~~ Oklahoma support order for that office to take appropriate action to determine the controlling order.

6. Case assigned to district office. When the CP is:

(1) receiving public assistance and there is a question about where the CP resides, CSS staff assigns the case to the district office serving the county where the CP is receiving any type of public assistance, such as Temporary Assistance for Needy Families, SoonerCare (Medicaid), Supplemental Nutrition Assistance Program benefits, or Child Care subsidy; or

(2) not receiving public assistance, CSS staff assigns the case to the district office serving the county of the ~~CP's~~ CP finding address even when the ~~CP's~~ address of record (AOR) is in another county.

(3) When the CP indicates there are family violence issues, staff assigns the case to the district office serving the county of the ~~CP's address of record~~ CP AOR. When the address information provided is unclear and could put ~~the CP's~~ CP location information at risk of being disclosed, CSS staff contacts the CP ~~for clarification of~~ to clarify the confidential address. CSS staff may consult the CSS Family Violence Coordinator in the Center for Planning and Development for guidance on how to proceed.

7. (a) When the CP in an outgoing interstate case moves to a different county within Oklahoma, CSS may transfer the case to the district office serving ~~the CP's~~ his or her new county of residence when:

(1) there is no Oklahoma order; and

(2) the new address is verified.

(b) CSS staff documents the reason for case transfer in the CSS computer system.

8. CSS staff assigns the case to the district office serving the county of the NCP's finding address even then the NCP's ~~address of record~~ AOR is in another county. When the NCP indicates the finding address is confidential due to family violence issues, staff assigns the case to the district office serving the county of the NCP's ~~address of record~~ AOR.

9. When the NCP is incarcerated, CSS staff does not transfer or reassign a case to the district office that services the county where the correctional institution is located.

10. Significant contact.

(1) A county may have significant contact with a case, per ~~Oklahoma Administrative Code (OAC)~~ 340:25-5-124 when the county is the location where:

(A) the NCP's employer conducts business;

(B) a child, parent, or CP formerly resided;

(C) the child was conceived; or

(D) the NCP owns property.

(2) When more than one district office has significant contact with the case and the district offices management involved in the case transfer cannot

reach an agreement, ~~they must~~ the offices contact the CSS Center for Operations for resolution.

11. CSS staff works together when a contempt action is filed in a county other than the original district office's service area. CSS state's attorneys in the district office where the contempt is filed make appearances on the behalf of the assigned district office without transferring the case.

12. Conflict of interest.

(1) A conflict of interest exists, when:

(A) CSS staff assigned to a case and a case participant or party have a conflict and there is no agreement that CSS staff can be fair and impartial in performing ~~their~~ his or her official duties; or

(B) the relationship between a CSS staff member and a case participant or other party adversely affects the delivery of services.

(2) A conflict of interest may exist when the CP, NCP, or other case participant or party to a case, per OAC 340:2-1-8 is:

(A) a staff member of the assigned district office;

(B) related to a staff member; or

(C) residing in the staff member's home.

(3) Duty to report, when:

(A) A conflict of interest may exist, per (6)~~(1)~~(A) and ~~(2)~~(B) of this Instruction, the employee promptly reports the relationship to his or her managing attorney or center head; and

(B) management determines a conflict exists and it is appropriate for the case to remain in the assigned district office or be reassigned.

(4) When there is a conflict of interest, or to avoid conflict of interest, CSS staff:

(A) does not access or work his or her own case files or those of a relative, per OAC 340:2-1-8;

(B) follows the process described in the Ethics for the Child Support Professional Chapter ~~process~~ on the CSS InfoNet; and

(C) refers to OAC 340:2-1-8 for further guidance on ~~DHS~~ OKDHS policy on employee prohibitions regarding conflicts of interest.

(5) When a conflict ~~was~~ is determined, and the case ~~was~~ is reassigned, the staff member with the conflict is prohibited from:

(A) accessing the CSS conflict case or electronic file;

(B) exerting influence involving the CSS conflict case on the CP or NCP;

(C) interfering with the CP or NCP's attorney-client relationship;

(D) preparing paperwork related to the child support conflict case without the agreement of the CP, NCP, and the involved CSS district offices; or

(E) notarizing child support documents from CSS for the CP or NCP.

(6) When there is a conflict of interest, district office management transfers the case to another district office in the same geographical area. For example, the Lawton and Chickasha/Duncan offices are neighbors and therefore transfer conflict of interest cases among themselves. McAlester and Okmulgee are 53 miles apart and could partner on conflict of interest cases.

(A) When the management at two district offices involved in the case transfer cannot reach an agreement that a case qualifies as a conflict of interest case, the CSS Center for Operations is contacted for resolution.
(B) When an office has too many conflict cases to transfer to only one office, cases may be distributed to several offices.
(7) A conflict of interest does not ordinarily exist when the:
(A) employee conducts business with a case participant or other party on a casual basis. For example, a CSS staff member frequents a business where the case participant or other party works;
(B) CSS staff member and the case participant or other party are involved in the same non-business activities, but only occasionally interact. For example, both attend the same church; or
(C) case participant is not satisfied with CSS procedures. OAC 340:25-1-5.1 provides CSS customers an opportunity to raise concerns about services or treatment received.
(8) Per OAC 340:2-28-26, cases with an Office of Administrative Hearings: Child Support (OAH) number transferred to another district office require an OAH Notice of Transfer or Motion and Order for Transfer before the cases are sent to another district office.
(A) CSS staff documents the circumstances of the conflict of interest on the OSIS Case Log Add (CSLOGA) screen. The receiving district office informs the applicant of the transfer by letter.
(B) When the conflict ceases to exist, the receiving office verifies the conflict no longer exists before returning the case to the sending district office, and documents the case transfer on CSLOGA.
 (9) Prior to transfer, CSS staff completes:
(A) all court actions,
(B) organizes, and secures case files. CSS staff uses Form 03AD002E, File Transfer, to accurately determine which office is assigned the file; and
(C) follows the Electronic Case Transfer Quest article.
(10) Conflict of interest cases in which domestic violence is alleged or suspected are worked, per OAC 340:25-5-67.1.
13. When the parties no longer reside in the original county, the originating office is responsible for coordinating remote hearings for the parties that no longer live in that county.
14. When the managing attorneys of the originating office and of the county where the CP or NCP resides agree there are extenuating circumstances that require a case needs to be transferred, the originating office completes the transfer process including filing the Notice of Transfer with OAH.

340:25-5-124.1.Transfer of administrative establishment case to another district child support office [ITS Only]
(a) A child support office determines the district office to which an administrative establishment case should be assigned according to OAC 340:25-5-124.

(b) A district office transfers an administrative establishment case to another office according to (c) of this Section if:

    (1) the case is assigned to the wrong child support office; or

    (2) the custodial person moves to a county outside the original office's service area.

(c) The original office immediately transfers, rather than dismisses, an administrative establishment court action to the new district office if the original office has not obtained service of process on the noncustodial parent. ■ 1 If service has been obtained, the original office completes any administrative case litigation before transferring the case to the new district office. ■ 2

INSTRUCTIONS TO STAFF 340:25-5-124.1
Revised 07-01-06 09-15-22
1. Transfers.

    (1) The Office of Administrative Hearings: Child Support (OAH), Oklahoma Department of Human Services, has statewide jurisdiction. Administrative establishment court actions are transferred rather than dismissed. Under Oklahoma Administrative Code (OAC) 340:2-28-26, an OAH Transfer Order transfer order is obtained or required before a case is transferred to another district office so the county designation may be changed on OAH records.

    (2) When service of process on the noncustodial parent has not been obtained, the sending office transfers the case to the correct office. The receiving office completes all required actions on the case and dockets the order in district court.

2. (a) ~~Completion of the administrative~~ **Administrative case litigation completion includes obtaining a certified copy of the court order and completing all Oklahoma Support Information System (OSIS) computer system updates connected with that administrative court action.**

    (b) The sending office does not docket the administrative establishment order in district court after completing litigation. The receiving office dockets the case in its district court. The case remains in the receiving office permanently, unless the custodial person moves out-of-state and opens a case in the new state.

    (c) ~~Child support staff organize and secure the case file prior to transfer.~~ **The sending office completes the electronic case transfer, per OAC 340:25-5-124 Instructions to Staff #(8) and (9). Explanation of transfer is documented on the OSIS Case Log Add (CSLOGA) screen.**

340:25-5-124.3. Assignment and management of deprived cases [ITS Only]
Revised 09-15-21
When a case includes a child(ren) in a deprived court action, Oklahoma Department of Human Services Child Support Services (CSS) assigns cases per this Section. ■ 1

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

    (2) **Existing case.** When there is a prior Family and Domestic district court case involving the parent(s) and child(ren), the case is assigned to a district office serving

the county of the deprived action. ■ 3

(3) **Split jurisdiction.** When the case involves split jurisdiction, the district offices coordinate paternity and child support order establishment and child support order enforcement procedures with the district courts. ■ 4 & 5

(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 (NCP) are terminated, and the child is not placed with the NCP, the child support case is assigned and transferred according to (A) through (D) of this paragraph, as applicable.

(A) When there is one NCP or when both NCPs reside in the same county, the CSS case is assigned to the district office serving the county where the NCP(s) resides.

(B) When there are multiple NCPs residing in different counties, the district offices within whose jurisdiction the NCPs reside reach an agreement regarding district office assignment.

(C) When parental rights are terminated CSS requests the court refer all child support issues regarding the parent whose rights have been terminated to CSS for filing in the appropriate court.

(D) When the juvenile court 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 NCP, CSS dockets the juvenile child support or paternity order in a new district court case according to (i) through (ii) of this subparagraph, as applicable: ■ 5

(i) in the county in which the NCP resides or the NCP's last verified address; or

(ii) when both parents are NCPs, (B) of this paragraph applies.

(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 dockets 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 NCP resides.

INSTRUCTIONS TO STAFF 340:25-5-124.3
Revised ~~09-15-21~~09-15-22

1. **Oklahoma ~~Department of~~ Human Services ~~(DHS)~~ (OKDHS) Child Support Services (CSS) 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) CSS Center for Operations notifies the district office of the deferral by email and documents the information on the automated Oklahoma Support Information System (OSIS) Case Log.

      (2) CSS district office staff prepares a hearing notice, notifies the parties of the hearing date, sets the case for the appropriate hearing on the OAH court docket, and documents 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~~ <u>where</u> the court has jurisdiction over the deprived action (Office B), CSS staff follows the procedures in (1) through ~~(6)~~<u>(5) of this Instruction</u>.

      (1) Office A stops processing the child support case<u>,</u> ~~except for the completion of~~ any <u>previously set</u> genetic testing ~~previously set~~ <u>is still completed,</u> and strikes any court hearings set at ~~the~~ <u>CSS</u> request ~~of CSS~~ 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~~ <u>completes the electronic</u> case ~~file~~ <u>transfer</u> to office B, per <u>Oklahoma Administrative Code 340:25-5-124 Instructions to Staff #(8) and (9)</u>.

      (3) When the juvenile court exercising jurisdiction is Tulsa County, Office A contacts the Tulsa Juvenile (TUJ) office. If TUJ determines the child support case needs to be transferred, TUJ updates the CSCU and CSLOGA screens and communicates with and requests ~~the physical~~ <u>an electronic</u> case file from Office A.

      (4) Office B checks on the <u>deprived action's</u> status ~~of the deprived action~~ with the Child Welfare Services (CWS) specialist, paying particular attention to any paternity establishment issues. Office B contacts the child welfare (CW) specialist to:

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

        (B) determine the stage of the deprived action;

        (C) determine whether <u>the juvenile court entered</u> any orders ~~were entered by the juvenile court~~ regarding paternity or child support;

        (D) check whether <u>the juvenile court determined</u> paternity was determined ~~by the juvenile court~~; and

        (E) determine whether parental rights were terminated.

      (5) 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, CSS staff follows the procedures in (A) through (D) of this paragraph.

(A) Upon receipt of the SoonerCare (Medicaid) referral through ~~the DHS~~ OKDHS automated system, Office A notifies Office B when ~~research~~ a search of the ~~DHS~~ OKDHS automated system shows there is a CW case in a county in ~~the~~ Office B's 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 when appropriate, 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 ~~was~~ is 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 ~~DHS~~ 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~~ When the juvenile court action is dismissed, Office B transfers the case back to Office A.

(2) **Child support order within the district office service area.** CSS staff builds and works the case.

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

(A) When there is an existing Family Group Number (FGN), CSS staff:

    (i) transfers the non-TANF (Temporary Assistance for Needy Families) SoonerCare (Medicaid) referral through the OSIS IV-A/OHCA Referral Listing (RFLI) screen or notifies the receiving office by email when the referral is received through the OSIS Pending Updates Inquiry (PUI) screen; and

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

(B) When there is not an existing FGN, CSS staff:

    (i) transfers the non-TANF SoonerCare (Medicaid) referral through the RFLI screen or notifies the receiving office by email when the referral is received through the OSIS Pending Updates Inquiry (PUI) screen; and

    (ii) sends an email 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, the district office serving Court B coordinates to request Court A defer jurisdiction on paternity and child support issues to Court B to address all children on a single order.

   (1) When 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.

   (2) When 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.

  5. Docketing examples:

   (1) There is one child support order entered in ~~the~~ **a mother's deprived case** ~~for a mother~~ **to pay for children by multiple fathers. The child support order may be docketed in** ~~the appropriate~~ **each father's respective 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 child support orders for the child(ren) without prior orders is docketed 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 (FGN). The deprived case was 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) The mother is the only noncustodial parent and is ordered to pay child support of $400 per month for four children in three separate FGNs. CSS staff prepares 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.

340:25-5-124.4. Multiple case processing [ITS Only]

(a) **Definitions.** The following words and terms when used in this Section shall have the following meanings unless the context clearly indicates otherwise:

"Multiple case action" means a noncustodial parent (NCP) has multiple cases that are worked together for the primary purpose of right-sizing the NCP's child support orders. A multiple case action includes either an establishment action, modification action, or both. Child Support Services (CSS) presents multiple case actions to the Office of Administrative Hearings: Child Support (OAH) or district court as appropriate. ■ 1 When appropriate, CSS may pursue enforcement action in addition to completing the other

action(s).   CSS follows Oklahoma Administrative Code (OAC) 340:25-5-200.3 when multiple case processing involves enforcement actions only.

"Right-sizing" means establishing and modifying child support orders and setting judgment payments that reflect current circumstances and actual income, unless the evidence supports imputing, to encourage NCP compliance and consistent, reliable support collections for the child(ren) involved.

(b) **Determination of multiple case actions.** CSS determines whether there is evidence to justify a modification per OAC 340:25-5-198.2 and Section 237 of Title 56 of the Oklahoma Statutes (56 O.S. § 237).   When determining whether it is appropriate to conduct a multiple case action, CSS considers:

    (1) the NCP's income;

    (2) the NCP's ability to pay all child support orders each month, in full; ■ 2

    (3) if the NCP is paying on all cases; and

    (4) the monthly child support amount per 43 O.S. §§ 118-118I. ■ 3

(c) **Interstate multiple case actions.** Multiple case actions involving non-Oklahoma orders are worked per this subsection.

    (1) When Oklahoma has continuing exclusive jurisdiction, a case is included in a multiple case action.

    (2) When Oklahoma does not have continuing exclusive jurisdiction and:

        (A) current support is still due, a case may be included in a multiple case action when all necessary parties consent for Oklahoma to exercise jurisdiction to modify the support order per 43 O.S. § 601-611; or

        (B) consent is not received for Oklahoma to exercise jurisdiction to modify, the interstate case is included only for determination of the judgment payment plan.

(d) **Initial transfer of cases.** When CSS initiates a multiple case action, CSS transfers cases as necessary to the office completing the multiple case action. ■ 4 through 6

(e) **Initial notice.** CSS provides notice to the custodial persons and the NCP, explaining their case:

    (1) is involved in a multiple case action;

    (2) was temporarily transferred, as appropriate, to another office for the multiple case action; and

    (3) will be returned to its original office after completion of the multiple case action. ■ 7

(f) **Child support computation preparation.** In multiple case actions, CSS prepares:

    (1) individual child support computation forms for each case, including medical support and child care costs for the family group; and

    (2) one combination child support computation form that treats the NCP's children as one family, allowing a child support amount based on a pro rata share. The combined child support computation form uses the NCP's income and an average of all the cases' biological parents' (BP) income and does not include medical support or child care costs. ■ 8

(g) **Filing.** CSS files multiple case actions in OAH or district court and requests the court:

    (1) consider all of the NCP's cases at the same time;

    (2) deviate from the individual guidelines child support amount due to extreme economic hardship and to more equitably distribute the resources available, as supported by 43 O.S. § 118H and OAC 340:25-5-178;

(3) order a pro rata child support amount calculated by averaging the BPs' incomes and dividing the NCP's total child support amount evenly among all children; and

(4) add medical support and child care costs from the individual child support computation form to the pro rata child support amount. ■ 8 & 9

(h) **Conclusion of multiple case action.** After a multiple case action is concluded, the multiple case processing office transfers each case back to the original office. ■ 10

INSTRUCTIONS TO STAFF 340:25-5-124.4
Revised 09-15-16 09-15-22

1. Oklahoma ~~Department of~~ Human Services Child Support Services (CSS) staff uses the Case List By AP Number Inquiry (CLAP) screen in the Oklahoma Support Information System (OSIS) to verify if a noncustodial parent (NCP) has multiple CSS cases.

2. CSS staff uses the Income Hierarchy and the Compliance Predictor Tool, located in the Education section on the CSS Infonet, to determine the NCP's ability to pay.

3. CSS refers to the Consistent Excellence Right-sizing Orders User Guide for guidance on when to initiate a multiple case action.

4. When <u>CSS</u> office staff determines there are multiple cases that can be worked together and at least one of the cases is in another office, the managing attorney (MA) or designee contacts the other office(s) to coordinate the multiple case processing. The other office(s) must respond within three-business days to discuss which office(s) completes the multiple case action.

5. (a) Generally, the office with the majority of an NCP's cases is the multiple case processing office. MAs may agree to designate a different office as the multiple case processing office for reasons including, but not limited to, when:

    (1) no office has a majority of cases;

    (2) an establishment action is pending in one office; or

    (3) most parties to the case are located closer to one office.

    (b) When MAs cannot agree on case assignment, the regional administrator(s) (RA) resolves the office assignment. The assistant director for Operations resolves the office assignment when RAs do not agree.

6. (a) The MA of the office conducting the multiple case action requests ~~the files~~ <u>an electronic case transfer</u> from the other offices' MA and office manager.

    (b) CSS staff in the case's original office <u>electronically</u> transfers a case within three-business days. When preparing the case for transfer, CSS staff <u>completes</u>:

    (1) ~~completes~~ an arrearage computation for the <u>office's</u> cases ~~in the office~~ and provides the entire Excel arrearage computation file to the multiple case processing office; <u>and</u>

    (2) ~~provides the original file or copies of relevant documents as requested by the multiple case processing office;~~

    ~~(3) completes the Office of Administrative Hearings: Child Support (OAH) Notice of Transfer to the multiple case processing office;~~

    ~~(4) updates the OSIS Case Data Update (CSCU) screen to the office code of the multiple case processing office; and~~

~~(5) documents the type of action(s) being conducted and the name of the original office(s) that transferred the case for the multiple case action in OSIS Case Log.~~ the electronic case transfer, per Oklahoma Administrative Code (OAC) 340:25-5-124 Instructions to Staff #(8) and (9).

(c) The case remains in the multiple case processing office's office code ~~during the pendency of~~ the action(s) is pending.

7. The original office sends letters to the custodial person (CP) and the NCP notifying them:

(1) ~~that~~ the case may have been temporarily transferred to another office for multiple case action;

(2) of the benefits of multiple case actions;

(3) that CSS requests the administrative law judge or district court judge to consider all of NCP's cases at the same time; and

(4) that the case ~~will be~~ is returned to the original office when the court action(s) is complete.

8. CSS staff follows the Multiple Case Action section of the Consistent Excellence Right-sizing Orders User Guide on preparing individual and combination child support computation forms.

9. When preparing a multiple case action for court, CSS staff:

(1) states the child care costs and cash medical amount separately in both the order and child support deviation paragraphs;

(2) uses the combination child support Form 03EN025E, Child Support Computation, as a worksheet for settlement conference(s) with the CP, NCP, and other parties related to the case, and as an exhibit for the court hearing;

(3) does not attach the combination child support Form 03EN025E to the Motion to Modify; and

(4) saves a copy of the combination child support Form 03EN025E in each of the CSS case files.

10. (a) When the court action is complete, the multiple case processing office:

(1) updates the order on the OSIS Obligation Update screen (OBLU) within three-business days of the court entering the order and ensures an income assignment is generated;

(2) sends a copy of the order by regular mail with a certificate of mailing to the CPs and NCPs involved in the multiple case action within three-business days;

(3) completes ~~a new OAH Notice of Transfer, when necessary;~~

~~(4) sends the case file and certified copies of the orders back to the original office(s) within three-business days;~~

~~(5) updates the OSIS CSCU screen to the office code of the original office; and~~

~~(6) notifies the original office of the transfer by email~~ an electronic case transfer, per OAC 340:25-5-124 Instructions to Staff #(8) and (9).

(b) ~~Upon receipt of~~ When the multiple case processing office receives the ~~file transfer~~ and new order information, the original office:

(1) dockets the court order in its district court;

(2) ensures the income assignment ~~was~~ is sent; and

(3) initiates enforcement actions as appropriate.

340:25-5-134. Default orders [ITS ONLY]
Revised 9-15-20
(a) **Legal basis.** The Oklahoma Department of Human Services, Child Support Services (CSS) requests default orders and processes requests for vacation or modification of default orders, per Sections 1031, 1031.1, 1038, and 2004 of Title 12 of the Oklahoma Statutes.
(b) **Service of process.** Before a default order is requested, CSS ensures all parties whose rights will be affected are served, in accordance with Section 2004 of Title 12 of the Oklahoma Statutes, unless there are statutorily recognized substitutes for service.
(c) **Entry of default orders.** CSS reviews service of the pleadings and files a proper return of service prior to requesting entry of a default. ■ 1 ~~& 2~~ through 4
(d) **Default order reviews.** When a default order is entered and either party contacts CSS in writing within 30-calendar days of entry of the default order, CSS treats the request as a motion to rehear, vacate, or modify. CSS takes necessary steps to bring the action before the court for resolution. ■ ~~3~~ 4
(e) **Default orders in parentage action.** When any party whose rights will be affected has been served and is non-cooperative in establishing parentage, CSS may request a default order of parentage, unless the non-defaulting party objects. When the non-defaulting party objects, CSS determines whether to set the case for hearing or dismiss without prejudice. ■ 1

INSTRUCTIONS TO STAFF 340:25-5-134
Revised ~~9-15-20~~ 9-15-22
1. **Oklahoma ~~Department of~~ Human Services, Child Support Services (CSS) staff ensures the return of service accurately reflects all documents served.**
    (1) CSS staff follows the Consistent Excellence (CE) Paternity Legal Review Process in determining the information needed before moving forward with ~~an~~ a default establishment order.
    (2) In an action to establish parentage, when a third party is the custodial person, CSS staff serves the birth parent (BP).
    (3) When the custodial person (CP) or BP fails to appear for the hearing after service of process and the noncustodial parent (NCP) wants to acknowledge parentage, then a default order ~~would be~~ is proper.
2. **When one of the parties to the case is in default, CSS staff confirms the military status of the defaulting party on the Servicemembers Civil Relief Act (SCRA) website, https://scra.dmdc.osd.mil/scra/#/home, and files the default affidavit with the court, per Sections 3901 through 4043 of Title 50 of the United States Code.**
3. **(a) On the Office of Administrative Hearings: Child Support (OAH) hearing day, before CSS staff request a default order from the administrative law judge (ALJ), staff takes the following steps:**
    (1) call the defaulting party and leave a message if possible;
    (2) update the automated system CSXFRU screen allowing the CSS call center to do a one time phone call transfer to CSS staff;

(3) Wait 30 minutes and call again when there is no contact from the defaulting party;

(4) When there is no response to the second call within 30 minutes, and no indication in the automated system case log that the defaulting party called, CSS staff submits the default order to the state's attorney for approval.

(b) When an attorney represents the defaulting party and the attorney does not appear on the hearing day, CSS staff continues the hearing and attempts to contact the attorney's office. After a continuance and no contact is made, the state's attorney requests the ALJ decide whether to grant further continuances or grant a default order.

(c) When the defaulting party calls before the ALJ signs and files a default order, CSS staff request the ALJ reject the default order and try to enter an order with the parties or continue the case to another hearing date.

3.4.When a party related to the case provides CSS with a written request to reconsider a default order within 30-calendar days of the order's entry of the order, CSS staff:

(1) files the written request and sets the request for hearing; or

(2) provides the party with an appropriate a CSS pro se self-help motion for hearing.; or

(3) enters an agreed order when permitted by the court.

PART 17. PAST SUPPORT

340:25-5-140. Past support
Revised 9-16-19 10-20-21

(a) **Legal authority.** Oklahoma Department of Human Services, Child Support Services (CSS) takes appropriate action to collect support and secure compliance with support orders. ■ 1 & 2

(1) When a support order does not specify an effective date, a payment is due on the first day of the month following the child support order's 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) CSS bases its determination of determines past-due support and support for a prior period based on information in available records from courts, Title IV-D and other public and private agencies, the custodial persons (CPs), the noncustodial parents (NCPs), and others.

(3) CSS may require sworn written statements and supporting documents from CPs, NCPs, 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: ■ 2

(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 (28 U.S.C. § 1738B);

(C) Chapters 302 and 303 of Title 45 of the Code of Federal Regulations; and

(D) Sections 83 and 7700-636 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 83 and 7700-636), Chapters 3 and 21 of Title 12, Title 43, and 56 O.S. §§ 231 through 240.23.

(b) **Definitions.** The following words and terms, when used in this Section shall have the following meanings unless the context clearly indicates otherwise:

   (1) **"Abate"** means, per 43 O.S. Section 118I, an NCP does not owe the child support obligation when incarcerated for 180-consecutive days. Upon eligibility, child support is no longer owed effective the first day of the month following the entry date into the correctional facility or jail and does not accrue for the duration of the incarceration.

   (2) **"Incarceration"** means, per 43 O.S. Section 118I, *an obligor is in custody on a fulltime basis in a local, state or federal correctional facility. Incarceration shall not include probation, parole, work release or any other detention alternative program that allows the obligor to be gainfully employed.*

(b)(c) **Judgment payment.** Per 43 O.S. § 137, the monthly payment schedule on past support may not exceed three years unless specific findings of fact supporting the action are made. CSS considers a three-year payment schedule to be unjust, unreasonable, inequitable, or inappropriate when CSS has evidence that the NCP cannot comply with the payment plan. CSS requests a monthly payment schedule that may exceed three years in accordance with the best evidence available, including the NCP's earning records, past job history, earning ability based on education and training, and mental or physical incapacities. CSS also considers an NCP's other child support obligations and total arrears. ■ 3

(c)(d) **Enforcement.**

   (1) CSS takes action to enforce past-due support and support for a prior period, per Oklahoma Administrative Code (OAC) 340:25-5, Part 23. ■ 1 & 4

   (2) CSS collects amounts from the original child support order date of the original child support order, including any judgments for support for a prior period, and does not limit collection of past-due child support to amounts accruing from the time a case is opened or reopened. ■ 2

   (3) When CSS receives a new case new to CSS with an existing order, or a when a previously closed case that was previously closed reopens and has an existing order, CSS does not calculate a past-due support balance, or take action to enforce past-due support, until 30-calendar days from the mailing date of the notice of case letter and affidavit of payments document to the NCP. This does not preclude the initiation of initiating an income assignment to collect current support. ■ 2

   (4) Past-due child support remains due to the CP with whom a child resided during the month the past support was due.

   (5) When CSS takes action to enforce past-due support and support for a prior period for a Servicemember's child of an NCP or a CP who is a servicemember, CSS applies the provisions of the Servicemembers Civil Relief Act, codified in 50 U.S.C. §§ 3901 through 4043. ■ 5

(d)(e) **Settlement of past support.**

(1) Settlements of past support may include:

   (A) an NCPs lump sum partial payment or a series of payments made toward the total amount of past support;

   (B) an agreement for the NCP 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 CP must sign the court order when the past support is owed to the CP. ■ 6

  (3) Per 43 O.S. § 112, CSS:

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

    (B) may negotiate the right to collect all or part of past support owed to Oklahoma. ■ 6

(e)(f) **Annual notice.** CSS uses the annual notice to the NCP parent, per 56 O.S. § 237A 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, per OAC 340:25-5, Part 23. ■ 7

(f)(g) **Death of CP.**

  (1) When the CP dies, CSS issues child support payments for past due support to:

    (A) the decedent's estate, when ~~notified in writing by~~ the estate's administrator ~~of the estate~~ notifies CSS in writing; or

    (B) any state owed past due support, per OAC 340:25-5-351.

  (2) Except as provided in (1) of this subsection, CSS refunds payments to the:

    (A) payor, when the payor's address is known;

    (B) NCP ~~parent~~ when the payor's address is unknown, or payments are returned due to the inability to distribute.

  (3) CSS does not file a forced probate court action to determine heirs and distribute past support to heirs.

(g)(h) **Jurisdiction.** When an Oklahoma tribunal has personal and subject matter jurisdiction and can obtain service of process on the NCP, CSS uses the annual notice, notice of support debt, contempt, or other appropriate proceedings to determine past support and interest before requesting another state's tribunal ~~of another state~~ to enforce the child support orders.

(i) **Incarcerated NCP**. Per 43 O.S. § 118I, beginning November 1, 2021, there is a rebuttable presumption that an NCP who is incarcerated for a period of 180-consecutive days is unable to pay child support. When a payment is made during incarceration, the presumed ability to pay child support may be rebutted for that payment period. CSS makes a final determination whether the order is abated. ■ 8

INSTRUCTIONS TO STAFF 340:25-5-140
Revised ~~09-15-21~~ **10-20-21**
1. **(a) In all cases, Oklahoma ~~Department of~~ Human Services, Child Support Services (CSS) staff requests the court set a periodic payment plan to collect past support.**
(b) When the court determines a judgment at an amount different from the amount shown on the CSS arrearage computation presented to the court, CSS staff updates the court's:
  (1) judgment amount on the Oklahoma Support Information System (OSIS) Obligation screen; and
  (2) decision and finding of fact, when included in the court order, on the OSIS Case Log (CSLOG) screen.

2. (a) Arrears are calculated and added to the case without waiting 30-calendar days, when:

    (1) there is no address for the noncustodial parent (NCP) and the custodial person (CP) returned an affidavit of payments;

    (2) the NCP responds and does not dispute arrears; or

    (3) both parties respond within 30-calendar days and there is no dispute as to the <u>arrears</u> amount ~~of arrears~~.

(b) CSS staff files an action to determine arrears, when:

    (1) both parties respond and there is a dispute as to the arrears amount; and

    (2) the NCP requests credit for non-cash support and the CP does not agree. CSS staff files the action without including credit for the non-cash support.

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

(d) When only the NCP returns the affidavit of payments, CSS staff:

    (1) contacts the CP to verify the information provided by the NCP;

    (2) enforces current support only from the date the obligation is built, until arrears are determined;

    (3) reviews the case for noncooperation and case closure, when appropriate; and

    (4) files an action to determine arrears and serves the CP, per Oklahoma Administrative Code (OAC) 340:25-3-3.

(e) When neither party returns the payment affidavits, CSS staff does not calculate <u>or add</u> arrears ~~or add arrears~~ to the case and enforces current support only from the date the obligation is built. CSS staff requests arrears be reserved for further <u>court</u> determination ~~by the court~~.

3. (a) When requesting a monthly payment schedule on past support, CSS staff reviews available information that may include the following sources to determine the NCP's ability to pay:

    (1) OSIS screens, such as FCRL and OWL;

    (2) Oklahoma Wage Report, available from the Oklahoma Employment Security Commission website at <u>https://www.ok.gov/oesc_web/index.html</u>; and

    (3) other sources as appropriate.

(b) When the payment schedule exceeds three years, CSS documents in the court order that a three-year payment schedule is unreasonable or not in the best interests of the child(ren).

4. CSS continues to collect arrears that accrued under a valid district court temporary support order when the underlying court action is later dismissed as long as the support order was never vacated by the court.

5. (a) CSS staff follows the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSS InfoNet, for procedures regarding:

    (1) waivers of rights and protection, per SCRA;

    (2) appearance in court actions;

    (3) stays of court; and

    (4) default orders.

(b) When one of the parties to the case is in default, CSS staff confirms the <u>defaulting party's</u> military status ~~of the defaulting party~~ on the SCRA website, <u>https://scra.dmdc.osd.mil/scra/#/home</u>, and files the default affidavit with the court, per Sections 3901 through 4043 of Title 50 of the United States Code.

6. **Settlement of past support.** CSS staff includes the settlement terms, including any waivers of past support, in the court order. The district office CSS state's attorneys ~~must~~ approve all settlements of past support.

   (1) Past support owed to Oklahoma. When there is a settlement of past support owed to 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 CP has multiple children on different child support cases.

   (2) Past support owed to the CP. CSS staff drafts the court order with language that states the CP makes the waiver knowingly, voluntarily, and without coercion, and with the understanding that the CP may not make a claim for the waived child support amounts in the future.

7. When initiating an enforcement action, CSS staff reviews the case to determine if the current support obligation is in accord with the child support guidelines and whether to initiate a modification of the current support obligation, per OAC 340:25-5-198.2.

8. <u>(a) When an incarcerated NCP is participating in a work release program where all the earnings are required for room and board, CSS does not consider that program as gainful employment. The NCP does not have the ability to pay child support, and therefore CSS staff abate the order.</u>

   <u>(b) CSS staff follows the Quest article for instruction on updating the automated system to abate child support orders.</u>

   <u>(c) When a payment is received while an NCP is incarcerated, CSS staff determines whether the NCP has the ability to regularly pay child support. Examples for when a payment does not qualify for abatement include but are not limited to, payments that are not ongoing and regular, such as a tax intercept or payments from a third party, including a relative or friend.</u>

   <u>(d) Payments received while child support is abated are credited to arrearages.</u>

340:25-5-140.1. Interest [ITS Only]
Revised 09-15-21
(a) **Legal authority.** Oklahoma Department of Human Services Child Support Services (CSS) collects and enforces interest on past-due Oklahoma court-ordered child support payments, per Section 114 of Title 43 of the Oklahoma Statutes (43 O.S. § 114).
(b) **Support for a prior period.** CSS collects interest on support for a prior period, per Oklahoma Administrative Code (OAC) 340:25-5-179.1 and is calculated at a rate, per 43 O.S. § 114. ■ 1
(c) **Accrual date.**

   (1) Interest accrues on any unpaid portion of the monthly current child support obligation on the first day of the month following the:

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

(B) entry date of the child support order when a support order does not specify a due date. ■ 2 & 3

(2) Interest accrues on a lump sum judgment for support for a prior period, accrued child care costs, or accrued fixed medical, from the first day of the month after the judgment is entered, per 43 O.S. § 114.

(d) **Grace period and accrual.** CSS has a grace period when interest is not charged. Interest begins to accrue from the first day of the month following the date the arrears are in excess of one month's current support. ■ 34

(e) **Interest on cash medical support.** CSS 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 6 percent applies to child support arrearages of members of the military service incurred prior to the start of military service, per Section 3937 of Title 50 of the United States Code. ■ 45

(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 CSS no later than 180-calendar days after the date of the servicemember's termination or release from military service.

(3) Upon receipt of these documents, CSS applies the 6 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) CSS may initiate a court action to challenge the claim that the servicemember's military duty materially affected his ability to pay an interest rate over 6 percent. ■ 56

(g) **Interest rate.**

(1) CSS calculates simple interest, per 43 O.S. § 114.

(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. ■ 67 through 910

(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, CSS determines the rate of interest charged, per 43 O.S. § 601604. ■ 67

(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. ■ 910

(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, CSS collects interest on incoming interstate cases when an initiating state calculates the interest owed and requests that CSS collect it. ■ 78 & 1011

(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, CSS calculates the arrears including the accrued interest claimed. ■ 78

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

(m) **Waiver of interest.** CSS acknowledges the rights of the custodial person (CP) and noncustodial parent (NCP) to mutually waive, with approval of the court, all or a portion of the interest due to the CP.

    (1) CSS may negotiate the right to collect all or part of the interest owed to Oklahoma.

    (2) Settlements of interest must be memorialized in a court order and may include:

        (A) an NCP's lump sum partial payment or a series of payments; or

        (B) an agreement for the NCP to pay:

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

            (ii) non-cash support. ■ ~~11~~12

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

(o) **Interest on spousal support.** CSS does not calculate or collect interest on spousal support.

INSTRUCTIONS TO STAFF 340:25-5-140.1
Revised ~~09-16-19~~ 09-15-22

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

2. **Oklahoma ~~Department of~~ Human Services, Child Support Services (CSS) staff attempts to calculate interest from the accrual date in the original child support obligation, unless interest ~~was~~ is calculated and included in a judgment provision in a subsequent order. CSS staff uses Form 03EN002E, Affidavit of Child Support Payments Received, to obtain child support payment information from a custodial person (CP).**

    (1) When CSS staff does not have information on how a judgment was determined, or on the amount of past-due child support accrued prior to when CSS opened the child support case, CSS staff mails the Interest Disclosure Notice document to the CP to gather information and determine the calculation period.

    (2) When the CP fails to supply the information within two weeks, or when the information is not available, CSS staff updates the automated Oklahoma Support Information System (OSIS) with interest balances that have accrued on child support arrearages from the date adequate payment documentation exists. CSS staff includes the amount and time period of the interest accrued on the child support judgment in the child support order.

3. **Interest accrues on court-ordered balances whether the monthly current support amount is increased or decreased in a modification order or reduced due to a judgment.**

~~3~~4. **(a) Example 1: Noncustodial parent (NCP) is ordered to pay $150 per month in current child support effective February 1. NCP pays $0 in February and $0 in March. NCP's child support arrears are not in excess of one month's current support until the March payment is missed. Therefore, interest accrues beginning April 1.**

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(b) Example 2: NCP is ordered to pay $150 per month in current child support effective February 1. NCP pays $75 in February and $75 in March. At the end of March, NCP's child support arrears are not in excess of one month's current support. Therefore, no interest accrues as of April 1. If the NCP does not pay the full child support amount in April, interest will accrue beginning May 1.

4~~5~~. Any arrearage incurred after the date the servicemember is **called to active military service** accrues interest at the statutory rate.

5~~6~~. CSS challenges the six percent interest rate if the ~~servicemember~~ is earning as much income in the military service as in non-military service.

6~~7~~. When using the one-state process to enforce an order established in another state, it is ~~the~~ **a CSS staff** responsibility ~~of CSS staff~~ to calculate interest using the interest rate of the state that established the order, also known as the issuing state.

7~~8~~. **(a)** When there is no initiating state, CSS staff calculates the interest due on all existing child support orders in an action to enforce those arrears, even when the order ~~was~~ **is** entered in another state.

(b) To determine the current applicable interest rate for orders from other states, CSS staff looks in the Support Details section of the Intergovernmental Reference Guide (IRG) on the Office of Child Support Enforcement (OCSE) website.

(c) CSS staff consults with the district office CSS state's attorney to determine if the interest rate changed during the period when the arrears accrued.

8~~9~~. CSS requests an Oklahoma court determine the accrued principal and interest and registers the 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.

9~~10~~. If the settlement or waiver is silent or ambiguous as to interest, CSS staff consults the CSS state's attorney for the steps to determine the **CP's or NCP's** intent of the parties as to settlement or waiver of principal and interest arrearage balances. This includes contacting the ~~parties~~ **CP or NCP** to determine their intent, memorializing the agreement, and **this** may include filing an action to determine the total principal and interest arrearage amount.

1~~0~~11. When using the two-state process in interstate cases, per Section 601-604 of Title 43 of the Oklahoma Statutes, it is the initiating state's responsibility to calculate whether the NCP paid all current support, arrears, and interest under the law of the state that issued the order.

1~~1~~12. Waiver of interest.

    (1) <u>Interest owed to the CP.</u> CSS staff uses the ~~legal settlement document on OSIS, Custodial Person's Waiver of Interest in Conjunction with a Settlement~~ **CP Waiver Order**.

    (2) <u>Interest owed to Oklahoma.</u> CSS staff includes the settlement terms of the waiver of interest in the court order. The district office CSS state's attorney ~~must approve~~ **approves** all interest settlements owed to Oklahoma. <u>CSS staff follows the arrears reduction campaign (ARC) training guide, located in Quest, for payment matching settlements for interest owed on</u>

arrears assigned to the state. CSS staff refers to the guide to determine settlement criteria, finance adjustments, and ARC payment tracking.

PART 20. MEDICAL SUPPORT

340:25-5-168. Establishment of medical support [ITS Only]
Revised 9-15-20
(a) **Scope and applicability.** Oklahoma Department of Human Services (DHS) Child Support Services (CSS) 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 (42 U.S.C. § 666) and 25 U.S.C. § 1603(12);
(2) Sections 302.33, 302.56, 303.7, 303.30, and 303.31 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 302.33, 302.56, 303.7, 303.30 & 303.31); and 42 C.F.R. § 433.152;
(3) Section 6058A of Title 36 of the Oklahoma Statutes (36 O.S. § 6058A), and 43 O.S. §§ 112, 118-118I, 118.2 and 119, and 56 O.S. § 237. ■ 1
(b) **Medical support provision of child support order.** A child support order established by CSS must contain a medical support provision. ■ 2
(c) **Calculating the cost of medical support.** To calculate the actual premium cost of health insurance, CSS:
(1) deducts from the total insurance premium, the cost of coverage for the parent;
(2) deducts from the total insurance premium, the cost of coverage for any other adults in the household, when that cost information is available;
(3) divides the remainder by the number of dependent children covered; and
(4) multiplies the amount per child by the number of children in the child support case under consideration. ■ 3 & 4
(d) **Standards for medical support provision.** When choosing a medical support provision, CSS 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 pro rata share of the actual out-of-pocket premium cost paid for the child(ren) by the insured does not exceed five percent of the gross income of the parent ordered to provide health insurance. ■ 3, 5, & 6
(2) Health insurance must be accessible, meaning the health care providers must be available to meet the child(ren)'s individual health care needs, and must be located no more than 60 miles one-way from the primary residence of the child(ren). ■ 5
(3) Health insurance must provide coverage for both routine and major medical expenses including, but not limited to: preventive care, office visits, hospitalization, and medication coverage in compliance with the Oklahoma Insurance Department, per Oklahoma Administrative Code (OAC) 365:10-5-3(14) and OAC 365:10-5-5(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). ■ 5

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

(1) reasonable cost of health insurance exceeds five percent of the gross income of the parent ordered to provide health insurance; or

(2) closest insurance provider exceeds 60 miles one-way from the primary residence of the child(ren).

(f) **Selection of health care coverage.** CSS requests the court consider the cost, quality, and accessibility of health care coverage available to the parties when entering a medical support order.

(g) **Health coverage preference.** When health coverage meeting standards in (d) of this Section is available to both parents, CSS requests the court give priority to the preference of the custodial person (CP).

(h) **Applicability of cash medical support.** CSS requests a cash medical order by the obligor, when:

(1) the court determines an order for health insurance is inappropriate due to family violence concerns; or

(2) the only health care plan available for the child is a governmental medical assistance program or health plan, such as SoonerCare (Medicaid); or

(3) there is no health care plan available for the child(ren).

(i) **Cash medical support.**

(1) When cash medical support is applicable, CSS requests the court order cash medical support to be paid by the obligor, until the obligor enrolls the child(ren) in accessible insurance coverage and provides proof of enrollment to CSS and the CP.

(2) CSS refers to the Cash Medical Income Guidelines Table as found in the child support computation form prescribed by CSS and published by the Administrative Office of the Courts on the Oklahoma State Courts Network site, per 43 O.S. § 120 to determine the cash medical support amount.

(3) CSS computes a cash medical order by applying the Cash Medical Income Guidelines Table, using the gross income for the noncustodial (NCP) of the child in the case under consideration and the number of children in the instant case.

(A) When the NCP's gross income is at or below the income amount for the number of children in the case, CSS requests the court order a cash medical order at $0 per month.

(B) When the NCP's gross income exceeds the income amount for the number of children in the case, CSS 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 not covered by insurance; and

(ii) prorating the result by the percentage of income for each parent.

(C) The NCP's share of the cash medical amount is added to the child support obligation.

(D) CSS does not request the court set cash medical support against a parent who has at least 182 overnights.

(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) CSS seeks cash medical support only as part of a prospective order for child support. CSS 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, CSS requests a cash medical support order be effective the same date the modified child support amount is effective, unless the parties agree to a different date or the change in health coverage cost or availability occurred on a later date.

(7) In a multiple case action, when the monthly child support amount in the combination child support computation form exceeds 20 percent of the NCP's gross income, CSS may request a deviation to set cash medical support at $0 per month in the individual computation forms as applicable.

(j) **Medical support for DHS adopted children.** CSS does not request health insurance or cash medical support for children who are adopted through DHS Adoption Services. CSS requests a medical support order reflecting that the child(ren) receive SoonerCare (Medicaid) through the adoption plan. The parties may agree to cover the child(ren) on health insurance.

(k) **Termination of cash medical support.**

(1) When CSS receives notice the parent ordered to pay cash medical support enrolled the child(ren) in health insurance, CSS 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 covered by accessible health insurance, a party may request a review of the termination of cash medical support within 10-calendar days from the date of mailing of the notice. ■ 8

(2) When a party requests a review to contest the Notice of Proposed Termination of Cash Medical Support, CSS reviews the case within 10-calendar days of receipt of the request and determines if termination of cash medical support is proper based on information provided by the contesting party. CSS notifies the parties of the review decision. ■ 8

(3) When the parties disagree with the review decision, the parties have 15-calendar days from the date of mailing the review decision to request a hearing on the termination of cash medical support.

(4) CSS files a Notice of Termination of Cash Medical Support with the proper court when no party requests a:

    (A) review within the 10-day time period; or

    (B) hearing after CSS notifies them of the review decision.

(5) CSS does not proceed with a separate termination of cash medical support when the child support and medical support order is modified within 30-calendar 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, CSS 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.

(l) **Reinstatement of cash medical support.**

(1) CSS seeks reinstatement of the cash medical order when:

(A) a child support court order previously ordered the NCP to pay cash medical support until insurance was available;

(B) insurance became available;

(C) the cash medical support was terminated; and

(D) the insurance subsequently lapsed. ■ 9

(2) CSS uses one of the processes listed in (A) or (B) of this paragraph to seek reinstatement of the cash medical order:

(A) **Modification.** CSS seeks modification of the child support order and reinstatement of cash medical support, per OAC 340:25-5-198.1 and OAC 340:25-5-198.2 when:

(i) the child support order that provided for cash medical support was modified to include credit for insurance premium costs; or

(ii) there is another material change of circumstance in addition to the lapse of health coverage.

(B) **Expedited Process.** When (A) of this paragraph does not apply, CSS uses an expedited process to reinstate the cash medical support. CSS uses the expedited process when there is an address of record for the obligor.

(3) CSS initiates a reinstatement of cash medical support when it receives notice the parent whose cash medical support was terminated due to the enrollment of the child(ren) in health insurance has allowed the coverage to lapse. CSS sends a Notice of Proposed Reinstatement of Cash Medical Support to all parties in the case by regular mail. When a party believes the child(ren) is covered by health insurance, a party may request a review of the reinstatement within 10-calendar days of the date the notice was mailed.

(4) A party may file a written objection to the reinstatement of cash medical support and submit it to CSS with supporting health care coverage documentation. CSS reviews the case within 10-calendar days of receipt of the objection and determines if reinstatement of cash medical support is proper based on the information provided by the contesting party. CSS provides the CP and the NCP with written notice of the review decision.

(5) When the parties disagree with the review decision, they have 15-calendar days from the date of the review decision to request a hearing.

(6) CSS files a Notice of Reinstatement of Cash Medical Support with the proper court when no party requests a:

(A) review within the 10-calendar day time period; or

(B) hearing after CSS notifies them of the review decision.

(m) **Fixed medical costs.** When the parties agree or the court orders, CSS includes the total monthly fixed medical costs in the child support guidelines computation. When 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, CSS requests the court determine the monthly amount of fixed medical costs included in the current child support order. ■ 10

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

(1) When a child support order that provides for the enrollment of a child(ren) in IHS does not meet the standards in (d) of this Section, CSS seeks an order for either or

both parents to secure another type of health care coverage besides IHS for the minor child(ren)

(2) CSS does not request cash medical support when a child(ren) is receiving IHS.

(o) **Notification requirements.** The NCP and the CP must notify CSS in writing within 30-calendar days after:

(1) health insurance becomes available;

(2) the cost of existing health insurance changes; or

(3) other provisions of existing health insurance change.

(p) **Modification request.** When a child support order exists, CSS considers a request to establish a medical support order as a request for modification of the order, per 43 O.S. § 118.1. CSS 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 9-15-20 09-15-22

1. **In cases referred to** <u>Oklahoma Human Services</u> **Child Support Services (CSS) by an Adult and Family Services (AFS) worker, CSS provides all appropriate Title IV-D services, unless the person requests medical enforcement only. CSS opens a full-service case when the AFS worker enters Y in the D8 block on the ED screen on the PS2 automated system.**

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

3. **CSS staff determines 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) When 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, CSS staff uses this premium cost to determine the amount per child.**
   (b) For example, the total health insurance premium is $275. The portion of the premium for the parent carrying the insurance is $75. The portion of the premium for the other adults in the home is unknown and cannot be determined. The number of children covered is four. The number of children in the child support case is three. The cost of the insurance premium for each child in the child support case is $50 ($275 - $75 = $200 ☐ 4 = $50 x 3 = $150).

5. **Examples of when health insurance does not meet the standards for health coverage include when the noncustodial parent has:**
   (1) gross income of $1,733 a month and has an employer-sponsored plan that would cost the parent $225 a month in out-of-pocket premium costs for three children in the case under consideration. CSS does not consider the contribution to the premium that might be made by another person or other entity. Since $225 is more than 10 percent of the $1,733, the cost of the insurance is not considered reasonable;

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

6. When applying the reasonable cost standard, CSS staff uses the <u>parent's</u> 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. When a parent's spouse provides the health care coverage for the child, CSS attributes the prorated dependent premium in the child support computation to the parent whose spouse is providing the coverage.

8. (a) CSS staff terminates cash medical support:

    (1) when a request for review is received. CSS staff uses the first day of the second month following the date of the Notice of Proposed Termination of Cash Medical Support as the termination date for the cash medical support. Example: When a Notice of Proposed Termination is issued on September 14, the termination date for the cash medical support is November 1; or

    (2) at an earlier date when the parties agree health care coverage is in place and agree to an earlier date.

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

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

    (2) generates 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 CSS staff receives notice that:

    (1) a parent's employer 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 parent's spouse; or

    (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~~ <u>when</u> termination of cash medical support is not appropriate include~~,~~ when CSS staff has information that:

    (1) a parent's employer has health insurance available, but staff has not received notice that the employer enrolled the child in health insurance; or

    (2) the child may be eligible for IHS services or DEERS, but <u>staff</u> has not received notice that the child is enrolled in this alternative coverage.

<u>(e) When there is an intact family, CSS updates the CSS automated system to stop both current support and cash medical from accruing without the necessity of filing a notice of proposed termination of cash medical support.</u>

9. (a) **CSS staff uses the first day of the second month following the date of the Notice of Proposed Reinstatement of Cash Medical Support as the reinstatement date for the cash medical support. Example: The** ~~Notice of Proposed Reinstatement~~ <u>**proposed reinstatement notice**</u> **is printed on September 14. The reinstatement date for the cash medical support is November 1.**

   (b) **When CSS staff denies a request for review of reinstatement of cash medical support and no party requests an administrative hearing within 15-calendar days:**

      (1) **CSS staff updates the child support case information on OSIS to add the cash medical support amount to the current monthly child support obligation; and**

      (2) **generates an amended Income Withholding Order to the employer, including the cash medical support amount.**

10. **When there are multiple custodial persons (CP) and it is not clear which CP is incurring a fixed medical expense, CSS staff inquires of all CPs. After obtaining the information, CSS staff creates or updates the obligation(s) to ensure the fixed medical support portion of the current monthly support obligation is distributed to the CP incurring the fixed medical expense. When staff is unable to ascertain the correct CP, the fixed medical support follows the child, per Oklahoma Administrative Code 340:25-5-133, until otherwise ordered by the court. When CPs disagree as to whom the fixed medical support is owed, CSS staff requests a court determination.**

340:25-5-169. Establishment of medical enforcement only cases [ITS Only]
Revised 09-15-17
(a) **Legal authority.** Oklahoma Department of Human Services (DHS) Child Support Services (CSS) follows Sections 302.33, 302.56, 303.30, and 303.31 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 302.33, 302.56, 303.30, and 303.31); Section 6058A of Title 36 of the Oklahoma Statutes (36 O.S. § 6058A); 43 O.S. §§ 112, 118F, 118.2, and 119; and 56 O.S. § 237.
(b) **Medical enforcement only (MEO) status.** When a person receiving non-TANF (Temporary Assistance for Needy Families) SoonerCare (Medicaid) notifies CSS that only Title IV-D services related to securing medical support are requested, CSS updates the case as an MEO case and does not provide full child support services per Oklahoma Administrative Code (OAC) 340:25-1-1.2. ■ 1 & 2
(c) **Services provided on MEO cases.** ■ 3
   (1) CSS establishes paternity, when necessary, and a child support order. The child support order must include a provision for:
      (A) current child support per OAC 340:25-5-178;
      (B) support for a prior period per OAC 340:25-5-179.1, when appropriate; and
      (C) medical support per OAC 340:25-5-168.
   (2) CSS 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) insurance is not available for the child(ren); or

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

(d) **Exception to MEO status.** CSS opens a full-service case on all of the custodial person's (CP) child support cases when CSS receives a non-TANF SoonerCare (Medicaid) referral per 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; or

    (3) assigned cash medical support is owed per OAC 340:25-5-117. ■ 1 through ~~3~~4

INSTRUCTIONS TO STAFF 340:25-5-169
Revised ~~09-15-17~~ 09-15-22

1. **Oklahoma ~~Department of~~ Human Services ~~(DHS)~~ Child Support Services (CSS) staff initially builds all cases as full-service cases. When a child support order is established, CSS staff indicates that the custodial person (CP) 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), CSS staff updates the case as an MEO case at the ~~custodial person's~~ CP request.**

3. **Staff removes any balances from the case when converting from full-service to MEO case.**

~~3~~4. **When CSS 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 Oklahoma Administrative Code 340:25-5-117, CSS staff must not update the case as an MEO case.**

PART 21. ESTABLISHMENT

340:25-5-176. Establishment of parentage [ITS Only]
Revised 09-15-20

(a) **Legal authorities.** Oklahoma Department of Human Services Child Support Services (CSS) establishes parentage and provides genetic testing when appropriate based on the facts of the case, per:

    (1) Sections 653, 654, and 666 of Title 42 of the United States Code (42 U.S.C. §§ 653, 654, & 666);

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

    (3) Sections 83, 90.4, and 7700-101 - 7700-902 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 83, 90.4, and 7700-101 - 7700-902), 43 O.S. §§ 601-201, 601-401, & 601-701, 56 O.S. §§ 230.60, 231 - 240.23, and 63 O.S. §§ 1-311 and 1-321. ■ 1 through 7

(b) **Legal parents.** CSS applies the presumptions in 10 O.S. § 7700-204(A)(1) through (4) to an individual when the individual and the woman who gave birth to the child are married. CSS applies the presumption in 10 O.S. § 7700-204(A)(5) to an individual

regardless of gender. CSS requests the court confirm parentage in cases where the individual is a presumed parent. ■ 8

(c) **Acknowledgment of Paternity.** Form 03PA209E, Acknowledgment of Paternity, can only be completed by the biological mother and biological father of the child, per 10 O.S. § 7700-301. CSS provides Form 03PA209E for voluntary acknowledgment of paternity, per 10 O.S. § 7700-312 and 63 O.S. §§ 1-311 and 1-311.3. CSS also provides companion forms that include instructions for completion, described (1) through (4) of this subsection. Signed and witnessed forms must be filed with the Oklahoma State Department of Health (OSDH), Division of Vital Records.

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

(2) Form 03PA210E, Denial of Parentage, must accompany Form 03PA209E when the mother of a child is married to someone other than the natural father and the child is born within 300-calendar days after the marriage is terminated, per 10 O.S. § 7700-204. ■ 9

(3) CSS provides Form 03PA211E, Rescission of Acknowledgment of Paternity, to rescind the legal finding of parentage created by having previously signed Form 03PA209E, per 10 O.S. §§ 7700-307 and 7700-312. This form must be completed, signed, and filed with the OSDH Division of Vital Records within 60-calendar days after the date of the last signature on Form 03PA209E.

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

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

(4) CSS provides Form 03PA213E, Rescission of Denial of Parentage, to rescind the legal finding of parentage created by having previously signed Form 03PA210E, per 10 O.S. §§ 7700-307 and 7700-312. Form 03PA213E must be completed, signed, and filed with the OSDH Division of Vital Records within 60-calendar days after the date of the last signature on Forms 03PA209E and 03PA210E. ■ 9

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

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

(d) **Servicemembers.** When CSS establishes parentage and either parent is a servicemember, CSS applies the provisions of the Servicemembers Civil Relief Act, codified in 50 U.S.C. §§ 3901 through 4043. ■ 10

(e) **Genetic testing of relatives.** When CSS has the cooperation of a deceased alleged biological father's relatives, CSS establishes parentage of the child(ren) through genetic testing of the relatives as necessary according to the standards and provisions of the Uniform Parentage Act, 10 O. S. §§ 7700-501-7700-511. ■ 6 & 11

(f) **Supplemental Security Income (SSI).** CSS establishes parentage against a parent who is disabled and receiving monthly SSI before reviewing the case for possible closure, per Oklahoma Administrative Code (OAC) 340:25-5-123.

(g) **Defaults.**

(1) CSS pursues all alleged **biological** fathers before requesting the court enter a default parentage order. ■ 12

(A) CSS requests a default order when genetic testing shows one alleged father is the biological father or all other alleged fathers are excluded by genetic testing. CSS uses other legal processes to compel genetic testing, such as license revocation or contempt of court proceedings. ■ 12 & 13

(B) CSS requests the court determine parentage when unable to obtain genetic testing on two or more alleged biological fathers.

(2) CSS does not request a default parentage order when the alleged biological father is the case applicant and the CP objects to the alleged biological father being found the father without genetic testing. When a default parentage order is entered and either party contacts CSS in writing within 30-calendar days of entry of the default order, CSS treats the request as a motion to rehear, vacate, or modify, per 12 O.S. § 1031.1. CSS takes necessary steps to bring the action before the court for resolution. ■ 14

(3) When requesting a default parentage order CSS follows OAC 340:25-5-134.

(h) **Genetic testing costs.** Costs incurred in parentage establishment cases are paid per (1) through (4) of this subsection. ■ 15

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

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

(3) When a court orders CSS to provide genetic testing and CSS does not have a case open for services, CSS requires a party to complete an application for services.

(4) In interstate cases, CSS follows OAC 340:25-5-270.

(i) **Genetic testing services.**

(1) When parentage is not established, CSS performs genetic testing when appropriate before establishing parentage and child support orders. CSS only performs genetic testing in open, full-service cases.

(2) The case applicant may apply for case closure, per OAC 340:25-5-123 after parentage and child support are established.

(3) CSS does not provide genetic testing only services.

INSTRUCTIONS TO STAFF 340:25-5-176
Revised 9-15-21 09-15-22

1. The Oklahoma ~~Department of~~ Human Services ~~(DHS)~~(OKDHS) Director authorizes Child Support Services (CSS) state's attorneys, as designees, to approve orders for genetic testing issued by the Director's authority, per Section 240.23 of Title 56 of the Oklahoma Statutes (56 O.S. § 240.23) through the CSS Director's Authorization memorandum dated ~~December, 2012~~ June, 2019.

2. When an alleged parent is the custodial person (CP) and parentage ~~was~~ is not legally established, CSS establishes parentage within the action to establish a child support obligation against the noncustodial parent (NCP).

3. (a) The P04, Parentage Questionnaire, is an essential step in CSS establishment actions. This includes actions involving Acknowledgments of Paternity, married and separated parents, or any other establishment action. CSS staff proceeds with a parentage action when the electronic case file includes a completed and signed P04 for each child. When CSS is unable to obtain a P04 completed and signed by the person who gave birth to the child, staff consults the CSS state's attorneys to determine how to proceed. The state's attorney may determine the P04 is not necessary to proceed, depending on the case's circumstances ~~of the case~~. Possible actions include, but are not limited to:

    (1) initiating noncooperation processes, per Oklahoma Administrative Code (OAC) 340:25-5-114;

    (2) applying for a citation for contempt in district court for failure to comply with an order compelling the mother to furnish the information, per 75 O.S. § 315;

    (3) sending discovery requests to any person who may have the required information as provided by the Oklahoma Discovery Code, 12 O.S. § 3224 et seq.; or

    (4) proceeding with a Notice of Paternity and Support Obligation (NOPSO) based on the information available at the time. If the mother fails to appear for court on the NOPSO after being properly served, per 12 O.S. § 2004, CSS may request a default order when the state's attorney determines there is sufficient legal basis to request a default order without the participation of the mother.

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

4. When an alleged parent is incarcerated, CSS serves the alleged parent with the parentage pleadings, and may also send a copy of the pleadings, a waiver of service, and when appropriate, a genetic test order by regular mail. CSS staff schedules genetic testing for an incarcerated, alleged father unless the father acknowledges parentage in writing or through court testimony.

5. When a party presents a genetic test result from an outside lab, CSS staff requests the state's attorney review the results prior to proceeding further. When the genetic test results are from a lab accredited, per 10 O.S. § 7700-503, the results are admissible, per 10 O.S. § 7700-621, and the state's attorney accepts the genetic test results~~,~~. CSS agrees to offer the genetic test results to

the court as evidence of paternity. When the state's attorney questions the test's validity ~~of the test~~, CSS requests a genetic test from the CSS contracted lab.

6. (a) When genetic testing is appropriate in more than one case, CSS may request the genetic testing lab use a genetic test sample previously drawn for another case when:

    (1) CSS verifies the genetic test results are available;

    (2) there are no outstanding issues in the case where the specimen was collected that require the specimen to be retained or retested; and

    (3) the donor of the genetic sample provides written permission to reuse the specimen.

    (b) When the donor is deceased, fails to appear, or does not give permission to reuse the specimen, the CSS state's attorney may request a court order allowing the use of the previous genetic test specimen, per 10 O.S. §§ 7700-508 and 509.

7. CSS may file an action to determine parentage when a person claiming to be a non-biological parent requests assistance to adjudicate his or her parentage of a child born during a same-sex relationship.

8. When a non-public assistance application, an Adult and Family Services Temporary Assistance for Needy Families (TANF), or non-TANF SoonerCare (Medicaid) referral indicates the parents were common-law married, CSS staff does not consider this as establishing a presumption of paternity in the common-law husband, per 10 O.S. § 7700-204. Instead, CSS staff works this fact pattern as a paternity case and files a Notice of Paternity and Support Obligation court action.

9. CSS staff redacts all Social Security numbers when Forms 03PA209E, Acknowledgment of Paternity; 03PA210E, Denial of Paternity; 03PA211E, Rescission of Acknowledgment of Paternity; or 03PA213E, Rescission of Denial of Paternity, are used as an exhibit to a court action.

10. (a) CSS staff follows the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSS InfoNet, for procedure regarding:

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

    (2) appearance in court actions;

    (3) stays of court; and

    (4) default orders.

    (b) When a party to the case is in default, CSS staff confirms the military status of the defaulting party on the SCRA website, https://scra.dmdc.osd.mil/scra/#/home, and files the default affidavit with the court in accordance with Sections 3901 through 4043 of Title 50 of the United States Code.

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

12. When there are multiple, alleged, biological fathers, CSS staff initiates cases on all alleged biological fathers and updates cases, per OAC 340:25-5-117 Instructions to Staff #4.

13. CSS staff does not request a default order be entered against an alleged biological father until all other alleged biological fathers are excluded by genetic testing and CSS has attempted all legal processes to compel genetic testing.

14. (a) When a party contacts CSS within 30-calendar days to request a reconsideration of a default paternity order, CSS staff notifies the party that he or she must make the request in writing within 30-calendar days of the entry of the default order. CSS staff provides the party with an appropriate CSS pro se self-help motion.

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

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

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

    (3) vacate the default order by agreement and dismiss the paternity case when the NCP is excluded as the biological father.

15. CSS seeks reimbursement for genetic testing costs from the man identified as the child's father, per 10 O.S. § 7700-506, even when the father is the CP.

340:25-5-178. ~~Calculation of~~ Calculating new and modified child support obligations

Revised ~~9-15-20~~10-20-21

(a) **Legal authority.** Oklahoma ~~Department of~~ Human Services ~~(DHS)~~(OKDHS), Child Support Services (CSS) establishes current child support, per:

    (1) Sections 654, 656, and 666 of Title 42 of the United States Code (42 U.S.C. §§ 654, 656, and 666);

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

    (3) Section 83 of Title 10 of the Oklahoma Statutes (10 O.S. § 83); Title 43; and 56 O.S. §§ 231 through 240.23.

(b) **Child support guidelines.** CSS uses the child support guidelines in 43 O.S. §§ 118-118I and 119 to:

    (1) establish <u>current child support</u> amount ~~of current support~~; and

    (2) prepare a child support computation form prescribed by CSS and published by the Administrative Office of the Courts on the Oklahoma State Courts Network website, per 43 O.S. § 120. ■ 1 through 6

(c) **Child support computation.** CSS 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 fair and equitable child support orders, per 43 O.S. §§ 118-118I. When requesting the court enter or modify child support orders in a noncustodial parent's (NCP) multiple cases, CSS may request the court deviate from the child support guidelines amounts, per 43 O.S. § 118H. ■ 7 & 8

(d) **Gross income.** When determining gross income for the child support computation, CSS ~~uses (1) through (4) of this subsection, per~~ <u>follows</u> 43 O.S. § 118B.

(1) ~~**Written earning record.** For time periods when a parent has a written earning record, CSS uses the:~~
~~(A) actual monthly gross income; or~~
~~(B) average of the gross monthly income for the time actually employed during the previous three years.~~
(2) ~~**Ability to work and no written earning record.** For time periods when a parent has an earning ability, but no written earning records, CSS imputes the most equitable of the:~~
~~(A) minimum wage paid for a 40-hour work week; or~~
~~(B) amount of gross income a person with comparable education, training, and experience could reasonably expect to earn.~~
(3) ~~**Combination.** For time periods when a parent has a written earning record for some months, but no written earning record for other months, for the months worked CSS uses the actual income and for the months with no written earning record CSS uses the most equitable of either:~~
~~(A) the actual gross income; or~~
~~(B) an imputed amount of either:~~
~~(i) minimum wage paid for a 40-hour work week; or~~
~~(ii) the amount of gross income per person with comparable education, training, and experience could reasonably expect to earn.~~
(4) ~~**Reduced earning ability.** CSS uses actual income when a parent has reduced earning ability due to the parent's limited education, physical or mental disability, incarceration, or other obstacle to employment, and there is evidence the parent has income of less than minimum wage for 40 hours per week.~~ ■ 8

(e) **Child care.** To establish the <u>current child support</u> amount of current support, CSS considers "actual" child care expenses to be the amount ~~paid~~ <u>the parent(s) or custodial person (CP) pays</u> to the child care provider ~~by the parent(s) or custodial person (CP) except when (f) of this Section applies~~. <u>CSS considers a child care subsidy recipient's copay to be the actual child care expenses.</u> CSS 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 NCP becomes part of the fixed monthly child support obligation.

(f) ~~**Child care subsidy.** When the parent(s) or CP is participating in the DHS Child Care Subsidy Program, per 56 O.S. § 230.50, CSS uses DHS Appendix C-4, Child Care Eligibility/Co-payment Chart, to determine the family share co-payment amount considered as actual child care costs on the child support computation form, per 43 O.S. § 118G.~~
~~(1) CSS considers a parent's share of the base monthly obligation for child support and the monthly income amount reflected in the records of the DHS Child Care Subsidy Program as the monthly income when applying Appendix C-4. CSS allocates the family share co-payment amount indicated on Appendix C-4, in the same proportion as base child support. CSS staff performs a separate child support guidelines calculation for each NCP.~~ ■ 9
~~(2) When a parent has a child(ren) in DHS subsidized child care other than a child(ren) included in the child support case being established, CSS uses the proportionate share of the family share co-payment for the child(ren) included in the case.~~

(g) **Juvenile Court cases.**
  (1) **Deprived cases.** When a case is referred, CSS establishes child support orders in deprived court actions, per 10A O.S. § 1-4-702, and prepares the child support order on the standard child support order form prescribed by CSS and published by the Administrative Office of the Courts on the Oklahoma State Courts Network website. ■ 10 & 11
  (2) **Delinquent cases.** When a case is referred, CSS establishes a child support order against each parent of a child in the custody of the Oklahoma Office of Juvenile Affairs, per 43 O.S. §§ 118 through 118I. ■ ~~11~~ 10

(h)(g) **Intergovernmental majority age.** CSS establishes child support orders for a child(ren) for whom child support is imposable under applicable law. ■ ~~12~~ 11

(i)(h) **Minor parents.** When a parent is a minor, CSS establishes paternity, per Oklahoma Administrative Code 340:25-5-176, when necessary, and establishes a child support order. ■ ~~13~~ 12
  (1) When a minor NCP or a CP is younger than 16 years of age, CSS does not impute gross income for the minor parent in the child support computation and only uses actual income.
  (2) When a minor NCP or CP is between 16 and 18 years of age and regularly and continuously attending high school, unless otherwise inappropriate, CSS uses either the minor parent(s) imputed gross income ~~for the minor parent(s)~~ based on minimum wage at 20 hours per week or actual income.

(i) ~~**Minor parents.** When the NCP is a minor, CSS establishes paternity, per Oklahoma Administrative Code 340:25-5-176 when necessary and establishes a child support order. When a minor NCP or a CP is younger than 16 years of age, CSS does not impute gross income for the minor parent in the child support computation and only uses actual income. When a minor NCP or CP is between 16 and 18 years of age and regularly and continuously attending high school, unless otherwise inappropriate, CSS uses either the imputed gross income for the minor parent(s) based on minimum wage at 20 hours per week or actual income.~~

(j) **Adult disabled child.** CSS enforces child support orders for adults with disabilities, per 43 O.S. § 112.1A. CSS establishes or modifies child support orders to continue after the child reaches the age of majority, per 43 O.S. § 112.1A, when the application or referral for Title IV-D services is received during the period when child support is due, per 43 O.S. § 112.

(k)(j) **Incarcerated NCP.**
  (1) Per 43 O.S. §§ 118B and 118I, ~~When~~ when an NCP is ~~expected to be~~ incarcerated for ~~at least~~ more than ~~six consecutive months~~ 180 consecutive days, ~~from the date the support amount is reviewed or established,~~ CSS requests the court enter a ~~temporary~~ child support and medical support ~~amount~~ order using actual income of $0, unless:
    (A) there is evidence of income or assets ~~outside~~ independent of ~~the correctional institution~~ incarceration;
    (B) incarceration is a result of indirect contempt of court for failure to pay child support;
    (C) incarceration is a result of a crime of omission to provide child support; or

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(D) the incarceration is a result of an offense in which the CP dependent child or the CP was a victim.

(2) **Release from incarceration**. ~~At the time the order is entered~~

(A) When an existing child support order is abated ~~there is~~:

~~(1) a pre-incarceration child support order, CSS requests the order state that upon release from incarceration,~~ the monthly child support obligation reverts back to the pre-incarceration order amount beginning the first day of the month following a lapse of 90-calendar days upon release from incarceration, per 43 O.S. §§ 118B and 118I. ~~When the NCP within the lapse period, requests in writing a review of the pre-incarceration order, the post incarceration monthly child support obligation does not begin until the review or modification is complete. When a review is requested and the NCP fails to appear for hearing, the monthly child support obligation reverts back to the pre-incarceration amount to begin the first day of the month following a lapse of 90-calendar days upon release from incarceration; or~~

~~(2)~~(B) When there is no existing ~~pre-incarceration~~ child support order, CSS requests the court order state~~;~~ that upon release from incarceration, the monthly child support amount is set based on 43 O.S. §§ 118B and 118I ~~minimum wage for a 40-hour work week beginning the first day of the month following a lapse of 90-calendar days upon release from incarceration. When the NCP within the lapse period requests in writing a hearing, the post incarceration monthly child support amount does not begin until the review or modification is complete. When a hearing is requested and the NCP fails to appear for the hearing, the monthly child support obligation reverts back to the support amount set based on minimum wage for a 40-hour work week, to begin 90-calendar days upon release from incarceration.~~ ■ 8

~~(l)~~(k) **Military.** When CSS establishes a child support order for a Servicemember's child ~~of an NCP or a CP who is a servicemember~~, CSS applies the provisions of the Servicemembers Civil Relief Act, codified in 50 U.S.C. §§ 3901 through 4043. ■ ~~14~~ 13

~~(m)~~(l) **Disability benefits.** CSS does not impute gross income to a person ~~determined~~ the Social Security Administration determines disabled ~~by the Social Security Administration~~. ■ 3 & 5

~~(n)~~(m) **Default orders.** When a default order for child support is ordered and either party contacts CSS in writing within 30-calendar days of the entry of the default orde and provides information to calculate an accurate child support obligation, CSS 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 ~~9-15-20~~10-20-21
1. **Oklahoma ~~Department of~~ Human Services Child Support Services (CSS) staff ~~must calculate~~ calculates, per Sections 118 through 118I of Title 43 of the Oklahoma Statutes (43 O.S. §§ 118 through 118I) on the child support computation form, each parent's contribution toward:**
   (1) the base child support according to ~~the~~ both parents' combined adjusted gross income ~~of both parents~~ following the child support guidelines schedule, per 43 O.S. § 119;
   (2) any actual medical and dental insurance premium; and

(3) any actual employment related child care expenses, per 43 O.S. § 118G and Oklahoma Administrative Code 340:25-5-178.

2. When the child(ren) is receiving monthly Social Security (SS) benefits from the noncustodial parent's (NCP) claim, either disability or retirement, the benefit is offset from current child support, per 43 O.S. § 118B(G), and the remainder is offset against any cash medical support.

3. (a) When a parent or minor child is disabled and receiving monthly Supplemental Security Income (SSI), CSS excludes SSI from either parent's gross income, per 43 O.S. § 118B(G)(1).

(b) When a parent's Social Security Disability Insurance (SSD) benefit amount or a combination of SSD and SSI benefits does not exceed the maximum monthly SSI benefit amount, CSS staff uses only the SSD amount as income and requests the court deviate from the guidelines to set the current child support at $0. ~~In~~ To support of the deviation, CSS state's attorneys advocate the guidelines amount is unjust or inappropriate under the circumstances, because it treats a similarly situated parent who receives only SSI benefits differently from a parent receiving a combination of benefits that equals the SSI amount.

(1) An example of the unjust guideline amount is:

(A) a parent with some work history receives a total of $710 in monthly Social Security benefits. This includes $350 SSD and $360 SSI benefits. Under the guidelines, child support ~~would be~~ is calculated based on the monthly $350 SSD benefit. The parent ~~would be~~ is ordered to pay child support because the child ~~would~~ is not ~~be~~ receiving an SSD benefit at this payment level ~~of payment~~; or

(B) a similarly disabled parent without work history ~~would receive~~ receives the full $710 as SSI benefits and is not ~~be~~ ordered to pay any child support. Therefore, CSS state's attorneys request the court ~~to~~ deviate from the guideline computation, per 43 O.S. § 118H, due to the guideline amount being unjust and inappropriate under these circumstances.

(2) The maximum monthly SSI benefit amount is found at the SSI Federal Payment Amounts webpage at: http://www.ssa.gov/oact/cola/SSIamts.html.

4. (a) When CSS staff verifies an NCP is receiving disability through the Veterans Administration (VA) and the custodial person (CP) ~~is receiving~~ receives an apportionment of the benefits on the minor child's behalf ~~of a minor child~~, CSS requests the court:

(1) consider the apportionment as alternative compliance with the child support order; and

(2) calculate child support in the same manner as when SSD benefits are received on the minor child's behalf ~~of a minor child~~, per 43 O.S. § 118B(G).

(b) CSS staff requests the court include the apportionment as part of the NCP's income.

(c) When the child support amount is:

(1) greater than the apportionment, CSS requests the court find the apportionment partially ~~satisfied~~ satisfies the child support obligation and the NCP pay only the amount in excess of the apportionment; or

(2) equal to or less than the apportionment, CSS requests the court find the child support obligation is met and <u>the NCP pays</u> no additional child support amount ~~must be paid by the NCP~~.

(d) When the court grants the CSS request, CSS staff memorializes the court's order regarding the offset of the current child support amount by the apportionment. For example, CSS staff includes the following language in the child support order. When the child support amount is:

(1) greater than the apportionment: "The court finds the obligor is satisfying the child support obligation by the apportionment of VA benefits in the amount of $x.xx. Therefore, the obligor is ordered to pay the remaining amount of $x.xx. If at any time the apportionment is not in effect, the obligor is responsible for payment of the full current child support as shown on the guidelines computation attached."; or

(2) is equal to or less than the apportionment: "The court finds the obligor is satisfying the child support obligation by the apportionment of VA benefits in the amount of $x.xx. Therefore, the court finds the child support obligation is met in full and no further payment by the obligor is required. If at any time the apportionment is not in effect, the obligor is responsible for payment of the full current child support as shown on the guidelines computation attached."

5. CSS staff consults with the district office CSS state's attorneys for a legal interpretation when the <u>monthly child support obligation</u> amount ~~of the monthly child support obligation~~ in the body of an order conflicts with the amount in the child support computation form.

6. CSS staff computes the child support obligation on the basis of actual monthly gross income for an NCP or a CP who is permanently physically or mentally incapacitated, per 43 O.S. § 118B(C)(2). The documentation required to determine if an NCP or a CP 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~~ <u>he or she</u> did before and cannot adjust to other work because of a medical condition; and

(2) disability ~~must continue~~ <u>is continuous</u> or ~~be~~ <u>is</u> expected to continue for at least one year or to result in death.

7. CSS staff accesses the Guidelines screen (GLS) on the CSS automated Oklahoma Support Information System. CSS staff may also use Form 03EN025E, Child Support Computation, and its child support guidelines computation form completion instructions, available on the ~~Oklahoma Department of Human Services (DHS)~~ <u>OKDHS</u> website at http://www.okdhs.org.

8. ~~(a)~~ CSS ~~staff reviews 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. CSS staff consults with the district office CSS state's~~

attorneys if the information provided by the parent differs significantly from the parent's known job history or earning ability.

(b) CSS 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) Written earning record.

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

            (i) actual monthly gross income; or

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

        (B) When a parent has a written earning record from an employer, such as a paystub or employer verification of hourly wages, CSS uses that written earning record as the parent's income in the child support computation form.

        (C) When a parent has evidence of employment for the last three years but the parent's wages are inconsistent, CSS uses the average of the last three years income.

        (D) When the biological parent (BP) is receiving family assistance benefits, CSS staff uses actual income in the child support computation when that information is available. Otherwise CSS staff imputes an amount based on the parent's work history, education, training, and availability to work. When these options are unavailable, staff imputes minimum wage for up to a 40-hour work week.

    (2) Ability to work and no written earning record. For time periods when a parent has an earning ability, but no written earning records, CSS uses the most equitable of the minimum wage paid for a 40-hour work week or an amount of gross income a person with comparable education, training, and experience could reasonably expect to earn using either Oklahoma Wage Report from the Oklahoma Employment Security Commission's website, available at https://www.ok.gov/oesc_web/index.html, or Oklahoma State Occupational Employment and Wage Estimates from the United States Department of Labor website, available at https://www.bls.gov/home.htm. For example, when:

        (A) the parent is purposefully underemployed, CSS uses at least minimum wage in the child support computation forms; or

        (B) there is information indicating a parent is a plumber and CSS has no evidence of income, CSS may use the median hourly wage for a plumber in the child support computation form.

    (3) Combination.

        (A) When a parent has a written earning record for some months, but no written earning record for other months, CSS may apply both (2) and (3) of this subsection.

        (B) For example, a parent may have a written earning record showing earnings of $6,000 in a quarter and no written earning record for the other quarters of the year. Staff inquires about the parent's earning ability for

~~those quarters without a written earning record, and may impute income for those quarters or use actual wages, according to the evidence.~~

~~(4) Reduced earning ability.~~

~~(A) CSS uses actual income when a parent has reduced earning ability due to the parent's limited education, physical or mental disability, incarceration, or other obstacle to employment, and there is evidence the parent has income of less than minimum wage for 40 hours per week. For example when:~~

~~(i) a parent works 10 hours a week at $8 an hour, CSS uses actual income of $347.66 per month in the child support computation form;~~

~~(ii) an incarcerated parent has no assets or income, CSS uses actual income of $0 per month in the child support computation form; or~~

~~(iii) a parent has documentation of a disability that prevents him or her from working at least 40 hours a week and is not receiving any disability benefits, CSS uses actual income, even when it is $0 per month, in the child support computation form.~~

~~(B) When a parent is incarcerated, CSS staff registers on VINE Link at www.vinelink.com for notice of the imminent release or transfer of an incarcerated NCP. When registering, staff provides the anonymous district office email address as a method of contact.~~

~~(c) When establishing or modifying a child support order, CSS considers the Compliance Predictor Tool available on the Infonet. As part of the Healthy Families Initiative, the Compliance Predictor Tool is designed to encourage staff to request the court enter realistic child support orders. A realistic child support order is 20 percent or less of an NCP's gross monthly income.~~ uses current monthly income when a parent has an earning record. Current monthly income may be zero based on the parent's circumstances. CSS only imputes income when there is no evidence of an earning record or it is not equitable. When a parent is voluntarily unemployed, CSS calculates the parent's income based upon their previous earning record, education, training, and ability to work.

9. ~~When a parent is participating in the DHS Child Care Subsidy Program, CSS staff completes the child care subsidy section of the child support guidelines computation form.~~

~~10.~~(a) CSS staff requests 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, CSS staff requests 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 CP's gross monthly income (~~,~~ found on Line 1 of the child support computation form~~)~~, CSS staff follows 43 O.S. §§ 118 through 118I.

(1) CSS staff calculates the child support obligation by using the former CP'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, CSS staff averages all of the other parents' gross incomes and ~~divide~~ <u>divides</u> 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. CSS staff totals 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. CSS staff calculates 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 CP, a new child support order supersedes that order.

~~11~~10. CSS staff requests the court order support against each parent according to the parent's proportional share. When the parents of a child in ~~the state's~~ <u>OKDHS</u> custody live together as an intact family and the total child support amount per the guidelines is equal to or exceeds 20 percent of the family's gross income, CSS staff requests a deviation when a child support amount set per the guidelines would cause extreme economic hardship.

~~12~~11. The age of majority varies by state. CSS staff may use the federal Office of Child Support Enforcement (OCSE) Intergovernmental Reference Guide (IRG), available at https://ocsp.acf.hhs.gov/irg/welcome.html, to obtain information about referrals to other states ~~for~~ <u>to</u> establishment ~~of~~ support orders.

~~13~~12. (a) CSS requests an adult guardian or next friend of the minor parent accompany the minor parent to any office visit, settlement conference, or court hearing.

(b) When <u>an adult does not accompany</u> the minor parent ~~is not accompanied by an adult~~, CSS staff consults with the CSS state's attorney about how to proceed.

(1) When a minor parent is younger than 16 years of age, CSS requests the case be transferred to district court and requests the court appoint an attorney for the child.

(2) When a minor parent is between 16 and 18 years of age, CSS requests the court enter an order without ~~the~~ <u>an adult's</u> presence ~~of an adult~~ after an evidentiary hearing about the minor parent's capacity to understand the consequences of the court proceedings.

~~14~~13. CSS staff follows the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSS InfoNet for procedures regarding:

(1) waivers of rights and protection under SCRA;

(2) appearance in court actions;

(3) stays of court; and

(4) default orders.

(b) When a party to the case is in default, CSS staff confirms the <u>defaulting party's</u> military status ~~of the defaulting party~~ on the SCRA website, https://scra.dmdc.osd.mil/scra/#/home, and files the default affidavit with the court in accordance with Sections 3901 through 4043 of Title 50 of the United States Code.

~~15~~14. When a party provides CSS with a written request to reconsider a default order within 30-calendar days of the entry of the order, CSS staff:
    (1) files the written request and sets the request for hearing; or
    (2) provides the party with an appropriate CSS pro se self-help motion.

~~16~~15. After one party files a written request, CSS sets the case for hearing and notifies the parties by mail, per Rule 2 of the Rules for District Courts. After considering the income information provided, CSS 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 [ITS Only]
Revised 09-15-21

(a) Oklahoma Department of Human Services Child Support Services (CSS) establishes support for a prior period.
    (1) In parentage and establishment cases, CSS establishes current support and support for a prior period at the same time, per Sections 83 and 7700-636 of Title 10 (10 O.S. §§ 83 and 7700-636), 43 O.S. §§ 118-118I and 119, and 56 O.S. §238.6B. ■ 1 through ~~3~~4
    (2) When a child(ren) is born during a marriage and no order addressing support for a prior period exists, CSS establishes support for a prior period per 43 O.S. §§ 118-118I and 119 and 56 O.S. § 238.1. ■ 1 & 2
        (A) CSS establishes support for a prior period under this subsection only when:
(i) current child support is initially established; ■ 4~~5~~ and
            (ii) Temporary Assistance for Needy Families (TANF) or Title IV-E and non-Title IV-E eligible foster care has been expended in any month during the past two years.
        (B) CSS limits this prior period to the number of months on TANF or Title IV-E and non-Title IV-E eligible foster care during the two years immediately before the date CSS files the court action.

(b) When a child support order is entered against a minor noncustodial parent (NCP), CSS establishes support for a prior period under the criteria for establishing current child support, per Oklahoma Administrative Code (OAC) 340:25-5-178.

(c) CSS does not establish an order for support for a prior period on an incarcerated NCP. ■ 4~~5~~ through ~~6~~7

(d) When CSS establishes an order for support for a prior period for a child of an NCP or a custodial person who is a servicemember, CSS applies the provisions of the Servicemembers Civil Relief Act, codified in Sections 3901 through 4043 of Title 50 of the United States Code. ■ ~~7~~8

(e) When the NCP is a current TANF or Supplemental Security Income (SSI) recipient and CSS:
    (1) has information that the NCP had no obligation based on the child support guidelines for the prior period, CSS requests the court set the judgment at $0; or
    (2) determines a debt may be owed for a prior period, CSS requests the court reserve the issue of support for a prior period until the NCP is no longer receiving TANF or SSI.

(f) CSS sets a monthly payment schedule per OAC 340:25-5-140.

INSTRUCTIONS TO STAFF 340:25-5-179.1
Revised ~~09-15-21~~ 09-15-22
1. **In all cases, Oklahoma ~~Department of~~ Human Services Child Support Service (CSS) staff requests the court set a periodic payment plan to collect support for a prior period.**
2. **When a custodial person (CP) fails to appear in an establishment action, CSS reserves any judgment owed to the CP for support for a prior period. CSS staff requests a judgment for any time periods assigned to the state.**
3. **CSS seeks a court order for the support owed for a prior period against any individual determined to be the parent under the Uniform Parentage Act at the same time CSS establishes current support. This applies even when a different man has been disestablished as a presumed or acknowledged father. CSS follows Oklahoma Administrative Code (OAC) 340:25-5-305(g) regarding recovery of support paid by a presumed or acknowledged parent whose parentage has been disestablished. CSS is not responsible for reimbursing any child support paid prior to disestablishment. When there is a disestablishment of parentage, CSS staff consult with the state's attorney for guidance on how to proceed with support for a prior period.**
~~3~~4. **When calculating judgments for support for a prior period, CSS staff give credit against either parent's gross income for out-of-home and in-home qualified other child(ren), per Section 118C of Title 43 of the Oklahoma Statutes.**
~~4~~5. **When current support is being established, and support for a prior period is reserved or not addressed, CSS ~~will~~ does not file a subsequent court action to obtain a judgment for those amounts. CSS staff informs parties to proceed with their own court action to establish a judgment for support for a prior period. Examples when this applies is when the:**
    (1) ~~custodial person~~ **CP fails to appear for the hearing after service; or**
    (2) **noncustodial parent (NCP) is incarcerated.**
~~5~~6. **When support for a prior period is not determined, CSS staff does not build balances in the CSS computer system since no determination was made regarding the amounts due. CSS staff does not remove balances from the CSS computer system when modifying an existing order for an incarcerated ~~noncustodial parent (NCP)~~ with a judgment or arrears balance.**
~~6~~7. **CSS ~~staffs follow~~ staff follows ~~Oklahoma Administrative Code~~ OAC 340:25-5-178(k) when establishing or modifying a child support order for an incarcerated NCP.**
~~7~~8. **(a) CSS staff follows the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSS 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.**
    (b) **When a party to the case is in default, CSS staff confirms the defaulting party's military status ~~of the defaulting party~~ on the SCRA website,**

https://scra.dmdc.osd.mil/scra/#/home, and files the default affidavit with the court in accordance with Sections 3901 through 4043 of Title 50 of the United States Code.

340:25-5-190. – Service of Process
Issued 09-15-22

(a) **Authority.** Oklahoma Human Services Child Support Services (CSS) follows the provisions of Section 2004 of Title 12 of the Oklahoma Statutes (12 O.S. § 2004) for service of process. CSS uses the most cost effective and efficient service of process method depending on what is most appropriate ~~under~~ considering the case facts. ■ 1

(b) **Service by regular mail to address of record (AOR).** Service to the AOR by regular mail may be appropriate when an AOR is on file with the central case registry for a party in the case, per Oklahoma Administrative Code 340:25-5-340. ■ 3 through 5 Service to the AOR is not appropriate when the:

(1) remedy sought may result in the affected party's incarceration including, but not limited to, indirect civil contempt actions; or

(2) court may require a higher level of notice to the affected party including, but not limited to, actions to determine paternity.

(c) **Service by acknowledgment.** CSS delivers the documents directly to a party and requests the party accepts and acknowledges service, as appropriate. The Acknowledgment of Service is filed in the court case. ■ 2

(d) **Service by certified mail.** Service by mail is made by certified mail, a return receipt is requested, and delivery is restricted to the addressee. CSS uses service by certified mail when service to the AOR or by Acknowledgment of Service is not appropriate or successful. CSS staff is not required to attempt service by certified mail before attempting personal service when the case history indicates a low probability of acceptance or when the court requires personal service. ■ 6

(e) **Service by personal delivery.** Service by personal delivery is completed by a sheriff, deputy sheriff, individual licensed to make service of process in civil cases, or an individual specially appointed for that purpose, per 12 O.S. § 2004. CSS uses service by personal delivery when:

(1) an individual has not accepted service by certified mail;

(2) service to the AOR or by acknowledgment is not available or appropriate;

(3) case history indicates a low probability of acceptance of service by certified mail; or

(4) the court requires service by personal delivery. ■ 7

(f) **Service by electronic means.**

(1) After service of the initial pleadings, CSS serves subsequent documents to the party electronically when:

(A) the party or party's attorney consents in writing to receive service in a particular case by electronic means; and

(B) the party or party's attorney designates an email address for sending the electronic service.

(2) The required written consent and electronic service instructions may be made in:

(A) the entry of appearance filed by the party or party's attorney, per 12 O.S. § 2005.2; or

(B) another document filed by the party or party's attorney in the court case.

(3) CSS may consent to electronic service, per 12 O.S. § 2005.2, at the discretion of the state's attorney. ■ 8

(g) **Diligent efforts.** When CSS contracts with vendors for service of process, the vendor makes diligent efforts to complete service and provide timely documentation to CSS. Diligent efforts means at least three-repeated attempts to serve the individual at different times of day or on different days of the week, before declaring inability to serve. CSS:

(1) attempts to serve process in the manner and at the time and place most reasonably calculated to complete service of process in the most efficient and cost effective manner;

(2) makes diligent efforts to serve process utilizing all information:

(A) provided by CSS staff;

(B) documented in the case record; or

(C) gathered from other locate resources;

(3) provides address and employer information to the process server;

(4) attempts to serve the person at:

(A) work;

(B) home; or

(C) other locations based on information gathered on his or her lifestyle; and

(5) documents all facts about attempts to serve process in the case record. ■ 9

(h) **Minor parent.** CSS serves a minor parent who is:

(1) 15 years of age and older, per 12 O.S. § 2004; or

(2) younger than 15 years of age, through a parent, guardian, or other appropriate adult as the next friend of the minor parent.

(i) **Subsequent Electronic Service.** A Notice of Consent to Electronic Service or recognized substitute is completed by a party or party's attorney and filed with the court, per 12 O.S. § 2005(B), and applies to an individual court action. Pleadings asserting new or additional claims require a new consent of electronic service.

INSTRUCTIONS TO STAFF 340:25-5-190
~~Added~~ Issued 09-15-22
1. **(a) Unless there is a family violence indicator on the case, upon request, Oklahoma Human Services Child Support Services (CSS) staff provides legal documents with an instructional cover letter for a customer to serve on the other party by a process server, hired by a customer. The customer returns an Affidavit of Service the process server signs to CSS for filing in the court action.**
(b) When a party appears for a hearing without being served, CSS staff provides copies of the legal documents to the party and requests the party sign an Acknowledgment of Receipt that CSS files with the court.
(c) CSS staff updates the automated Oklahoma Support Information System (OSIS) Case Log Add (CSLOGA) and Document Service Update (DOCSU) screens with the date of the Acknowledgment of Receipt or Affidavit of Service.
(d) CSS does not release locate information to a customer for service by a private process server, except for a request for release of an Address of Record (AOR), per Oklahoma Administrative Code (OAC) 340:25-5-340.1.

2. **CSS staff may use service by acknowledgment to serve documents on an incarcerated party.**
3. **(a) The AOR is case-specific unless the custodial person or noncustodial parent has designated otherwise. CSS cannot use the AOR on file in one case for the party's other cases.**
   (b) A party may designate different AORs for different cases.
   (c) CSS staff reviews the caselog and physical file to determine if a case has a current AOR.
4. **When a child support case closes or subsequently reopens, the established AOR remains in effect. An AOR is updated on a closed case per OAC 340:255-340(c).**
5. **When CSS is serving a party by regular mail to the AOR, CSS staff:**
   (1) sends copies of all the pleadings and orders being served to the AOR and any other current address; and
   (2) does not include non-AOR addresses on the pleadings, orders, or certificates of service.
6. **Parties who refuse to accept service by certified mail are considered properly served and a default order may be entered. When service is refused, CSS staff:**
   (1) upon receiving proof that shows the service was refused, and at least 10-calendar days before obtaining a default order, sends the legal documents to the party by regular mail with a Notice of Default After Refusal of Service (GN16). The Notice of Default After Refusal of Service notifies the party that despite the refusal, legal action will proceed and a default order will be entered unless the party appears for hearing;
   (2) files the Affidavit of Service and attaches the envelope showing it was refused. The Affidavit of Service shows the date and place of any subsequent mailing; and
   (3) files a copy of the Notice of Default After Refusal of Service with the court.
7. **Examples of situations where personal service is appropriate include, when the party:**
   (1) to be served is scheduled to appear in court on another matter;
   (2) has employment necessitating frequent travel;
   (3) cannot be served by mail or at home; or
   (4) only has an employment address available as a service location.
8. **See Consent to Electronic Service article located on Quest.**
9. **CSS staff updates the OSIS CSLOGA and DOCSU screens with all service attempts and completed service.**

340:25-5-198.1. Review of a child support order
Revised 9-17-18 10-20-21
(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 Sections 118-118I through 119 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 118-118I & 119) and Oklahoma Administrative Code (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 Department of Human Services (DHS)

Child Support Services (CSS) 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.** CSS conducts a review every three years in cases with a Temporary Assistance for Needy Families (TANF) assignment. CSS determines the tribunal with jurisdiction under subsection (e) of the Full Faith and Credit for Child Support Orders Act, codified in Section 1738B(e) of Title 28 of the United State Code (28 U.S.C. § 1738B(e)) and the Uniform Interstate Family Support Act (UIFSA) in 43 O.S. §§ 601-101 through 601-903 to modify the order. ■ 1 When another tribunal has jurisdiction to modify the child support order, CSS follows the provisions in (j) of this Section. When Oklahoma has jurisdiction to modify the child support order, CSS follows the provisions of this subsection. CSS completes the review and modification process within 180-calendar days after a request is received or the non-requesting party is located, whichever is later.

(d) **Initiation of review.**

    (1) CSS reviews an order upon written request by a customer or on its own initiative:

        (A) when there is a material change in circumstances per 43 O.S. § 118I;

        (B) per 56 O.S. § 237 when the evidence in the case justifies a modification as per OAC 340:25-5-198.2, regardless of whether there is a change of circumstances; or ■ 2 through 5

        (C) per Section 303.8 of Title 45 of the Code of Federal Regulations and OAC 340:25-5-178(k), when the NCP is incarcerated.

    (2) CSS notifies the parties of the review with instructions for submitting financial and other information required for the review.

    (3) CSS does not initiate a review upon customer request when:

        (A) the non-initiating party is not located;

        (B) it has been less than 12 months since the child support order was established, reviewed, or modified unless there is a material change of circumstances;

        (C) the preliminary information indicates the change of circumstances will not significantly impact the child support amount or the change of circumstances is temporary; or

        (D) there is evidence the monthly child support amount or judgment payment is based on a noncustodial parent's (NCP) ability to pay and the NCP is working in a job consistent with his or her education and training.

    (4) When CSS determines the customer review request does not meet the provisions in (1) of this subsection, CSS provides available pro se self-help modification forms to the customer.

    (5) CSS does not seek an upward modification of a child support order or a judgment payment upon request when an NCP is:

        (A) employed full-time in an occupation consistent with his or her education and training;

        (B) ordered to pay more than 20 percent of his or her gross income; and

        (C) is not paying the full court-ordered monthly child support amount.

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

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

(2) When the non-applicant requests the review, the non-applicant must complete Form 03EN001E, Application for Child Support Services, per OAC 340:25-5-110.1.

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

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

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

(g) **Final review.** Within 30-calendar days after the deadline for the parties to submit requested financial and other information to CSS, per (d) of this Section, CSS completes the review process and notifies parties of its determination as to whether the support order should be modified. ■ 4

(h) **Modification after review.** CSS staff follows 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 CSS approval. CSS does not accept requests to withdraw the review after making a determination that the child support order be modified.

(2) When the requesting person fails to supply information requested by CSS as instructed, CSS may terminate the review process, unless CSS or the non-requesting party requests the process continue. ■ 6

(3) When the review is initiated by CSS, failure of the parties to return requested information does not stop the review process. CSS 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, CSS obtains the information necessary for the review.

(A) CSS transmits the documents to the Title IV-D agency in the other state within 20-calendar days after receipt of the request to modify the order and of the completed documents from the person requesting the modification. ■ 7

(B) CSS 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 CSS is unable to obtain the necessary information to proceed and an Oklahoma tribunal has personal jurisdiction over the non-requesting party.

(C) CSS may terminate the review process in an interstate case per (i) of this Section and 43 O.S. §§ 601-611 and 601-615.

(2) When Oklahoma has jurisdiction to modify the order of another state or foreign country per 43 O.S. § 601-102, the order is registered in Oklahoma for modification per 28 U.S.C. § 1738B(i) and 43 O.S. §§ 601-609 through 601-616.

INSTRUCTIONS TO STAFF 340:25-5-198.1
Revised ~~9-17-18~~10-20-21
1. Controlling order.

(1) When Oklahoma is the only state that entered a child support order and

both parents reside in Oklahoma, the modification occurs in Oklahoma.

(2) Oklahoma ~~Department of~~ Human Services ~~(DHS)~~ <u>(OKDHS)</u> Child Support Services (CSS) determines the controlling order and the proper forum state for a modification proceeding when:

(A) an order was entered outside of Oklahoma; or

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

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

(4) CSS 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 (CP) and noncustodial parent (NCP) sign a written consent to jurisdiction; and

(C) CSS staff files 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, CSS uses the date the order was entered to compute time periods. When an order is not entered after the review or modification process, CSS uses the completion date of the review to compute time periods. The 12-month time period does not apply when a CP or NCP enters or leaves active duty military service, 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 website 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 receiving Social Security Administration disability benefits;

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

(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 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; or

(7) when the NCP is incarcerated for ~~at least~~ <u>more than</u> 180 ~~calendar~~ <u>consecutive</u> days.

4. Review of child support order.

(1) Examples of cases where CSS may initiate a review of the child support

order include, but are not limited to, when:

> (A) a case includes a child(ren) receiving DHS in 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, the cost, or availability of medical support changed;
>
> (C) the joint custody order does not include a child support order;
>
> (D) the child support guidelines were not followed;
>
> (E) CSS staff has information from the CP that the NCP is not exercising the number of ordered overnights per 43 O.S. § 118E;
>
> (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 an NCP notifies CSS that he or she now has physical custody of the child(ren), CSS staff follows the procedures in Oklahoma Administrative Code 340:25-5-201.1 ~~for verification of~~ to verify this information.

(3) When CSS staff verifies a custody change for the child(ren), CSS initiates a review of the child support order. CSS staff does 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 NCP 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, a pattern of:

> (1) ~~of~~ frequent changes in physical custody of the child(ren); ~~and~~ or
>
> (2) ~~or history of~~ frequent job changes by the parent requesting the review.

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

7. CSS staff uses the Paperwork Checklist for Interstate Actions in the Interstate Actions Made Easy guide located on the CSS InfoNet to determine which forms to send to a responding state to request a modification. Prior to transmitting documents to a responding state, CSS calculates past child support, including interest; obtains certified copies of orders, and requires parties to complete necessary documents. CSS uses the documents in interstate cases prescribed by the federal OCSE Action Transmittals AT-05-03, AT-05-04 and AT-05-05, available from the OCSE website at http://www.acf.hhs.gov/programs/cse/pol/AT/2005/at-05-03.htm, http://www.acf.hhs.gov/programs/cse/pol/AT/2005/at-05-04.htm, and http://www.acf.hhs.gov/programs/cse/pol/AT/2005/at-05-05.htm.

340:25-5-198.2. Modification

Revised 9-17-18 10-20-21

(a) **Authority for modification.** Oklahoma Department of Human Services (DHS)(OKDHS) Child Support Services (CSS) may initiate modification of a child support order per Section 303.8 of Title 45 of the Code of Federal Regulations (45 C.F.R. §303.8), Sections 112, 118-118I, 118.1, 119, 601-611, 601-613, and 601-615 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 112, 118-118I, 118.1, 119, 601-611, 601-613, and 601-615), and 56 O.S. § 237. CSS initiates a modification in the appropriate tribunal when facts indicate modification is warranted under applicable state or federal law or regulation.

(b) **Modification of child support order.** CSS seeks a modification when: ■ 1 through 3

    (1) there is a material change in circumstances per 43 O.S. § 118I including, but not limited to:

        (A) a change in either parent's gross income or changes in child support guideline calculation, such as child care expenses or medical support;

        (B) a child reaching the age of majority per 43 O.S. § 112;

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

        (D) there is a change in physical custody verified, per Oklahoma Administrative Code (OAC) 340:25-5-201.1;

        (E) when the noncustodial parent (NCP) is incarcerated for at least more than 180-calendar consecutive days per 45 C.F.R. § 303.8 and OAC 340:25-5-178(k); ■ 4 or

        (F) 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; or ■ 54

    (2) per 56 O.S. § 237 when the evidence in the case justifies a modification regardless of whether there has been a change of circumstances including, but not limited to, when:

        (A) the original order fails to set child support according to the guidelines;

        (B) an adjustment is needed to maximize a noncustodial parent's (NCP's) available income to meet the current child support obligation in each of the NCP's cases; or

        (C) a parent provides proof the child support obligation is being satisfied in full or in part by an apportionment of the veteran's disability compensation. ■ 65

(c) **Modification of medical support order.**

    (1) CSS seeks a modification of a medical support order, when:

        (A) there is no existing order for either parent to provide dependent health care coverage. CSS initiates a modification of a support order to require either or both parents to provide dependent health care coverage when CSS obtains information the child(ren) is not covered under an existing health care plan, regardless if 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 43 O.S. § 139.1 or 21 O.S. § 566;

        (D) an order for the NCP 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 did not request services against that parent, and the ordered parent is not actually providing medical insurance for the child. ■ 7̶6

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

(3) When a child support order exists, CSS considers a request to establish a medical support order as a request for modification of the order per 43 O.S. § 118.1. CSS seeks a medical support order in a tribunal with 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, CSS requests a cash medical support order be effective the same date the modified child support amount is effective, unless the parties agree to a different date or the change in health coverage cost or availability occurred on a later date.

INSTRUCTIONS TO STAFF 340:25-5-198.2
Revised 0̶9̶-̶1̶5̶-̶2̶1̶10-20-21

1. **Upon completion of a child support order modification, Oklahoma Department of Human Services Child Support Services (CSS) staff updates the OBLRV screen in the Oklahoma Support Information System (OSIS) associated with the current support amount that was modified.**

2. **When there is a subsequent child(ren) born to parents who live in the district office's county, the district office requests the court modify the valid underlying order.**

3. **When a custodial person (CP) fails to appear for the modification hearing after service, CSS State's Attorney decides when to ask the court to confirm a judgment for arrears that have accrued under the prior order.**

4. ~~**CSS staff does not remove the judgment or arrears balances from the CSS computer system when modifying an existing order for an incarcerated noncustodial parent (NCP). CSS State's Attorney decides when to ask the court to confirm a judgment for arrears that have accrued under the prior order.**~~

5̶. **When a parent is receiving Supplemental Security Income, staff follows Oklahoma Administrative Code (OAC) 340:25-5-178 and Instructions to Staff (ITS).**

6̶.5. **CSS requests the court consider the apportionment of the veteran's disability compensation amount, per OAC 340:25-5-178 and ITS.**

7̶.6. **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, CSS cannot enforce the medical support order. Therefore, when the ordered parent is not providing the medical insurance, CSS seeks modification to establish the medical support order against the parent for whom CSS has an open case.**

PART 23. ENFORCEMENT

340:25-5-200. Enforcement
Revised ~~09-15-21~~10-20-21
(a) **Scope and applicability.** Oklahoma Human Services Child Support Services (CSS) follows Part D of Subchapter IV of Chapter 7 of Title 42 and Section 1738B of Title 28 of the United States Code (28 U.S.C. § 1738B) Section 303.6 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 303.6), and Section 240.1 of Title 56 of the Oklahoma Statutes (56 O.S. § 240.1) in initiating enforcement proceedings.

   (1) Orders for current and past child and spousal support, health care coverage, fixed amounts of medical support, judgments, and delinquencies may be enforced through expedited and judicial processes, or through other collection efforts. ■ 1

   (2) Past-due child support is a judgment by operation of law and may be enforced in the same manner as any other money judgment, per 43 O.S. § 137.

   (3) Post-judgment remedies do not require an adjudicated judgment by a district or administrative court.

   (4) Each missed support payment is a judgment; thus, a judgment increases with each missed payment. This total judgment becomes a lien on the <u>noncustodial parent's (NCP)</u> real and personal property ~~of the noncustodial parent (NCP)~~.

(b) **Non-Oklahoma support order.** CSS registers a support order from another state, Native American tribe, territory, or foreign country, per subsection (b) of the Full Faith and Credit for Child Support Orders Act codified in 28 U.S.C. § 1738B(b) and 43 O.S. § 601-101(21) when enforcement of the order is sought.

(c) **Multiple support orders.** When multiple child support orders are entered in the same or different tribunals involving the same NCP and child, CSS seeks a determination of controlling order, per 43 O.S. §§ 601-207, 601-307, and 601-601 through 601-603 and Oklahoma Administrative Code (OAC) 340:25-5-270.

(d) **Legal remedies.** CSS determines appropriate enforcement actions and may use any legal remedy to enforce support obligations. ■ 1 CSS chooses remedies designed to obtain compliance with an obligor's support obligations and does not use any remedy for the purpose of punishment. When an NCP is participating in the CSS problem-solving court program or complying with a seek work order, CSS considers the NCP's participation and compliance, per OAC 340:25-5-200.3, when choosing enforcement remedies. Remedies CSS may use include, but are not limited to:

   (1) annual notice to ~~NCPs~~ <u>NCP,</u> per 56 O.S. § 237A and OAC 340:25-5-213;

   (2) income assignment, garnishment, and levy, per Chapter 21 of Title 12 <u>Oklahoma Statues</u>, 43 O.S. §§ 115 and 601-501 through 601-507, 56 O.S. §§ 237, 240.2, and 240.23, and 42 U.S.C. § 666; ■ 2

   (3) hearing on assets, per 12 O.S. § 842;

   (4) intercept of federal tax refunds, per 42 U.S.C. § 664, 31 C.F.R. § 285.3, and 45 C.F.R. § 303.72, OAC 340:25-5, Part 25~~.~~<u>;</u>

   <u>(5) Intercept of state tax refunds,</u> per 45 C.F.R. § 303.102, 68 O.S. § 205.2, and OAC 340:25-5, Part 27;

   ~~(5)~~<u>(6)</u> administrative offsets per 31 U.S.C. § 3716, 31 C.F.R. § 285.1, and Executive Order 13019;

   ~~(6)~~<u>(7)</u> denial, revocation, or suspension of United States passports, per 56 O.S. § 240.1 and 42 U.S.C. §§ 652 and 654;

   ~~(7)~~<u>(8)</u> revocation, suspension, non-renewal, and non-issuance of various licenses

including, but not limited to, revocations of certificates of motor vehicle titles, per 43 O.S. §§ 139 and 139.1, 47 O.S. §§ 1-153, 6-201, and 6-211, and 56 O.S. §§ 237.1 and 240.15 through 240.21A;

(8)(9) imposing liens and executing and levying on personal and real property, including, but not limited to, workers' compensation benefits, personal injury, wrongful death, and probate actions, per 43 O.S. § 135, 56 O.S. §§ 237B and 240.23, and Titles 12 and 58 of the Oklahoma Statutes; ■ 3 & 4

(9)(10) registration of foreign support orders and judgments, per the Uniform Interstate Family Support Act per 43 O.S. §§ 601-100 through 601-903 and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. §§ 719 through 726;

(10)(11) credit bureau referrals, per 42 U.S.C. § 666 and 15 U.S.C. § 1681b, 56 O.S. § 240.7, and OAC 340:25-5, Part 31;

(11)(12) financial institution data match, per 42 U.S.C. §§ 666 and 669A, 56 O.S. §§ 240.22 through 240.22G, and OAC 340:25-5-212;

(12)(13) seek work orders, per 56 O.S. § 240.10;

(13)(14) indirect civil contempt of court, per 21 O.S. §§ 566 and 567, 43 O.S. § 137, and 56 O.S. § 234. CSS does not use contempt as a penal sanction and does not recommend incarceration to the district court at sentencing in an indirect civil contempt proceeding unless there is evidence or information available that the obligor can purge the contempt. CSS asks the court to set a reasonable purge fee, per Rule 8.3 of the Rules of the District Court; ■ 5 & 6

(14)(15) when a debtor transfers income or property to avoid child support payments, action to void the transfer or obtain favorable settlement in cases in which a debtor transferred income or property to avoid payment to a child support creditor per the Uniform Fraudulent Transfer Act, 24 O.S. §§ 112 through 123 and 42 U.S.C. § 666;

(15) registration of foreign judgments per the Uniform Enforcement of Foreign Judgments Act, 12 O.S. §§ 719 through 726;

(16) criminal actions brought per 21 O.S. § 852;

(17) civil actions brought per 42 U.S.C. § 660;

(18) transfer of child support obligation to another custodian, per 56 O.S. § 237;

(19) referral to the United States Attorney for federal prosecution, per 18 U.S.C. § 228;

(20) full collection services by the Secretary of the Treasury, per 6305 of the Internal Revenue Code of 1954; and

(21) attachment of lottery prize winnings from the Oklahoma Lottery Commission, per 3A O.S. § 724.1.

(e) **Servicemember.** When CSS initiates proceedings to enforce a child support order for a child of an NCP or a custodial person who is a servicemember, CSS applies the provisions of the Servicemembers Civil Relief Act, per 50 U.S.C. §§ 3901 through 4043. ■ 7

(f) **Incarcerated NCP**. When an NCP is incarcerated for 180-consecutive days, CSS follows 43 O.S. §118I and OAC 340:25-5-140 regarding abatement of child support orders.

INSTRUCTIONS TO STAFF 340:25-5-200
Revised 10-20-21
1. The Oklahoma Department of Human Services (DHS) Director authorizes Child

Support Services (CSS) state's attorneys and caseworkers to approve subpoenas, issued by the Director's authority per Section 240.23 of Title 56 of the Oklahoma Statutes (56 O.S. § 240.23), through the DHS Director's Authorization memorandum dated December, 2012.

2. (a) CSS does not send a notice of income assignment to an employer in another state when there is an active full-service outgoing interstate referral.

(b) CSS staff sends a manual notice of income assignment to an employer, checking the "One-Time" box, when CSS staff learns an employer is going to pay a noncustodial parent (NCP) a lump sum payment, such as, but not limited to, a bonus, strike, vacation, or severance pay.

   (1) CSS staff considers the arrearage, including interest subject to the withholding limits per 12 O.S. § 1171.2. When the arrearage, including interest is less than the allowable withholding amount available from the lump sum payment, CSS staff advises the employer to withhold the lesser amount.

   (2) When a CSS state's attorney's review of the child support case results in a legal decision to collect the entire lump sum, CSS staff also sends a notice of lien to an employer.

3. CSS state's attorneys endorse checks in exchange for a payment in an amount that satisfies in full or in part, the CSS lien for workers' compensation benefits, personal injury proceeds, or any child support lien. The CSS office where the check is presented confirms the amount of the settlement with the assigned CSS office prior to endorsing the check and accepting a payment in satisfaction.

4. (a) When an NCP dies, CSS proceeds with case closure per Oklahoma Administrative Code 340:25-5-123 unless CSS staff is aware of a pending probate action.

(b) When the district office is aware of a probate action and there are funds to be distributed, CSS staff files a lien.

(c) When there is no probate action pending at the time of case closure, the district office may provide the custodial person (CP) a record of payments for the CP to pursue collection against the estate.

5. (a) In a contempt action, CSS staff follows the Contempt User Guide, available on the CSS Infonet.

(b) When requesting incarceration, CSS state's attorneys:

   (1) request the court hold an evidentiary hearing on the obligor's present ability to purge. CSS state's attorneys request the court set a purge amount per Rule 8.3 of the Rules for the District Courts (Rule 8.3) and the evidence elicited at the hearing;

   (2) may request purge conditions that are less than the full sentence allowed or for less than the full amount owed. For example, CSS state's attorneys may request incarceration for less than the statutory period of 180-calendar days and a purge amount of less than the full amount owed in order to coerce the obligor's partial compliance. When this occurs, CSS state's attorneys request the obligor continue paying based on a new payment plan and the provisions of the court's order for release per Rule 8.3(e)(3);

   (3) request alternative sentencing options per 21 O.S. § 566.1 as part of the

purge when appropriate, including, but not limited to:

    (A) ordering obligor to participate in the problem solving court program;

    (B) weekend jail; or

    (C) ankle monitors that allow the obligor to maintain employment; and

(4) ensure a record memorializing the evidence is made. When possible, CSS state's attorneys request a court reporter record the proceedings. When a court reporter is not available, CSS state's attorneys draft a Journal Entry and narrative when appropriate that includes all of the evidence submitted to the court and the court's specific findings regarding the purge conditions.

6. When CSS files a contempt action with the court, staff attaches the Notice of Your Rights in Civil Contempt Actions to the contempt citation and application packet, as an exhibit.

7. **(a)** CSS staff follows the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSS InfoNet for procedure regarding:

    (1) waivers of rights and protection under SCRA;

    (2) appearance in court actions;

    (3) stays of court;

    (4) default orders; and

    (5) enforcement actions affected by SCRA.

(b) When a party to the case is in default, CSS staff confirms the military status of the defaulting party on the SCRA website, https://scra.dmdc.osd.mil/scra/#/home, and files the default affidavit with the court, per Sections 3901 through 4043 of Title 50 of the United States Code.

PART 33. INTERGOVERNMENTAL CASES

340:25-5-270. Intergovernmental cases

Revised ~~9-15-20~~ 09-15-22

(a) Legal basis. When referring and processing intergovernmental Title IV-D cases, the Oklahoma ~~Department of~~ Human Services Child Support Services (CSS) is governed by:
■ 1

    (1) Section 1738B of Title 28 of the United States Code (28 U.S.C. § 1738B) and 42 U.S.C. §§ 654, 659A, and 666;

    (2) Sections 302.36 and 303.7 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 302.36 and 303.7); and

    (3) the Uniform Interstate Family Support Act, per Sections 601-100 through 601-903 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 601-100 through 601-903) and 56 O.S. § 240.9.

(b) Definition. For purposes of this Section, forum state means the state ~~in which~~ where the hearing is held or where the responding court proceeding is filed to establish or enforce a support order.

(c) Intergovernmental central registry. CSS operates an intergovernmental central registry, per 45 C.F.R. §§ 302.36 and 303.7.

(d) **Forms.** CSS uses forms issued by the Secretary of the United States Department of Health and Human Services, per 42 U.S.C. § 652 as applicable for processing intergovernmental cases. ■ 2

(e) **Communication.** When:

(1) Oklahoma is the initiating state, CSS obtains information from the other Title IV-D agency and communicates with the custodial person (CP) in Oklahoma.

(2) Oklahoma is the responding state, CSS communicates to the initiating state with which CSS has established a case. ■ 3

(3) CSS receives written communication from a party or a party's attorney, CSS sends copies to the appropriate agency or person within two-business days of receipt, per 43 O.S. § 601-307.

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

(1) enters the address of record, when 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, Nondisclosure Finding Affidavit, and on the General Testimony, when applicable; ■ 4

(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 Oklahoma Administrative Code (OAC) 340:25-5-67; and

(4) seeks an order from the appropriate tribunal regarding release of the information when the initiating state, responding state, or a party requests release of specific identifying information, per 43 O.S. § 601-312. ■ 45

(g) **Services provided.** Except as provided in (1) through (4) of this subsection, CSS processes intergovernmental cases in the same manner as intrastate cases, per OAC 340:25-1-1.2.

(1) **Evidence.** If one of the parties is a nonresident of the forum state, CSS arranges for telephonic testimony over the phone at the request of the nonresident party or a Title IV-D agency, and requests the court to admit evidence, per 43 O.S. § 601-316. ■ 56

(2) **One-state processing.** In the absence of an order to establish paternity or support, CSS uses a one-state process to establish an order if personal and subject matter jurisdiction may be exercised over a nonresident party, per 45 C.F.R. § 303.7 and 43 O.S. § 601-201.

(3) **Determination of controlling order.** When there are multiple orders for current support for the same child, CSS seeks a determination of controlling order (DCO) or a new order from the appropriate tribunal, per 43 O.S. § 601-207 and 43 O.S. §§ 601-602 through 601-615.

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

(B) Once the court issues a DCO, CSS applies the law of the controlling order state to the consolidated arrears, even when the support orders of other states contributed a portion to those arrears. ■ 67

(4) **Redirection of payments.** Per 43 O.S. §§ 601-307 and 601-319:

(A) CSS issues a notice to redirect payments to the Title IV-D agency in the state ~~in which~~ where the ~~custodial person~~ CP 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 (NCP), ~~custodial person~~ CP, or any child lives in Oklahoma; and

(iii) CSS or another Title IV-D agency makes the request. ■ ~~7~~8

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

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

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

(iii) Oklahoma provides child support services. ■ ~~7~~8

(C) CSS furnishes a certified record of payments to a requesting party or tribunal when CSS receives redirected payments, per 43 O.S. § 601-319.

(5) **Limited services.** CSS provides limited services only at the request of an initiating interstate Title IV-D agency or an international central authority, per 43 O.S. §§ 601-101 through 901 and 45 C.F.R. § 303.7. CSS provides limited services, when appropriate, even when an individual ~~noncustodial parent~~ NCP or ~~custodial person~~ CP does not reside in Oklahoma. ~~Request~~ The CSS director or appointed designee approves requests for limited services not listed in 45 C.F.R. § 303.7 ~~must be approved by the CSS director or appointed designee~~. ■ ~~8~~9

(h) **Determination of arrears.** When Oklahoma has personal and subject matter jurisdiction and can obtain service of process on the ~~noncustodial parent~~ NCP, CSS 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.

(i) **Choice of law.** The applicable law for support duration 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, per 28 U.S.C. § 1738B(h) and 43 O.S. §§ 601-604 through 601-611. The law of the initial controlling order state governs the support duration ~~of support~~ even after another state modifies the order ~~is modified by another state~~.

(j) **Genetic testing.** When genetic testing is required in intergovernmental cases, the responding state is responsible for paying the cost of testing, per 45 C.F.R. § 303.7 and OAC 340:25-5-176.

INSTRUCTIONS TO STAFF 340:25-5-270
Revised ~~9-15-20~~ 09-15-22
1. **Oklahoma Human Services Child Support Services (CSS) registers a foreign support order, per Sections 601-601 through 601-604 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 601-601 through 601-604) when enforcement of the order is requested. When 43 O.S. § 601-207 applies, CSS consolidates multiple orders.**
2. **CSS staff follows the ~~federal~~ Office of Child Support Enforcement (OCSE) Action Transmittals AT-97-06, AT-05-03, and AT-05-04, available from the OCSE website at http://www.acf.hhs.gov/programs/cse/pol/AT/1997/at-9706.htm,**

http://www.acf.hhs.gov/programs/cse/pol/AT/2005/at-05-03.htm, and http://www.acf.hhs.gov/programs/cse/pol/AT/2005/at-05-04.htm, for instructions ~~for completion of~~ on completing interstate child support forms.

3. Communication.

    (1) CSS staff follows OCSE Action Transmittal AT-98-30, available from the OCSE website at http://www.acf.hhs.gov/programs/cse/pol/AT/1998/at-9830.htm, to clarify the intent of 45 C.F.R. § 303.7 regarding communication in interstate cases.

    (2) When it is necessary to communicate with the other state, CSS staff updates 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 (CP) as long as there is no follow-up message to stop.

4. **CSS staff assist with form completion as needed and advises the customer the non-disclosure being checked on Uniform Interstate Family Support Act forms alone is not sufficient to protect victims of family violence. The sworn statement does not require a witness or a notary and may be self-certified by the party making the statement.**

~~4~~5. 43 O.S. § 601-312 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.

~~5~~6. CSS staff attempts to coordinate with the Title IV-D agency in the initiating or responding state if any, in arranging ~~telephonic~~ testimony over the phone with an out-of-state witness or party. CSS staff requests a phone number from the nonresident party where he or she can be reached on the hearing date ~~of a hearing,~~ when he or she is unable to appear in person.

~~6~~7. Determination of controlling order (DCO). CSS staff follows the federal OCSE Determination of Controlling Order and Reconciliation of Arrears Best Practice Guide provided in the Dear Colleague Letter DCL-03-27, available from the OCSE website at http://www.acf.hhs.gov/programs/cse/pol/DCL/2003/dcl-03-27.htm.

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

        (A) CSS staff follows OCSE Information Memorandum IM-03-01, available from the OCSE website at http://www.acf.hhs.gov/programs/cse/pol/IM/2003/im-03-01.htm, regarding instructions for the DCO.

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

    (2) When an Oklahoma tribunal has personal jurisdiction, CSS staff files an application for the DCO with the appropriate tribunal, per Oklahoma Administrative Code (OAC) 340:25-5-124. CSS staff follows the instructions

for the DCO in Oklahoma, available from the CSS InfoNet Library page. CSS staff sends notice of the hearing on the application for DCO to all parties and public agencies the determination may affect.

(3) When a state tribunal other than an Oklahoma tribunal has personal jurisdiction over the noncustodial parent (NCP) and CP, CSS staff sends 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 Title IV-D agency in the state with jurisdiction to determine the controlling order.

(4) CSS seeks a DCO when requested by another tribunal and there are sufficient minimum contacts with the NCP and the CP, even when the parties do not currently reside in Oklahoma. Refer to OAC 340:25-5-124 for assignment of cases without an Oklahoma order.

(5) CSS files a certified copy of the DCO within 30-calendar 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.**

7~~7~~8.CSS may seek an order to redirect payments from either district court or the Office of Administrative Hearings: Child Support.

8~~8~~9. (a) Intergovernmental limited services include:

> **(1) locate;**
> **(2) service of process;**
> **(3) coordination of genetic testing;**
> **(4) automated enforcement of interstate cases;**
> **(5) enforcement of a child support order when an NCP's assets may be found in Oklahoma;**
> **(6) modification of a child support order, per ~~Oklahoma Administrative Code~~ OAC 340:25-5-198.1;**
> **(7) provision of certified payment records, when Oklahoma once had an enforceable order;**
> **(8) assistance with discovery for court proceedings;**
> **(9) determination of controlling order;**
> **(10) conversion of child support stated in a foreign currency to United States dollars when the conversion is necessary to provide another limited service;**
> **(11) resolution of a contest of the validity or enforcement of an Order/Notice to Withhold Income for Child Support; and**
> **(12) redirection of payments, amendment of an Order/Notice to Withhold Income for Child Support, when necessary, and provision of certified payment records to the Title IV-D agency in the custodial person's state when the parties do not reside in Oklahoma and Oklahoma issued the child support order.**

(b) When limited services are provided to redirect payments or amend an Order/Notice to Withhold Income for Child Support, CSS staff provides copies of the redirection of payments and the amended Order/Notice to Withhold

Income for Child Support to the Central Case Registry at PO Box 248843, Oklahoma City, Oklahoma 73124-8843.
(c) When Oklahoma is requested to provide limited services, CSS suppresses all non-requested actions.

PART 37. RECOVERY

340:25-5-305. Overpayment and recovery policies
Revised ~~09-15-21~~10-20-21
(a) **Legal authority.** Oklahoma Human Services (OKDHS), Child Support Services (CSS) recovers CSS overpayments per Title IV, Part A of Subchapter IV of Chapter 7 of Title 42 of the United States Code; Section 109.5 of Title 43 of the Oklahoma Statues (43 O.S. § 109.5); and 56 O.S. §§ 171, 185, and 231 through 244.
(b) **Purpose.** The rules in this Part:
  (1) establish CSS policies and procedures used to recover CSS overpayments to custodial persons ~~(CPs)~~(CP), noncustodial parents ~~(NCPs)~~(NCP), and other entities; and
  (2) resolve payment disputes arising from overpayments.
(c) **Overpayment recipient and categories.** An overpayment means a CSS payment to a CP, NCP, or other entity to which the entity or person is not entitled. The recipient of the overpayment owes the amount to CSS, acting on behalf of the state of Oklahoma. Categories of overpayments are described in (1) through (3) of this subsection.
  (1) Retained support occurs when the CP kept support payment(s) in violation of the assignment of support rights.
  (2) Erroneous payment occurs when CSS incorrectly paid money to a CP, NCP, or other entity, or failed to retain money assigned to Oklahoma because of an administrative error.
  (3) Bad debt occurs when:
    (A) the funding for a payment made by CSS to a CP or NCP is subsequently withdrawn when a tax intercept or other collection is revoked;
    (B) a check or other payment instrument received by CSS from an NCP or other payor on behalf of the NCP is dishonored after a payment ~~was~~ is made to the CP; or
    (C) CSS issues a payment to a CP based on an incorrect arrearage balance or an incorrect allocation of a payment.
 (d) **Overpayment recovery.**
  (1) CSS may use any legal remedy to recover overpayments including, but not limited to:
    (A) voluntary payments;
    (B) state income tax refund intercepts, per 68 O.S. § 205.2; and
    (C) lottery prize claims, per 3A O.S. § 724.1.
  (2) When an overpayment resulted in whole or in part from false or misleading statements, concealed information, willful misrepresentation, or when fraud is otherwise suspected, CSS reports the information to the OKDHS Office of Inspector General for appropriate action. Action may include, but is not limited to, investigation and criminal prosecution. ■ 1 & 2

(3) In active Temporary Assistance for Needy Families (TANF) cases, when a TANF recipient retains child support receipts, CSS may make a noncooperation referral to Title IV-A staff. CSS recovers overpayments from TANF customers through voluntary payments, state income tax refund intercepts, and lottery prize claims.

(e) **Recovery amount.**

(1) ~~In order to~~ recover child support overpayments, CSS 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:

    (A) at the CSS director's discretion; or

    (B) when the CSS Center for Finance and Budget determines the overpayment ~~was~~ is a result of <u>CP</u> fraud ~~by the CP~~.

(2) When the CP ~~received~~ <u>receives</u> his or her full monthly support payment in the same month as an overpayment, CSS retains the full amount of any subsequent payments for that month up to the <u>overpayment</u> amount ~~of the overpayment~~. CSS satisfies any remaining overpayment as set forth in (1) of this subsection.

(f) **Notice and administrative review.**

(1) CSS sends ~~a~~ <u>an overpayment and recovery</u> notice ~~of overpayment and recovery~~ to the overpayment recipient. The notice includes the overpayment amount, payment withholding and collection remedies, and instructions for requesting an administrative review and hearing, per OAC 340:25-5-200.1.

(2) The administrative review provides an opportunity for the overpayment recipient to offer new or additional information regarding the <u>overpayment</u> amount ~~of the~~ ~~overpayment~~. After the review, CSS issues a notice of administrative review decision.

(g) **Limits to overpayment recovery.**

(1) CSS Center for Finance and Budget completes a case review on the balances owed to a ~~custodial person~~ <u>CP</u> prior to disbursing an overpayment. ■ 3

(2) CSS is not responsible for creating or recovering overpayments for:

    (A) non-Title IV-D time periods when non-Title IV-D cases convert to Title IV-D cases; or

    (B) time periods when:

        (i) CSS ~~collected~~ <u>collects</u> under a court order that was later vacated or after the case ~~was~~ <u>is</u> dismissed; ■ 4

        (ii) the parties ~~failed~~ <u>fail</u> to provide CSS with verification of a change in <u>the</u> <u>child's</u> physical custody ~~of the child~~;

        (iii) CSS ~~collected~~ <u>collects</u> under a court order that ~~was~~ <u>is</u> later modified; or ■ 4 & 5

        (iv) CSS ~~collected~~ <u>collects</u> under a court order and the child ~~was~~ <u>is</u> adopted; or

    (C) time periods when cash medical support ~~was~~ <u>is</u> distributed to a CP and the Oklahoma Health Care Authority retroactively certifies medical assistance.

    <u>(D) ongoing regular payments during the period an NCP incarcerated.</u>

(3) When a child support modification order is effective back to the date the motion to modify was filed and the modified support amount is less than the amount previously ordered and paid, CSS satisfies the amount due when the NCP owes past-due child support~~,~~ by offsetting the arrears amount, up to the balances currently owed.

(4) CSS does not charge, collect, or pay interest on overpayments.

(h) ~~Issuance of~~ <u>Issuing</u> **refunded amounts.** When an NCP makes an overpayment, amounts less than $3 are not refunded unless issued on an Electronic Benefits Transfer (EBT) card. Amounts less than $3 and not issued on an EBT card are remitted to the OKDHS General Revenue Fund Treasury.

(i) ~~Return of~~ <u>Returning</u> **excess support amounts.** When CSS receives a payment ~~in excess of~~ <u>that exceeds</u> the NCP's total arrears balance, CSS returns the excess amount to the payor within 45-calendar days after discovering the over collection~~;~~<u>.</u> ■ 6

(j) **Payments made in error.** When CSS receives ~~a~~ <u>an erroneous</u> payment ~~made due to an error on the part of~~ <u>from</u> the payor that ~~was~~ <u>is</u> not disbursed, CSS returns it to the payor within 45-calendar days after discovery. CSS is not required to correct, redirect, or recover the payment unless it ~~was~~ <u>is</u> retained;

(k) **Payments that cannot be disbursed to a party.**

(1) CSS applies support collections to other applicable balances associated with the NCP, such as assigned state balances or balances owed to another CP, when the:

(A) CP's address is unknown;

(B) CP fails to activate the debit card; or

(C) debit card is returned to the vendor~~;~~<u>.</u>

(2) CSS remits a payment to the OKDHS General Revenue Fund Treasury, when the payment cannot be:

(A) disbursed to a CP;

(B) applied to assigned state balances associated with an NCP;

(C) disbursed to the NCP, when the:

(i) address is unknown;

(ii) debit card is not activated; or

(iii) debit card is returned to the vendor; or

(D) returned to the payor.

INSTRUCTIONS TO STAFF 340:25-5-305
Revised ~~09-15-21~~ <u>10-30-21</u>

1. **(a) Oklahoma Department of Human Services (DHS) Child Support Services (CSS) staff reports to the DHS Office of Inspector General (OIG) cases, when the overpayment recipient:**

   (1) improperly received at least $500;

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

   (3) 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.

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

2. **CSS staff reports fraud to OIG on Form 19MP001E, Referral Form, with documentation evidencing the fraud, including original documents when available.**

3. **When an overpayment is in excess of $500, Center for Finance and Budget (CFB) staff does not refund prior to a review of the case facts to determine if a refund is appropriate.**

   (a) Prior to informing the parties of a potential refund and possible

overpayment CSS district office staff do a review and decide if a hearing is needed,

(1) CSS district office staff review the reason for the overpayment that may include reviewing caselog to see if the parties have been calling in about issues on the case (for example: incorrect emancipation date, child support should not be accruing as noncustodial parent (NCP) has child) and contact the parties regarding any waivers or private agreements.

(2) CSS district office may contact CFB or Center of Operations for guidance on next appropriate steps.

(3) CSS staff sets a hearing to determine the arrears and/or overpayment when the CSS States Attorney decides it is appropriate.

(b) When the district office review or hearing is complete,

(1) CSS district office staff request CFB review the overpayment through a Finance Action Request referenced in the Consistent Excellence (CE) Overpayment Guide.

(2) CSS district office staff provide all relevant documents, including court orders for overpayments, and facts.

4. When CSS staff was notified of a change in the child support order and failed to update the Oklahoma Support Information System (OSIS), CSS refunds the amount to the payor and recovers the overpayment.

5. When the CSS call center sends a For Your Information (FYI) message to a district office advising of a child support order obtained or modified without CSS involvement, CSS staff attempts to obtain a copy of the new order from the parties or court records.

6. Collections for future support are not excess support amounts.