

COMMENT DUE DATE: January 02, 2025

Date: December 02, 2024

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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:

CHAPTER 25. CHILD SUPPORT SERVICES

Subchapter 1 Scope and Applicability

340:25-1-1.1 [AMENDED]

340:25-1-1.2 [AMENDED]

Subchapter 3. Commissioned Peace Officers [REVOKED]

Subchapter 5. Operational Policies

PART 9. Disclosure of Information

340:25-5-67.1 [AMENDED]

Part 15. Case initiation, Case management, and Case closure

340:25-5-123 [AMENDED]

340:25-5-124 [AMENDED]

Part 17. Past Support

340:25-5-140 [AMENDED]

340:25-5-140.1 [AMENDED]

Part 20. Medical Support

340:25-5-171 [AMENDED]

Part 21. Establishment

340:25-5-176 [AMENDED]

340:25-5-190 [AMENDED]

Part 22. Review and Modification

340:25-5-198.1 [AMENDED]

340:25-5-198.2 [AMENDED]

Part 23. Enforcement

340:25-5-200 [AMENDED]

340:25-5-214 [AMENDED]

Part 37. Recovery

340:25-5-305 [AMENDED]

Part 39. Accounting and distribution

340:25-5-350.3 [AMENDED]

(Reference WF 25-25)

SUMMARY:

The proposed amendments to Chapter 25 Subchapter 5 amend the rules to: (1) implement rule changes recommended during the annual Child Support Services (CSS) Standing Rules Committee policy review process; (2) amend legal authorities as necessary; and (3) make non-substantive changes to improve rule clarity.

Permanent rulemaking approval is requested.

LEGAL AUTHORITY:

Section 652 of Title 42 of the United States Code (42 U.S.C. 652); Chapters 302 and 303 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 302, 303); 45 C.F.R. § 303.8; 45 C.F.R. § 303.11; 45 C.F.R. 303.21; Director of Human Services; 12 O.S. § 2004; 21 O.S. § 566; 43 O.S. §112A; 43 O.S. § 114; 43 O.S. § 118I; 56 O.S. § 162; 56 O.S. 240.1; 56 O.S. § 240.23; 62 O.S. § 34.64



Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Renee Banks, Director
Child Support Services

Date: June 1, 2024

Re: CHAPTER 25. CHILD SUPPORT SERVICES

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Part 37. Recovery

340:25-5-305 [AMENDED]

Part 39. Accounting and distribution

340:25-5-350.3 [AMENDED]

(Reference WF 25-25)

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

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

Purpose:

The proposed amendments to Chapter 25 Subchapter 5 amend the rules to: (1) implement rule changes recommended during the annual Child Support Services (CSS) Standing Rules Committee policy review process; (2) amend legal authorities as necessary; and (3) make non-substantive changes to improve rule clarity.

Strategic Plan Impact.

The proposed amendments achieve Oklahoma Human Services (OKDHS) goals to improve the well-being of the families we serve, to engage with stakeholders to meet the needs of Oklahoma families, to promote a culture of continuous improvement, and efficient program administration.

Substantive changes.

Subchapter 1. Scope and Applicability

Oklahoma Administrative Code (OAC) 340:25-1-1.1 is amended to: (1) remove reference to Community Action Program in CSS definition; and (2) add a definition for "Family Violence Coordinator."

Subchapter 5. Operational Policies.

OAC 340-1-1.2 is amended to remove reference to Community Action Program. Part 9. Disclosure of Information

OAC 340:25-5-67.1 is amended to correct a citation.

Part 15. Case initiation, Case management, and Case closure

OAC 340:25-5-123 is amended to add: (1) Noncustodial parent (NCP) applicants to existing closure requirements; and (2) non-substantive clean up.

OAC 340:25-5-124 is amended to require service on both parties before the establishment action can be transferred.

OAC 340:25-5-140 is amended to clarify the "Abate" definition also refers to an order for the suspension of a child support obligation under specific conditions.

OAC 340:25-5-140.1 is amended to add the interest accrual process when an order is modified and clarify responsibility when the modification results in an overpayment.

Part 21. Establishment

OAC 340:25-5-171 is amended to remove a citation to a previously revoked rule.

OAC 340:25-5-176 is amended to offer limited genetic testing services allowed in OAC 340:25-1-1.2.

OAC 340:25-5-190 is amended to: (1) add CSS ensures appropriate parents and custodians are served; (2) add CSS sends copies of all pleadings and orders to the address of record and all other current addresses by regular mail; (3) remove that CSS sends the acknowledgement and waiver of service document; and (4) clarify service to AOR is not appropriate when the action is to determine paternity.

Part 22. Review and Modification

OAC 340:25-5-198.1 is amended to add non-substantive cleanup.

OAC 340:25-5-198.2 is amended to add non-substantive cleanup.

Part 23. Enforcement

OAC 340:25-5-200 is amended to add CSS may use civil contempt to compel genetic testing of either party.

OAC 340:25-5-214 is amended to add CSS follows the suspicious payment activity process in OAC 340:25-5-350.3 prior to the release of a passport.

Part 37. Recovery

OAC 340:25-5-305 is amended to clarify CSS is not responsible for overpayments in a non-IV-D child support case.

Part 39. Accounting and Distribution

OAC 340:25-5-350.3 is amended to add CSS issues refunds electronically per Section 34.64 of Title 62 of the Oklahoma Statutes (62 O.S. § 34.64).

Reasons.

Chapter 25, Subchapter 1: The proposed amendments provide greater clarity to CSS definitions.

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

Repercussions.

Chapter 25, Subchapter 1: The proposed amendments provide greater clarity in definitions.

Chapter 25, Subchapter 5: The proposed amendments are designed to use a Hope centered and trauma-informed framework as a guiding approach to rulemaking. CSS reviews and drafts rule changes to facilitate pathways to customer goal achievement which removes barriers by: (1) increasing program efficiency; (2) improving customer service; and (3) providing clear and accurate guidance to staff to ensure consistency in rule application. Failure to do so could lose or suspend Title IV-D federal funding.

Legal authority.

Section 652 of Title 42 of the United States Code (42 U.S.C. 652); Chapters 302 and 303 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 302, 303); 45 C.F.R. § 303.8; 45 C.F.R. § 303.11; 45 C.F.R. 303.21; Director of Human Services; 12 O.S. § 2004; 21 O.S. § 566; 43 O.S. §112A; 43 O.S. § 114; 43 O.S. § 118I; 56 O.S. § 162; 56 O.S. 240.1; 56 O.S. § 240.23; 62 O.S. § 34.64

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, NCP who owe child support, CP who are owed child support, CSS staff, 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, CPs, 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: There are no fee changes associated 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 is estimated to be under \$100 and is within the current budget and requires no additional funding. These amendments do not increase any agency's duties or 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 purpose of the suggested amendments is to meet state and federal mandates while minimizing regulatory intrusiveness and compliance expenses. There are no alternative, less costly or intrusive means to attain 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 implement the proposed rules will result in adverse consequences for children and custodial parents who will be negatively impacted by a less effective child support program.
- K. The date the rule impact statement was prepared and, if modified, the date modified:**
Prepared June 1, 2024

CHAPTER 25. OKLAHOMA CHILD SUPPORT SERVICES

Subchapter

1. Scope and Applicability.....	340:25-1
3. Commissioned Peace Officers.....	340:25-3
5. Operational Policies.....	340:25-5

SUBCHAPTER 1. SCOPE AND APPLICABILITY

340:25-1-1.1. Definitions

Revised ~~09-15-239-15-25~~

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Address of record" or "AOR" means an address for a party or a custodial person (CP) in the Central Case Registry of Child Support Services (CSS) used for service of process in support, custody, and visitation actions. An AOR may be different from the party's or CP's physical address.

"Alleged father" means *a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined per Section 7700-102 of Title 10 of the Oklahoma Statutes (10 O.S. § 7700-102).*

"Alternative health coverage" means health care services other than health insurance including, but not limited to, Indian Health Services (IHS) or Defense Eligibility Enrollment Reporting System (DEERS) available to either parent under which medical services could be provided to the dependent child(ren).

"Annual notice" means the yearly notice provided for in 56 O.S. § 237A to notify the noncustodial parent (NCP) and CP of the amount due, actions that may be taken to enforce the child support obligation, actions required of the NCP and CP, and other related information and instructions.

"Applicant" means the individual who requests child support services or is referred by another agency or program for child support services.

"Arrears," "arrearage," or "past-due support" means the total amount of unpaid support obligations accrued under a support order. Refer to "delinquency" in this Section.

"Assignment" means any transfer of rights to support to the state of Oklahoma under Sections 608 and 671 of Title 42 of the United States Code (42 U.S.C. §§ 608 and 671) or any transfer of rights to medical support and to payment of medical care from any third party under Section 433.146 of Title 42 of the Code of Federal Regulations (42 C.F.R. § 433.146).

"Authorized representative" means a person designated by a CP, NCP, or biological parent per Oklahoma Administrative Code (OAC) 340:25-1-3.1.

"Biological parent" means the natural parent of a child.

"Case" means the relationship of a particular group of people bound by legal rights and duties for the support of a child(ren) who is receiving or received child support services and all records and actions associated with the group.

"Cash medical support" means *an amount ordered to be paid toward the cost of health coverage provided by a public entity or by a person other than the parents through employment or otherwise per 43 O.S. § 118F.*

"Central Case Registry" or **"CCR"** means Oklahoma's repository for Part D of Subchapter IV of Chapter 7 of Title 42 of the United States Code (Title IV-D) cases and child support orders established or modified in Oklahoma after October 1, 1998. It includes, but is not limited to, information required to be transmitted to the Federal Case Registry per 42 U.S.C. § 654a. CSS maintains the CCR per 43 O.S. § 112A.

"Centralized Support Registry" means a repository CSS maintains to receive, allocate, and distribute support payments, including child support, spousal support when paid in conjunction with child support, and related support payments per 43 O.S. § 413. It serves as Oklahoma's State Disbursement Unit per 42 U.S.C. § 654b. The Centralized Support Registry processes payments per 43 O.S. § 413:

(A) *in all cases in which child support services are being provided under the state child support plan as provided under Section 237 of Title 56 of the Oklahoma Statutes* until all monies owed for child support are no longer owed;

(B) *in all other cases in which support is being paid by income withholding;* and

(C) when a court orders payments to be made through the Centralized Support Registry.

"Child support order" means an obligation addressing monetary support, cash medical support, medical support for the child(ren), and support arrearage and arrearage payments, when any.

"CSED" means Oklahoma Human Services (OKDHS) Child Support Services and was replaced by Child Support Services.

"CSS" means Child Support Services. CSS includes a central state office, district offices, and other offices that may be administered through contract or cooperative agreements with district attorneys, ~~community action program agencies~~, and others. CSS includes all these offices, employees, and agents. CSS was formerly known as CSED and Oklahoma Child Support Services (OCSS).

"Current child support" means the base child support obligation and the proportional share of health insurance costs, fixed medical costs, transportation expenses, and annualized child care costs. Current child support does not include cash medical support.

"Custodial person," "custodian," or **"CP"** means the person who has primary physical custody of the child(ren).

"Delinquency" means *any payment under an order for support which becomes due and remains unpaid* per 12 O.S. §1170 and 56 O.S. § 237.7.

"DHS" means Oklahoma Human Services, also known as OKDHS, which is the state agency designated to administer the state of Oklahoma child support program.

"District office" means a child support services office or duty station OKDHS operates or through contract or agreement with OKDHS to serve a specific area of the state.

"Family violence" means domestic abuse or child abuse, including physical or emotional harm.

"Family Violence Coordinator" means the person(s) identified in the Center for Professional Development who is the subject matter expert on domestic violence.

"Fixed medical" means fixed periodic payments for ongoing medical costs not paid or reimbursed by insurance, or included in a cash medical support order.

"Full-service case" means a child support case for which CSS provides all appropriate Title IV-D services per OAC 340:25-1-1.2.

"Health insurance" means insurance coverage that provides routine and major medical expenses including, but not limited to: preventive care, office visits, hospitalization, and medication coverage that may be provided through a fee for service, health maintenance organization, preferred provider organization, or other private or public organization, other than SoonerCare (Medicaid).

"High-volume administrative enforcement cases in interstate actions" means the request of another state, the identification of by a state, through automated data matches with financial institutions and other entities where assets may be found, of assets owned by persons who owe child support in other states, and the seizure of such assets by the state through levy or other appropriate processes per 42 U.S.C. § 666.

"Intergovernmental" means a case referred by an initiating agency to a responding agency for services when the dependent child(ren) and the NCP lives or works in different jurisdictions.

"Income assignment" means an assignment, by operation of law or by court or administrative order of a portion of the monies, income, or periodic earnings due and owing by the NCP to the person entitled to the support or to another person designated by the support order or assignment, per 12 O.S. § 1170 and 56 O.S. § 237.7. An income assignment may be for payment of current support, arrearages, or both. The terms "income assignment" and "income withholding" may be used interchangeably.

"Interstate case" means a case in which at least one party resides in another state or country or a support order was entered in another state or country.

"Intrastate case" means a case existing or occurring within the boundaries of a single state.

"IV-A" means Title IV, Part A, of the Social Security Act, codified in 42 U.S.C. Part A of Subchapter IV of Chapter 7, covering the federal-state Temporary Assistance for Needy Families (TANF) Program.

"IV-B" means Title IV, Part B, of the Social Security Act, codified in 42 U.S.C. Part B of Subchapter IV of Chapter 7, covering child welfare services.

"IV-D" means Title IV, Part D, of the Social Security Act, codified in 42 U.S.C. Part D of Subchapter IV of Chapter 7, generally relating to child support.

"IV-D case" means a child support case receiving Title IV-D services.

"IV-D programs and services" means programs and services under Title IV, Part D, of the Social Security Act, codified in 42 U.S.C. Part D of Subchapter IV of Chapter 7.

"IV-E" means Title IV, Part E, of the Social Security Act, codified in 42 U.S.C. Part E of Subchapter IV of Chapter 7, covering foster care.

"IV-E foster care" means federal and state funded placement of a child(ren) removed from a home whose family members meet the eligibility criteria for federal participation for Title IV-E foster care.

"Medicaid" means medical assistance provided under a state plan approved under Title XIX of the Social Security Act, codified in 42 U.S.C. Subchapter XIX of Chapter 7 including SoonerCare, State Children's Health Insurance Program (S-CHIP), and Insure Oklahoma. In Oklahoma, the Oklahoma Health Care Authority (OHCA) provides Medicaid services for eligible adults and children.

"Medical enforcement only case" or "MEO case" means a child support case for which CSS provides only Title IV-D services related to securing and enforcing medical support to non-TANF SoonerCare (Medicaid) recipients.

"Medical support" means health insurance, alternative health coverage, cash medical support, or a combination of these for the benefit of a minor child(ren).

"Member of military service" or "servicemember" means any member of the uniformed service on active duty including the Army, Navy, Air Force, Marine Corps, and Coast Guard. Also included are members of the National Guard called to active service, certain members of the Public Health Service, National Oceanic and Atmospheric Administration, Reserves when ordered to report for active military duty, and United States citizens serving with the military of other countries when that service is similar to military service per 50 U.S.C. §§ 3911, 3914, and 3917. A servicemember may be an NCP or a CP.

"Non-cash support" means support given to a family in the nature of goods or services that can be assigned a specific dollar value in lieu of monetary payment.

"Noncustodial parent" or "NCP" means a parent who does not have primary physical custody of the child(ren).

"Non-IV-D case" means a private child support case not receiving Title IV-D services.

"Non-IV-E foster care" means state funded placement of a child(ren) removed from a home where the child(ren) does not meet federal Title IV-E participation requirements.

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

"Notice of Income Assignment" means the tool used to affect the income withholding process. This document is used to notify employers and other withholders to deduct child support payments from an NCP's income and to send the payments to Oklahoma's Centralized Support Registry for distribution. The terms "income withholding" and "income assignment" may be used interchangeably.

"OAH" means the OKDHS Legal Office of Administrative Hearings: Child Support (OAH) that employs and assigns administrative law judges to conduct child support administrative hearings.

"Obligee" or "person entitled" means, per 56 O.S. § 237.7:

(A) *a person to whom a support debt or support obligation is owed;*

(B) *the Department of Human Services or a public agency of another state that has the right to receive current or accrued support payments or that is providing support enforcement services; or*

(C) *a person designated in a support order or as otherwise specified by the court.*

"Obligor" means the person who is required to make payments under an order for support per 12 O.S. § 1170 and 56 O.S. § 237.7.

"OCSS" means CSS.

"Offset" means an amount of money intercepted from an NCP's state or federal tax refund or from an administrative payment, such as federal retirement benefits to satisfy a child support debt.

"OKDHS" means Oklahoma Human Services. OKDHS is the state agency designated to administer the child support program for the state of Oklahoma.

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

"Overpayment" means a CSS payment to a CP, NCP, or other entity to which the entity or person is not entitled.

"Participant in a case" means a child, parent, alleged father, or CP associated with a child support services case.

"Past support" means past-due support or support for a prior period. Refer to "arrears" in this Section.

"Payment plan" means and includes but is not limited to, a plan approved by the court or the support enforcement entity provides sufficient security to ensure compliance with a support order, incorporates voluntary or involuntary income assignment, or a similar plan for periodic payment of past-due support and, when applicable, current and future support per 43 O.S. § 139.1 and 56 O.S. § 237.7. A payment plan is intended to incrementally reduce arrears.

"Payor" means *any person or entity paying monies, income, or earnings to an obligor. In the case of a self-employed person, the "payor" and "obligor" may be the same person* per 12 O.S. § 1170 and 56 O.S. § 237.7.

"Presumed father" means *a man who, by operation of law per 10 O.S. § 7700-204, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.*

"Record" means a written document or image stored in electronic or physical form.

"Social Security Act" means Public Law 74-271, codified in 42 U.S.C. Chapter 7 that established the Title IV-D program and other social services programs.

"State's attorney" means a lawyer employed in the child support program to represent the state in rendering services per the Social Security Act, codified in Title 42 U.S.C. Part D of Subchapter IV of Chapter 7.

"Support" means, per 56 O.S. § 237.7, all payments or other obligations due and owing to the CP or person entitled by the NCP under a support order, and may include, but is not limited to, child support, medical insurance or other health benefit plan premiums or payments, child care obligations, support alimony payments, and other obligations as specified in 43 O.S. §§ 118A through 119.

"Support for a prior period" means the amount of child support ordered under the child support guidelines in 43 O.S. §§ 118 through 119 in paternity orders and in TANF notice of support debt orders for past months when no child support order was in effect.

"Support order" means, per 43 O.S. § 601-101, *a judgment, decree, order or directive, whether temporary, final, or subject to modification, issued by a tribunal for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.*

"TANF" means Temporary Assistance for Needy Families. TANF replaces Aid to Families with Dependent Children (AFDC).

"Tribunal" means, per 43 O.S. § 601-101, a court or administrative agency authorized to establish, enforce, modify support orders, or determine parentage.

"UIFSA" means the Uniform Interstate Family Support Act. In Oklahoma, UIFSA is codified at 43 O.S. §§ 601-100 through 601-903.

"Unreimbursed public assistance" means money paid as cash assistance from Title IV-A and Title IV-E programs that has not been recovered.

"UPA" means the Uniform Parentage Act. In Oklahoma, UPA is codified in 10 O.S. §§ 7700-101 through 7700-902.

340:25-1-1.2. Structure and service

Revised 09-15-23

(a) Structure.

(1) Under Part A of Subchapter IV of Chapter 7 of Title 42 of the United States Code, every state must designate a single state agency to administer a statewide plan for child support services. Oklahoma Human Services is the designated agency in Oklahoma. Oklahoma Child Support Services (CSS) administers the plan.

(2) CSS provides services through a state office and offices throughout the state that may be administered through service agreements or contracts with district attorneys and other entities, ~~such as Community Action Program agencies~~ to provide legal child support services.

(3) The primary function of CSS is to provide child support services in all Title IV-A Temporary Assistance for Needy Families (TANF), Title IV-E foster care, and non-TANF SoonerCare (Medicaid) cases where eligibility is due to the absence of one or both parents, and in other cases for persons who have applied for services. CSS also provides these services in cases forwarded by:

(A) Title IV-D agencies of other states;

(B) Native American tribes; and

(C) foreign jurisdictions, as appropriate.

(4) CSS is committed to the right of all parties to have access to the justice system for the purpose of enhancing understanding and ownership of the case. In addition to the child support services CSS provides as described in this Chapter, when parties want to be heard on child support issues, regardless of whether the party's positions are contrary to the state's position and may be subject to legal defenses. CSS:

(A) provides available pro se self-help forms to request a hearing before either the Office of Administrative Hearings: Child Support (OAH) under Oklahoma Administrative Code 340:228-17.2 or the district court. OAH or the district court determine whether a hearing is granted;

(B) assists pro se customers in completing available CSS self-help forms upon request; and ■ 1

(C) refers parties to community resources including, but not limited to:

(i) lawyer referral services;

(ii) community legal services;

(iii) other available self-help legal forms; and

(iv) other available informational and community resource materials.

(5) CSS complies with the standards for an effective program and the organization and staffing requirements, per Part 303 of Title 45 of the Code of Federal Regulations (45 C.F.R. Part 303). ■ 2

- (b) **Services.** CSS services include, but are not limited to:
- (1) establishment of paternity, child support obligations, ongoing medical support, and ongoing child care obligations through administrative and court actions;
 - (2) enforcement of:
 - (A) child support;
 - (B) health insurance;
 - (C) fixed sums and judgments for medical support including birthing costs;
 - (D) fixed ongoing child care costs and judgments for child care costs; and
 - (E) certain spousal support obligations when due in conjunction with child support; ■ 2 through 5
 - (3) location of noncustodial parents and their assets by establishing intrastate and interstate links with local, state, and federal agencies, private sources, and international central authorities;
 - (4) case reviews for modification of support orders as appropriate; ■ 2
 - (5) collection and distribution of support payments per federal and state law; and
 - (6) establishment and maintenance of accounting and other records per federal and state law.
- (c) **Excluded services.** CSS services do not include:
- (1) establishment or modification of spousal support, visitation, or custody;
 - (2) establishment of judgment for unreimbursed medical expenses or child care costs that are not included in the fixed monthly child support obligation; ■ 3
 - (3) enforcement of alimony in lieu of property division; and
 - (4) enforcement or collection of private attorney fee judgments.
- (d) **Limited services.** CSS provides limited services:
- (1) at the request of an initiating interstate Title IV-D agency or an international central authority, per Sections 601101 through 901 of Title 43 of the Oklahoma Statutes and 45 C.F.R. § 303.7. CSS provides limited services, when appropriate, even when the noncustodial parent or custodial person does not reside in Oklahoma. The CSS director or appointed designee approves requests for intergovernmental limited services not listed in 45 C.F.R. 303.7 ■ 6; or
 - (2) upon application for the establishment of paternity when the noncustodial parent is deceased. ■ 7

INSTRUCTIONS TO STAFF 340:25-1-1.2

Revised ~~09-15-23~~ 09-15-25

1. (a) **Oklahoma Human Services Child Support Services (CSS) staff provides whatever assistance is necessary for customers to complete CSS self-help forms including, but not limited to:**
 - (1) reading the forms and instructions to the customer;
 - (2) filling out forms per the customer's directions; and
 - (3) providing information the customer needs to complete the packet.
- (b) **CSS staff does not give legal advice to customers.**
2. **When an intrastate case is opened for review and modification of the child support order, the case is a full-service case.**
3. (a) **CSS does not establish judgments for a noncustodial parent's (NCP) pro rata share of ongoing medical support or child care costs.**

(b) CSS collects fixed sum judgments for medical support and child care costs. A fixed sum judgment is a certain amount the court orders as the amount due and owing for medical support or child care costs for a specific time period. CSS enforces a fixed sum judgment for medical support and child care costs in the same manner as any other judgment.

(c) Medical support includes the costs of the birth. CSS does not establish a judgment for the costs of the birth. CSS enforces a fixed sum judgment, including interest, for costs the mother incurs for the child's birth in the same manner as any other judgment.

(d) In Oklahoma spousal support is referred to as alimony. There are two types of alimony in Oklahoma, periodic support alimony, per Section 134 of Title 43 of the Oklahoma Statutes (43 O.S. § 134) and alimony in lieu of property division, per to 43 O.S. § 121. CSS is authorized to enforce periodic support alimony, but not alimony in lieu of property division.

- 4. When a lump sum judgment does not specify the type, principal, and interest, CSS requests the parties provide a clarifying order. CSS does not build or enforce the judgment until the clarifying order is received.**
- 5. CSS does not collect ongoing child care costs that are ordered as a pro rata share of an unspecified child care cost.**
- 6. (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 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 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.

- 7. CSS staff follows the Limited Services: Paternity Establishment and Deceased NCP NCPs Quest article.**

340:25-1-3.1. Designation of an authorized representative [ITS Only]

(a) A custodial person, noncustodial parent, or biological parent may designate a person as an authorized representative to:

(1) obtain child support case information and documents from Oklahoma Department of Human Services (DHS) Child Support Services (CSS) on his or her behalf; or

(2) provide information and documents to CSS on his or her behalf.

(b) CSS does not honor requests to designate a person who has a conflict of interest that would result in the release of information he or she is otherwise not entitled to receive as an authorized representative. ■ 1

(c) An authorized representative may obtain information and documents limited to those items the person represented may obtain per Oklahoma Administrative Code 340:25-5-67.

(d) This Section does not allow an authorized representative to appear before the DHS Office of Administrative Hearings: Child Support or the district court on behalf of the person represented unless specifically allowed by law. Further, nothing in this Section prevents CSS from requesting the court to enter a default order based on the person's failure to appear, even when the person's authorized representative is present.

(e) The authorized representative does not have to be an attorney.

(f) A person must complete and submit Form 03EN010E, Authorized Representative Designation, to CSS before the representative may act or receive information orally or in writing on behalf of the person represented. A person may have only one authorized representative at any time. ■ 2 & 3

(g) When CSS receives Form 03EN010E, CSS verifies the identity of the individual completing Form 03EN010E. CSS considers the designation in effect until CSS receives:

(1) a new Form 03EN010E designating another person as the authorized representative;

(2) written notice that the designation of an authorized representative is revoked; or

(3) written notice that the designator is deceased. ■ 4

(h) CSS reserves the right to refuse to honor a designation of authorized representative. ■ 5

INSTRUCTIONS TO STAFF 340:25-1-3.1

Revised ~~09-15-219-15-25~~

- 1. For example, when a noncustodial person (NCP) has multiple cases, custodial person (CP) 1 cannot be designated as the NCP's authorized representative because it would result in an unauthorized release of information to CP 1 regarding the cases of CP 2 and CP 3.**

2. Per the Uniform Durable Power of Attorney Act, Sections ~~1071~~ 3001 through ~~1077~~ 3045 of Title 58 of the Oklahoma Statutes, when a person has a Power of Attorney (POA) or a legally sufficient written release of information, Oklahoma ~~Department of Human Services~~ Child Support Services (CSS) recognizes the POA. CSS staff obtains a copy of the POA for the CSS state's attorney's review.
3. A private collection agency's address may not be the address of record per Oklahoma Administrative Code (OAC) 340:25-5-340. When the CP designates the collection agency as an authorized representative on Form 03EN010E, Authorized Representative Designation, CSS staff may release to the private collection agency, the information described in OAC 340:25-5-67(b)(2).
4. CSS staff verifies the identity of the CP or NCP designating an authorized representative prior to honoring the designation. CSS may verify identity by:
 - (1) requesting a photocopy of the CP's or NCP's government-issued identification;
 - (2) verifying the CP's or NCP's identity through direct contact in person or by phone;
 - (3) comparing the CP's or NCP's signature on a court order or other verified document; or
 - (4) requiring the person designated as the authorized representative to provide information about the CP or NCP, including the person's address, Social Security Number, and the names of the other parties to the case.
5. (a) CSS staff may refuse to honor a designation of authorized representative when the authorized representative is disruptive to case processes including, but not limited to:
 - (1) knowingly providing false information;
 - (2) disrupting court proceedings or office appointments; or
 - (3) threatening violence against CSS staff or other parties to a case.
 (b) When CSS disallows a designation on a case under this Section, the individual is prohibited from being designated as an authorized representative for one year.

SUBCHAPTER 5. OPERATIONAL POLICIES

PART 9. DISCLOSURE OF INFORMATION

340:25-5-67.1. Family violence

Revised ~~09-15-23~~ 15-25

- (a) Oklahoma ~~Department of Human Services (DHS)~~ (OKDHS) Child Support Services (CSS) establishes and maintains records regarding family violence per Sections 303.21 and 307.11 of Title 45 of the Code of Federal Regulations and Sections 653 and 654 of Title 42 of the United States Code (42 U.S.C. §§ 653 and 654).
- (b) CSS is committed to promoting the safety and well-being of its customers and staff.
 - ~~1 & 2~~ through 3
- (c) A family violence indicator (FVI) is a designation placed on a participant in a Title IV-D or non-Title IV-D case by CSS indicating the risk of child abuse or domestic violence.

The ~~family violence indicator~~ FVI is used to restrict disclosure of the location of a participant who is reported to CSS as being at risk of family violence. ■ 3 4 & 4 5

(d) CSS considers as reasonable evidence of family violence and enters a ~~family violence indicator~~ an FVI on appropriate individuals, when: ■ 5 6 & 6 7

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

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

(e) CSS makes available to custodial persons (CP) and noncustodial parents (NCP) Form 03EN008E, Family Violence - Address of Record Statement, to collect address of record (AOR) information and explain how the information is used. CSS may release the AOR per Oklahoma Administrative Code (OAC) 340:25-5-340. The CP or NCP may use Form 03EN008E to:

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

(2) designate an AOR per OAC 340:25-5-340. ~~CSS may release the AOR per OAC 340:25-5-340.1.~~

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

(g) CSS may remove a ~~family violence indicator~~ an FVI from a case participant when CSS receives:

(1) a written request from the participant;

(2) information that the ~~family violence indicator~~ FVI was entered in error; or

(3) a court order to remove the ~~family violence indicator~~ FVI.

(h) Upon order of a court having the authority to make or enforce child custody or visitation determinations per 42 U.S.C. § 663, CSS may:

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

(2) authorize release of the person's home address or location to the court. ■ 7 8

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

(j) When an NCP submits an application for Title IV-D services in a case previously closed for good cause, CSS follows OAC 340:25-5-117.

INSTRUCTIONS TO STAFF 340:25-5-67.1

Revised ~~09-16-249-15-25~~

- 1. In cases where domestic violence is known or suspected, Oklahoma Human Services Child Support Services (CSS) staff requests parties wait in separate rooms prior to a hearing or meeting, when possible. When appropriate, CSS staff may take other measures to promote the parties' safety. For example, CSS staff may request a law enforcement officer escort a party to his or her car after a hearing, arrange for parties to arrive at different times, or allow the victim to leave 20 minutes before the other party.**
- 2. When a party to a case obtains a new name and Social Security number, CSS staff consults the CSS Family Violence Coordinator in the Center for Planning and Development for guidance on how to proceed.**

- 3. When CSS staff have domestic violence information relevant to an intergovernmental case, the initiating state is responsible for the determination of case closure, per Section 303.7(c)(11) and (12) of Title 45 of the Code of Federal Regulations. CSS staff communicates with the initiating agency regarding the family violence issues. When the initiating agency does not close its case due to family violence or good cause issues identified by the responding state, CSS staff contacts the Family Violence Coordinator for assistance on how to proceed with the other state. The Family Violence Coordinator contact information can be found in the Quest article "Who to Contact: State Offices and PFRs, CS Offices, and OHS".**
- 3.4.** When an adult case member is flagged with a ~~Family Violence Indicator~~ family violence indicator (FVI), CSS staff does not automatically flag a child on the case.
- 4.5.** Upon case closure, CSS removes any existing FVI from a child on the case. To request FVI removal, CSS staff follows the "Removing Family Violence Indicator (FVI)" Quest article.
- 5.6.** When domestic violence is alleged in a conflict of interest case, per Oklahoma Administrative Code 340:25-5-124 and Instructions to Staff, the case, like other conflict of interest cases, is transferred to, and worked by another CSS office.
- 6.7.** When the custodial person (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. When the address information provided is unclear and could put the CP's location information at risk of disclosure, CSS staff contacts the CP for clarification of the confidential address. CSS staff consults the CSS Family Violence Coordinator in the Center for Planning and Development for guidance on how to proceed.
- 7.8.** Prior to the release of information, CSS staff:
- (1) consults the CSS Family Violence Coordinator in the Center for Planning and Development for guidance on how to proceed;
 - (2) follows the federal Office of Child Support Enforcement ~~(OCSE)~~ Services (OCSS) Action Transmittal AT-08-11; and
 - (3) follows the ~~OCSE~~ OCSS Dear Colleague Letter DCL-22-15.

PART 11. OCSS CSS SYSTEM SECURITY

340:25-5-75. Computer system authority and responsibility [ITS Only]

Revised 09-15-22

(a) **Scope and Legal Authority.** Oklahoma Human Services (OKDHS) Child Support Services (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;
- (2) Section 302.85 and Part 307 of Title 45 of the Code of Federal Regulations;
- (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. ■ 3

(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. ■ 4

(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 ~~09-16-2409-15-25~~

1. Child support staff follows Oklahoma Human Services (OKDHS) OKDHS: 2-21-51 through OKDHS: 2-21-66 for information on coordinating, planning, developing, and implementing the 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 (MA), 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 OKDHS Employees, or Form 05SC004E, Logon Authorization Request for Non-OKDHS Employees, to the CSS decentralized security administrator in the Center for Business Excellence and Customer Service for submission to Oklahoma Management Enterprise Systems (OMES) for security access.

(A) These forms are available on the OKDHS InfoNet Forms page, under General Use,

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

(4) The office manager, MA, 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 OKDHS: 2-45 and 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. No one is permitted to sign anyone on to the data processing system without a user identification number.
- (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 data processing terminals open to unauthorized access;
 - (C) obscures active data processing terminals from external customers' views;
 - (D) follows Oklahoma Administrative Code 340:25-5-67 and Instructions to Staff pertaining to confidential CSS data use and reporting instances of inappropriate access or misuse of confidential information;
 - (E) does not share federal tax information in facsimile documents, Microsoft Office 365 applications including, but not limited to, Outlook email, Yammer, Teams, SharePoint, OneDrive, and Planner; and
 - (F) is subject to disciplinary action, up to and including discharge, for failure to follow the procedures in (6)(A) through (E).
3. Background investigations include fingerprint checks of local law enforcement agencies where the individual has lived, worked or attended school in the last five years. OKDHS pre-hire processing validates the individual's eligibility to legally work in the United States. CSS completes background investigations for all CSS staff five years from the previous investigation.
4. (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 the individual 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 [ITS Only]

Revised 09-15-23

(a) **Authority for cooperation of custodial persons (CP).** The CP must cooperate with the Oklahoma Human Services (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 Sections 264.30 and 303.11 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 264.30 and 303.11). A CP: ■ 1

(1) receiving Temporary Assistance for Needy Families (TANF) must assign rights to support to OKDHS per 42 U.S.C. § 608;

(2) receiving non-TANF SoonerCare (Medicaid) benefits for minor child(ren) must assign medical support rights to the Oklahoma Health Care Authority (OHCA) per 42 C.F.R. § 433.146; or

(3) not receiving public assistance is subject to case closure

(b) **Noncooperation of CP.** When a CP fails to cooperate, CSS reviews the case to determine noncooperation. When CSS determines noncooperation in a TANF case, CSS notifies Adult and Family Services (AFS) staff in the appropriate 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 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) (NCP) when requested to do so by CSS;

(C) fails to comply with an order to submit oneself 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) OKDHS AFS staff determines in TANF cases when good cause for noncooperation with CSS exists per OAC 340:10-10-6. ■ 6

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

(d) **Noncooperation in private cases.** When CSS determines noncooperation in a non-TANF case, CSS closes the case per 45 C.F.R. § 303.11. ■ 3

(e) **Services after noncooperation closure.** CSS requires a new application to reopen a case closed for noncooperation. The applicant for services must agree to cooperate with CSS. ■ 10 and 11

INSTRUCTIONS TO STAFF 340:25-5-114

Revised 09-15-239-15-25

- 1. When an Oklahoma Human Services (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 follows the noncooperation procedures for good cause determination, per OAC 340:25-5-114 and Centralized Good Cause Quest article. When there are multiple CPs on a case and at least one CP has good cause, CSS considers each CP separately. CSS takes appropriate action in the case for the CP that does not have good cause. CSS may consult with the person claiming good cause to determine what action can be taken to ensure their safety.**
- 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 OKDHS to receive services as a condition of eligibility for TANF. CPs who are parents of the child(ren) 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) When CSS staff determines the CP is not cooperating with CSS, staff updates the cooperation block on the Custodial Person Data Update (CCPU)

screen of the Oklahoma Support Information System (OSIS) to 'O'. When a case closes for noncooperation, CSS staff leaves the 'O' code on the CCPU.

(c) When the CP resumes cooperation with CSS, child support staff changes the cooperation block on the CCPU screen to 'Y'.

(d) When the application is received, CSS reopens the case, leaving the 'O' in the noncooperation block on CCPU. When CSS district office staff determines the CP resumed cooperation, CSS district office staff changes the block on the CCPU screen to 'Y'.

(e) 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 Adult and Family Services (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.

(f) 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)).

(g) 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.

(h) CSS may pursue legal remedies, such as contempt citations, bench warrants, license revocations, and body attachments, to compel 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) unrelated CPs, as their TANF payments are not reduced; and

(2) CPs 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.

(c) When the CP does not provide a copy of a child support or other order, it does not automatically constitute noncooperation. CSS staff attempts to obtain the order.

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 parent's (NCP) employer, such that it jeopardizes an ongoing reliable source of support.
6. When CSS staff has reason to believe the TANF CP has good cause for noncooperation with CSS, staff refers the CP to AFS Centralized TANF Unit staff for a good cause determination, per OAC 340:10-10-6. CSS staff follows the Centralized Good Cause Quest article.
7. When a CP on an existing CSS non-TANF or Medical Enforcement Only case claims good cause for noncooperation in a district office, CSS follows the existing SoonerCare case process in the Centralized Good Cause Quest article.
8. The penalty for noncooperation with CSS by a 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.

340:25-5-123. Case closure system

Revised ~~09-15-23~~09-15-25

(a) Oklahoma Human Services (OKDHS) Child Support Services (CSS) closes cases eligible for closure per Section 303.11 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 303.11). ■ ~~1 & 2~~ through 3

(b) A child support case may not be closed when there is a pending paternity, establishment, or modification action CSS filed with the court and the non-applicant has been served, unless the pending action is withdrawn or dismissed at the discretion of the CSS state's attorney. ■ ~~3~~ 4

(c) A child support case may be closed when any of the criteria in (1) and (2) of this subsection applies.

(1) There is no current support order and arrears are unenforceable. Arrears are determined to be unenforceable when:

(A) there has been no collection during the past year; and

(B) the noncustodial parent (NCP) has no known or prospective income or assets. ■ ~~2 through 6~~ 5 through 7

(2) The NCP's sole income is from Supplemental Security Income (SSI) or a combination of SSI and Social Security Disability Insurance, or Social Security Retirement. ■ ~~7, 8, 10 & 11~~

(d) A child support case may be closed when the:

(1) case was referred to CSS by an assistance program, per Oklahoma Administrative Code (OAC) 340:25-5-117 and the:

(A) referral is inappropriate to establish or enforce a child support order; and

(B) custodial person (CP) or NCP has not applied for services with CSS;

(2) CP receives ~~non-TANF~~ non-Temporary Assistance for Needy Families (TANF) Sooner Care (Medicaid) child only benefits and the case is received from the Oklahoma Health Care Authority as a referral, but CSS learns the CP desires to decline child support services and no service of process is initiated on a legal action filed by CSS to establish or enforce the child support order, including the medical support portion; or ■ ~~44~~ 9 through 11

(3) CP or NCP applicant:

(A) cannot be located per 45 C.F.R. § 303.11(b)(15); or

(B) fails to cooperate and an action by the CP, or NCP applicant is essential for the next step in providing child support services per 45 C.F.R. § 303.11(b)(16). ■
12 and 13

(e) The case applicant requests that a child support case be closed by submitting CSS Form 03GN542E, Case Closure Application – Child Support Services. When a case closure application is received, CSS staff determines if the case meets federal case closure criteria per 45 C.F.R. § 303.11.

(f) When CSS staff closes a case, CSS:

(1) terminates the Order/Notice to Withhold Income for Child Support with the employer per OAC 340:25-5-201.1; ■ 43 14

(2) resolves enforcement actions filed and CSS processes that are specific to the case being closed; ■ 44 15

(3) reviews the Family Violence Indicator per OAC 340:25-5-67.1; ■ 45 16

(4) removes case balances; ■ 46 17 and

(5) documents the date and amounts removed on the Oklahoma Support Information System Case Log (CSLOG) screen.

(g) Per 45 C.F.R. § 302.33 when Title IV-A ~~Temporary Assistance for Needy Families~~ (TANF), Title IV-E foster care, and non-TANF SoonerCare (Medicaid) services are discontinued, CSS notifies the recipient that CSS maintains a full-service child support case, unless the CP declines services in writing. When the CP declines services in writing, CSS closes the case. When the CP fails to respond, CSS maintains a full-service child support case.

INSTRUCTIONS TO STAFF 340:25-5-123

Revised ~~09-16-2409-15-25~~

1. When Oklahoma Human Services, Child Support Services (CSS) receives a written request for case closure for good cause from a nonapplicant, district office management, in consultation with the Family Violence ~~program field representative~~ Coordinator, determines if good cause is met, per Oklahoma Administrative Code (OAC) 340:10-10-6.

2. When the CSS managing attorney, regional administrator, or center head determines a case was closed in error, within one year of closure, CSS staff reopens the case without requiring a new application.

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

4. When paternity has:

(1) not been established, then prior to closing, CSS staff proceeds with paternity establishment by having the parties complete an Acknowledgement of Paternity or through a court order prior to closing;

(2) been established and there is no child support order, CSS proceeds with case closure; or

(3) been established and there is a support order, CSS may modify the order to zero prior to closing.

4.5. When CSS staff reviews a case to determine whether the arrears are unenforceable, staff looks for any evidence for future collection. For example,

CSS staff does not determine the arrears are unenforceable when the noncustodial parent (NCP):

- (1) has pending insurance intercept collections;
- (2) has assets or an inheritance on a pending estate subject to a child support claim;
- (3) is receiving unemployment benefits; or
- (4) owns assets, such as financial accounts or non-exempt real property with equity.

5.6. CSS staff does not proceed with closure using unenforceable arrears as the closure reason when the payment records show the NCP once a year:

- (1) receives an income tax refund intercept;
- (2) works at a seasonal job; or
- (3) makes any type of payment.

6.7. During the 60-calendar day closure notice time period, if the custodial person (CP) provides information regarding the NCP's income or attachable assets, CSS does not consider the case unenforceable and does not close.

7.8. When the monthly child support is not set at \$0 prior to closing, CSS may modify the order for current support to \$0 per month per OAC 340-25-5-178 Instruction to Staff (ITS) # 3 so that child support does not accrue.

8.9. When CSS receives a payment on a non-Temporary Assistance for Needy Families (TANF) SoonerCare (Medicaid) benefits only case, CSS staff processes the case as described in (1) through (3) of this ITS.

(1) District office staff:

- (A) resolves the payment on Oklahoma Support Information System (OSIS) in the CSS Undistributed Payments Select Menu (UNDL) screen by using the CSS Financial Notes Add (UNDR) screen and coding the payment with a 'W' resolution indicator and a note that the payment is a non-Title IV-D pass through; and
- (B) closes the case on OSIS with the closure codes 04/01.

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

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

- (A) re-opens the child support case to obtain a modification of the child support order to include a medical support provision, ~~document~~ documents medical insurance actually provided, or issue issues a National Medical Support Notice to an existing employer, per OAC 340:25-5-171;
- (B) updates OSIS with this information; and
- (C) closes the case with OSIS closure codes 04/01.

9.10. When both SoonerCare and Indian Health Services are being provided, CSS may close the case, per OAC 340:25-5-286 Instructions to Staff.

~~10. When paternity has:~~

- ~~(1) not been established, prior to closing CSS staff proceeds with paternity establishment by having the parties complete an Acknowledgement of Paternity or through a court order;~~

~~(2) been established and there is no child support order, CSS proceeds with case closure and does not establish a zero child support order; or
(3) been established and there is a support order, CSS may modify the order to zero prior to closing.~~

11. CSS staff follows the Consistent Excellence Guide for Processing Oklahoma Healthcare Authority Referrals found in Quest.
12. CSS staff considers the factors listed in OAC 340:25-5-114 in making a noncooperation determination. Examples of appropriate and not appropriate for noncooperation in a child only SoonerCare (Medicaid) case include, but are not limited to:
 - (1) appropriate: when the CP refuses to bring the child in for court-ordered genetic testing, despite multiple notices to do so. The case may be closed because genetic testing, when ordered, is an essential next step for establishing parentage, per OAC 340:25-5-114 ITS # 2 for noncooperation; or
 - (2) not appropriate: when the NCP requested a review of the order, but the CP fails to appear at the modification hearing after having been served with notice. The court enters an order imputing income to the CP despite the CP's failure to appear. The case may not be closed because CSS was able to proceed with the modification without the CP's appearance, per OAC 340:25-5-114 ITS # 2(c).
13. When the applicant is another Title IV-D agency, and CSS is unable to take an action essential to the next step in providing services due to inaction by the initiating agency, CSS follows "When and How to Non-Coop the Initiating State" found on Quest and Section 303.11(b)(17) of Title 45 of the Code of Federal Regulations.
- ~~13.~~14. When it is determined a case qualifies for closure, CSS terminates the state's Order/Notice to Withhold Income for Child Support (IWO). At the applicant's request, CSS initiates a new IWO in the applicant's name at the same time the state's IWO is terminated.
- 14.~~15.~~ (a) When CSS is no longer providing child support services staff resolves enforcement actions by:
 - (1) releasing levies;
 - (2) dismissing pending court actions, such as contempt;
 - (3) reinstating any revoked or suspended licenses;
 - (4) removing the NCP from the Most Wanted Program; and
 - (5) requesting the court withdraw bench warrants.(b) CSS staff leaves in place actions that affect any case other than the case being closed.
- 15.~~16.~~ Upon case closure, CSS removes the ~~Family Violence Indicator~~ family violence indicator (FVI) from any child on the case marked with the FVI. To request FVI removal, CSS staff follows the "Removing Family Violence Indicator (FVI)" Quest article.
- 16.~~17.~~(a) When a 60 Day Closure Letter is sent, CSS finance staff:

(1) sets the child support accrual end date on the Obligation Information Per Child page of the OBLU screen in OSIS, as the last day of the month following the 60-calendar day period; or

(2) immediately ends current support when CSS receives:

(A) a court order terminating current child support;

(B) a final adoption order; or

(C) confirmation custody transferred to the NCP or a third party not receiving public assistance.

(b) CSS staff removes any balances from the case after the 60-calendar day time period has elapsed.

340:25-5-124. Assignment and transfer of cases to child support offices

Revised ~~09-16-24~~09-15-25

(a) **General assignment and transfer.** In assigning cases to child support offices, Oklahoma 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. For purposes of OAC 340:25-5-124(1) and (2), CSS treats an order registered in Oklahoma as an Oklahoma order, 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, 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 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; ■ 3 or

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

(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, per 43 O.S. §§ 601-601 through 601-614. ■ 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

(b) Administrative establishment case transfer.

(1) A district office transfers an administrative establishment case to another office according to (2) of this Section if the:

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

(B) CP moves to a county outside the original office's service area.

(2) 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 NCP~~ both parties. ■ 15 When service has been obtained on both parties, the original office completes any administrative case litigation before transferring the case to the new district office. ■ 16 through 18

INSTRUCTIONS TO STAFF 340:25-5-124

Revised ~~09-16-2409-15-25~~

1. When one Oklahoma Human Services (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 and the district court case number, when applicable.

- 2. When determining office assignment of a case, CSS staff reviews 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 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 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 docketed 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, 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 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 Oklahoma support order and an out-of-state support order, the case is assigned to the county with the Oklahoma support order for that office to take appropriate action to determine the controlling order.**
- 6. Case assigned to district office. When the CP:**
 - (1) is 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;**
 - (2) is not receiving public assistance, CSS staff assigns the case to the district office serving the county of the CP finding address even when the**

- address of record (AOR) is in another county; or
- (3) indicates there are family violence issues, staff assigns the case to the district office serving the county of the CP AOR. When the address information provided is unclear and could put CP location information at risk of disclosure, CSS staff contacts the CP 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 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 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 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 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, 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 performance of 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 Per OAC 340:2-1-8, 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)(A) and (B) of this Instruction, the employee promptly reports the relationship to the managing attorney (MA) 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; and
 - (B) refers to OAC 340:2-1-8 for further guidance on OKDHS policy on employee prohibitions regarding conflicts of interest.
- (5) When a conflict is determined, and the case 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) completes all court actions;

(B) organizes and secures case files; and

(C) follows the "OnBase: Digital Case File Transfer Procedures" Quest article.

(10) When domestic violence is alleged or suspected, cases 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 MA of the originating office and of the county where the CP or NCP resides agree there are extenuating circumstances that require a case be transferred, the originating office completes the transfer process including filing the Notice of Transfer with OAH.

15. Transfers.

(1) OAH has statewide jurisdiction. Administrative establishment court actions are transferred rather than dismissed. Per OAC 340:2-28-26, an OAH 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 NCP~~ both parties 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 docket the order in district court.

16.(a) Administrative case litigation completion includes obtaining a certified copy of the court order and completing all OSIS 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 docket the case in its district court. The case remains in the receiving office permanently, unless the CP moves out-of-state and opens a case in the new state.

17. Per OAC 340:2-28-26, cases with an 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.

18. Prior to transfer, CSS staff:

(1) completes all court actions;

- (2) organizes and secures case files;
- (3) follows the "OnBase: Digital Case File Transfer Procedures" Quest article; and
- (4) documents circumstances of transfer on the OSIS CSLOGA screen. The receiving district office informs the parties of the transfer ~~by letter~~.

PART 17. PAST SUPPORT

340:25-5-140. Past support

Revised ~~09-16-24~~09-15-25

(a) **Legal authority.** Oklahoma 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 and on the first day of each month thereafter except when another state's law governs the due date.

(2) Current monthly child support is due for the entire month when the effective date is later than the first of the month. CSS does not pro rate the monthly amount based on the effective or ending date, unless the court orders otherwise.

(3) CSS 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 (CP.s), the noncustodial parents (NCPs), and others.

(4) 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. Abate may also refer to an order for the suspension of the child support obligation under specified conditions.

(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.*

(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 a three-year 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. The payment plan applies to the judgment determined in the order and any subsequent judgments by operation of law unless the payment plan has been modified by administrative or district court action. ■ 3 & 4

(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 5

(2) CSS collects amounts from the original child support order date, 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 with an existing order, or when a previously closed case 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 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, CSS applies the provisions of the Servicemembers Civil Relief Act, codified in 50 U.S.C. §§ 3901 through 4043. ■ 4 5

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

(1) Settlements of past support may include:

(A) an NCP's 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; or

(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. ■ 5 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. ■ 5 6

(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. ■ 6 7

(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 the estate's administrator 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; or
 - (B) NCP 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.

(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 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. ■ 7 8

INSTRUCTIONS TO STAFF 340:25-5-140

Revised ~~09-16-2409-15-25~~

1. **(a) In all cases, Oklahoma 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 arrears amount.**
- (b) CSS staff files an action to determine arrears, when:**
 - (1) both parties respond and there is a dispute as to the arrears amount; or**

- (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 the NCP provides;
 - (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) 340:25-5-190.
 - (e) When neither party returns the payment affidavits, CSS staff does not calculate 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 court determination.
- 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; 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 child(ren)'s best interests.
- (c) CSS does not obtain judgment payments for more than \$30 per month unless the evidence indicates the NCP has the ability to pay more. When determining the amount of a judgment payment, CSS staff refers to the Consistent Excellence Right Sizing Orders Guide, located in Quest, for guidance on determining the NCP's ability to pay.
- 4. CSS staff may use an existing judgment payment to collect child support arrearages that have accrued since the last judgment. When there is an existing judgment payment, CSS staff refers to the Right Sizing Guide in evaluating whether to seek a modification of the judgment payment amount.
- 4.5. (a) CSS staff follows the "Servicemembers Civil Relief Act (SCRA) Guide" Quest article 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 defaulting party's military status on the SCRA website and files the default affidavit with the court, per Sections 3901 through 4043 of Title 50 of the United States Code.

5.6. 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. Payment matching settlements for past support must be approved by the state's attorney and memorialized in a court order. CSS staff follows the "Arrears Reduction Campaign Compromise (ARC) Training Guide" Quest article when determining settlement criteria, finance adjustments, and ARC payment tracking. 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.

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

7.8. (a) When a formerly incarcerated NCP is in a work release program where a majority of earnings are required to participate in the program, CSS does not consider that program as gainful employment. The NCP does not have the ability to pay child support, and therefore CSS staff requests the court modify the order using actual income minus the cost of room and board.

(b) CSS staff follows the "Reviewing Cases for Incarcerated NCP Order Abatement" Quest article for instruction on updating the automated system to abate child support orders.

(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. Continued abatement is appropriate when a payment is from a source not ongoing and regular, such as a tax intercept or payments from a third party, including a relative or friend.

(d) Payments received while child support is abated are credited to arrearages.

340:25-5-140.1. Interest

Revised ~~09-15-24~~09-15-25

(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.
- (3) In a modification order when the effective date is the first of the month following the filing date of the motion to modify, the interest accrual is based upon the order that was effective during that time frame, not on the new modified amount. Interest does not accrue on any increased modified child support until the first day of the month following the date the modification order was filed. If the overall decrease as a result of the modification results in an overpayment, CSS is not responsible for refunds per OAC 340:25-5-305.
- (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. ■ 4 3
- (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. ■ 5 4
- (2) The servicemember must provide a written request for reduced interest and a copy of the military orders calling the servicemember to service and any orders further extending military service to 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. ■ 6 5
- (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. ■ 7 through 10 6 through 9
- (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. § 601-604. ■ 7 6
- (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. ■ 40 9

- (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. ■ ~~8 & 11~~ 7 & 10
- (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. ■ 8 7
- (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. ■ ~~12~~ 11
- (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 ~~09-15-22~~09-15-25

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 Human Services, Child Support Services (CSS) staff attempts to calculate interest from the accrual date in the original child support obligation, unless interest 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.~~
- 4.3.** (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.
- (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.
- 5.4.** Any arrearage incurred after the date the servicemember is called to active military service accrues interest at the statutory rate.
- 6.5.** CSS challenges the six percent interest rate if the servicemember is earning as much income in the military service as in non-military service.
- 7.6.** When using the one-state process to enforce an order established in another state, it is a CSS staff responsibility to calculate interest using the interest rate of the state that established the order, also known as the issuing state.
- 8.7.** (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 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 federal Office of Child Support Enforcement (OCSE) Services (OCSS) 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.
- 9.8.** 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.
- 10.9.** 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 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.
- 11.10.** 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.

12-11. Waiver of interest.

(1) Interest owed to the CP. CSS staff uses the CP Waiver Order.

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

340:25-5-171. Enforcement of a medical support order

Revised ~~7-1-12~~ 9-15-25

(a) When a parent has been ordered to provide health insurance for the child(ren) and has failed to voluntarily enroll the child(ren), Oklahoma Child Support Services (OCSS), uses the National Medical Support Notice (NMSN) to aid in enrolling the child(ren) in the group health plans for which a parent is eligible. OCSS sends the NMSN to the parent's employer as required by Section 666 of Title 42 of the United States Code, Section 609 of the Employee Retirement Income Security Act of 1974, Section 303.32 of Title 45 of the Code of Federal Regulations, and Section 6058A of Title 36 and Section 118.2 of Title 43 of the Oklahoma Statutes.

(b) In addition to issuing a NMSN, when a parent is ordered to provide medical support for the minor child(ren) and is not complying with the order, OCSS may either:

(1) enforce the medical support order by a license revocation action under Section 139.1 of Title 43 of the Oklahoma Statutes, or by an indirect contempt of court action under Section 566.1 of Title 21 of the Oklahoma Statutes; or

(2) seek a modification of the order under OAC 340:25-5-198.2.

(c) When a child is eligible for enrollment in the United States Department of Defense's managed health care program, TRICARE, (a) of this Section does not apply. OCSS notifies the custodial person to contact the Defense Manpower Data Center Support Office at 1-800-538-9552 to enroll the child, using the Defense Enrollment Eligibility Reporting System registration process. ■ 1

(d) If the employer response to the NMSN indicates that enrollment cannot be completed because the cost of coverage exceeds the limits of earnings subject to income assignment under Section 1171.2 of Title 12 of the Oklahoma Statutes, OCSS applies OAC 340:25-5-168 to determine if other coverage is available at reasonable cost or if a cash medical order is appropriate. OCSS conducts a review of the order under OAC 340:25-5-198.1 and seeks a modified order if the review indicates that modification would result in an enforceable medical support order or that the child support order should be adjusted. ■ 2

(e) OCSS issues a non-compliance letter to the employer when the employer:

(1) has not returned the NMSN within 20 business days after the date of the NMSN

notifying OCSS that:

- (A) the employer does not offer group dependent health coverage;
- (B) the employee is among a class of employees that is not eligible for family coverage under the employer's plans;
- (C) the employee is not employed by the employer; or
- (D) state or federal withholding limitations or prioritization of withholding prevent the required employee contribution to obtain coverage;

(2) has not forwarded the NMSN to the insurer within 20 business days after the date of the NMSN; or

(3) is the insurer and has not returned the NMSN within 20 business days after the date of the NMSN indicating that either the child(ren) has been enrolled in the plan and the effective date of coverage or there is more than one option available and one must be selected. ■ 3

(f) OCSS issues a non-compliance letter to the insurer when the insurer has not returned the NMSN within 40 business days after the date of the NMSN indicating that either the child(ren) has been enrolled in the plan and the effective date of coverage or there is more than one option available and one must be selected. ■ 4

(g) OCSS may initiate legal proceedings to request the court fine employers and insurers when there is no response indicating full compliance with the requirements of the NMSN within 10 business days after the date of the non-compliance letter. Fines may be imposed by the court for up to \$200 a month per child for each failure to comply with the requirements of the NMSN under Section 6058A of Title 36 and Section 118.2 of Title 43 of the Oklahoma Statutes.

(h) If the employer or insurer complies with the requirements of the NMSN, OCSS may dismiss the case against the employer or insurer.

(i) Employers and insurers must send any fine(s) imposed by the court, under Section 235 of Title 56 of the Oklahoma Statutes, by check or money order to OCSS, Attention: Finance, P.O. Box 248822, Oklahoma City, Oklahoma 73124-8822.

(j) When a parent has been ordered to provide health insurance for the child(ren) and the other parent or custodial person has failed or refused to provide information necessary to enroll the child(ren) in the health insurance plan, OCSS:

(1) releases the information as appropriate per OAC 340:25-5-67 when family violence is not an issue;

(2) determines noncooperation and begins the case closure process per OAC 340:25-5-114, ~~340:25-5-118~~, and 340:25-5-123 when the parent refusing to provide the information is the applicant for services;

(3) obtains the necessary information from the parent by a license revocation action per Section 139.1 of Title 43 of the Oklahoma Statutes, or by an indirect contempt of court action per Section 566.1 of Title 21 of the Oklahoma Statutes; or

(4) seeks a modification of the order per OAC 340:25-5-198.2. ■ 5

PART 21. ESTABLISHMENT

340:25-5-176. Establishment of parentage

Revised ~~09-16-19~~09-15-25

(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 and limited services cases per OAC 340:25-1-1.2.

(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.~~

340:25-5-178. Calculating new and modified child support obligations [ITS Only]

Revised 09-16-24

(a) **Legal authority.** Oklahoma Human Services 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 current child support amount; and

(2) prepare a child support computation form CSS prescribes and the Administrative Office of the Courts publishes on the Oklahoma State Courts Network website, per 43 O.S. § 120. ■ 1 through 5

(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. ■ 6 & 7

(d) **Gross income.** When determining gross income for the child support computation, CSS follows 43 O.S. § 118B. ■ 7

(e) **Child care.** To establish the current child support amount, CSS considers "actual" child care expenses to be the amount the parent(s) or custodial person (CP) pays to the child care provider. CSS considers a child care subsidy recipient's copay to be the actual child care expenses. CSS determines 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) **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 CSS prescribes and the Administrative Office of the Courts publishes on the Oklahoma State Courts Network website. ■ ~~8 & 9 & 10~~

(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. ■ 9

(g) **Intergovernmental majority age.** CSS establishes child support orders for a child(ren) for whom child support is imposable under applicable law. ■ 10

(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. ■ 11

(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 based on minimum wage at 20 hours per week or actual income.

(i) **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.

(j) **Incarcerated NCP.**

(1) Per 43 O.S. §§ 118B and 118I, when an NCP is incarcerated for more than 180 consecutive days, CSS requests the court enter a child support and medical support order using actual income of \$0, unless:

(A) there is evidence of income or assets independent of 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

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

(2) When an NCP is released from incarceration, and:

(A) an existing child support order is abated, 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; or

(B) there is no existing 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. ■ 7

(k) **Military.** When CSS establishes a child support order for a Servicemember's child, CSS applies the provisions of the Servicemembers Civil Relief Act, codified in 50 U.S.C. §§ 3901 through 4043. ■ 12

(l) **Disability benefits.** CSS does not impute gross income to a person the Social Security Administration determines disabled. ■ ~~3 & 4~~ 2 & 3

(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 order 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. ■ 13 & 14

INSTRUCTIONS TO STAFF 340:25-5-178

Revised ~~09-16-2409-15-25~~

1. Per Sections 118 through 118I of Title 43 of the Oklahoma Statutes (43 O.S. §§ 118 through 118I), Oklahoma Human Services (OKDHS) Child Support Services (CSS) staff calculates, on the child support computation form each parent's contribution toward:
 - (1) the base child support according to both parents' combined adjusted gross income 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. (a) When the child(ren) is receiving monthly Social Security or Veterans Administration benefits from the noncustodial parent's (NCP) claim, the benefit is offset from current child support, per 43 O.S. § 118B(G), and the remainder is offset against any cash medical support.
(b) In the child support computation, when the child's portion of the Social Security Disability (SSD) benefits is paid to the obligor, it is included in the obligor's gross income rather than placed on the SSD benefits, paid for the benefit of the children, line. CSS only applies the offset when the SSD benefit for the child is paid to the current custodial person.
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 SSD or Social Security Retirement (SSR) benefit amount, or a combination of SSD or SSR with SSI, and the benefits does not exceed the maximum monthly SSI benefit amount, CSS staff uses only the SSD or SSR amount as income and requests the court deviate from the guidelines to set the current child support at \$0. To support 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 an SSD, SSR benefit amount or a combination of benefits that equals the SSI amount.
(c) The maximum monthly SSI benefit amount is found at the SSI Federal Payment Amounts webpage.
4. CSS staff consults with the district office CSS state's attorneys for a legal interpretation when the monthly child support obligation amount in the body of an order conflicts with the amount in the child support computation form.

5. CSS staff computes the child support obligation on the basis of actual monthly gross income for an NCP or a custodial person (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 he or she did before and cannot adjust to other work because of a medical condition; and
 - (2) disability is continuous or is expected to continue for at least one year or to result in death.
6. 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 OKDHS website at <http://www.okdhs.org>.
7. CSS 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.
8. (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 of the parent who lost custody, 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 of the parent who lost custody 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 divides the total by the number of 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.

9. CSS staff requests the court order support against each parent according to the parent's proportional share. When the parents of a child in OKDHS 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.
10. The age of majority varies by state. CSS staff may use the federal Office of Child Support Enforcement (~~OCSE~~) Services (OCSS) Intergovernmental Reference Guide (IRG) to obtain information about referrals to other states to establishment support orders.
11. (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 an adult does not accompany the minor parent, CSS staff consults with the CSS state's attorney about how to proceed.
 - (1) When a minor parent is 16 years of age or younger, 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 an adult's presence after an evidentiary hearing about the minor parent's capacity to understand the consequences of the court proceedings.
12. (a) CSS staff follows the "Servicemembers Civil Relief Act (SCRA) Guide" Quest article 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 a party to the case is in default, CSS staff confirms the defaulting party's military status on the SCRA website and files the default affidavit with the court per Sections 3901 through 4043 of Title 50 of the United States Code.
13. 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.
14. 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 09-16-24

(a) In parentage cases, Oklahoma Human Services Child Support Services (CSS) establishes current support and support for a prior period per Sections 83 and 7700-636 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 83 and 7700-636), 43 O.S. §§ 118-118I and 119, and 56 O.S. §238.6B. CSS seeks a zero dollar support amount for prior periods the noncustodial parent (NCP) resided with the custodial person and provided support for the child. When establishing support for a prior period CSS goes back to the lesser of:

- (1) two years prior to the filing of the petition; or
- (2) the birth month of the child ■ 1 through 8

(b) When a child support order is entered against a minor 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. ■ 5, 8, & 9

(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. ■ 10

(e) When the NCP is a current Temporary Assistance for Needy Families (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 ~~09-16-2409-15-25~~

- 1. In all cases, Oklahoma 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 consults with the state's attorney for guidance on how to proceed with support for a prior period.**
- 4. When calculating judgments for support for a prior period, CSS staff gives**

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.

5. When current support is being established, and support for a prior period is reserved or not addressed, CSS 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) CP fails to appear for the hearing after service; or
 - (2) noncustodial parent (NCP) is incarcerated.
6. CSS staff does not request a support for a prior period judgment when establishing a child support order in a case where the parties are married but have separated.
7. CSS staff assesses support for a prior period for the full month in which the child is born.
8. 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 NCP with a judgment or arrears balance.
9. CSS staff follows ~~OAC 340:25-5-178(k)~~ 340:25-5-178(j) when establishing or modifying a child support order for an incarcerated NCP.
10. (a) CSS staff follows the "Servicemembers Civil Relief Act (SCRA) Guide" Quest article 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 on the SCRA website and files the default affidavit with the court, per Sections 3901 through 4043 of Title 50 of the United States Code.

340:25-5-190. Service of process

Revised ~~09-15-23~~ 9-15-25

(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 method of service of process depending on what is most appropriate under the facts of the case. CSS ensures the appropriate parents and custodians are served. ■ 1, 2

(b) **Service by regular mail to address of record (AOR).** Service to the AOR by regular mail ~~may be appropriate for parents and custodians is used~~ when an AOR is on file with the Central Case Registry for a party in the case, per 43 O.S. § 112A and Oklahoma Administrative Code 340:25-5-340. ■ 23 through 47 CSS sends copies of all pleadings and orders to the AOR and all other current addresses. When the party has provided to CSS an email address, CSS sends the pleadings and

~~acknowledgment and waiver of service documents~~ to that email address at the same time as mailing to the AOR by regular mail. ■ 58, 7 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~~ action is to the affected party including, but not limited to, actions to determine paternity. ■ 7

(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. ■ 6 2, 7, 9

(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. ■ 710

(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. ■ 89 and 11

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

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

(A) consents in writing to receive service in a particular case by electronic means and

(B) 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. ■ 912

(g) **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) CSS staff provides;
- (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. ■ 4013
- (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 party or party's attorney completes 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.

PART 22. REVIEW AND MODIFICATION

340:25-5-198.1. Review of a child support order

Revised ~~09-16-24~~09-15-25

- (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 Human Services (OKDHS) 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, 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)~~ 340:25-5-178, when the noncustodial parent (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 does 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 NCP's ability to pay and the NCP is working in a job consistent with the NCP's 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 the NCP's education and training;

(B) ordered to pay more than 20 percent of the NCP's 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.

(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 CSS initiates the review, 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 ~~09-16-2409-15-25~~

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 Human Services (OKDHS) 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 follows the "Identifying the Controlling Order and Which State has CEJ" and the "Modification Worksheet" Quest articles.

(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.
- 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 more than 180-consecutive 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 OKDHS child care 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 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.

(4) When a parent's employment changes, CSS may determine no adjustment is needed when the parent has been employed at a job for less than 180 consecutive days. When determined not to proceed with a modification action, CSS staff updates Oklahoma Support Information System with the result of "no change" to close the review decision.

5. Examples of a temporary change of circumstances include, but are not limited to, a pattern of frequent:

(1) changes in physical custody of the child(ren); or

(2) job changes by the parent requesting the review.

6. When CSS terminates a review because a party fails to provide information CSS requests, 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.

7. CSS staff uses the federal Office of Child Support Enforcement—(OCSE) Services (OCSS) Intergovernmental Forms Matrix 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 for interstate cases prescribed by the federal ~~OCSE~~ OCSS Action, Transmittal AT-23-02.

340:25-5-198.2. Modification

Revised ~~09-16-24~~09-15-25

(a) Authority for modification. Oklahoma Human Services 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. For this purpose, a material change in circumstances occurs when the child support obligation would increase or decrease by 20 percent but not less than \$30. Changes in circumstances include but are not limited to:

(A) a change in either parent's gross income;

- (B) a change in child care;
- (C) a change in medical;
- (D) a child reaching the age of majority per 43 O.S. § 112;
- (E) when there is a change in physical custody verified, per Oklahoma Administrative Code (OAC) 340:25-5-201.1;
- (F) when the noncustodial parent (NCP) is incarcerated for more than 180-consecutive days per 45 C.F.R. § 303.8 and OAC ~~340:25-5-178(k)~~ 340:25-5-178;
- or
- (G) when the Social Security Administration determines one of the parents is disabled and the parent is receiving Supplemental Security Income or Social Security Disability Income; or ■ 4

(2) per 56 O.S. § 237 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 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. ■ 5

(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. ■ 6

(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 first day of the month following the entry of the order.

PART 23. ENFORCEMENT

340:25-5-200. Enforcement

Revised ~~09-15-23~~09-15-25

(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 noncustodial parent's (NCP) real and personal property.

(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 NCP, per 56 O.S. § 237A and OAC 340:25-5-213;

(2) income assignment, garnishment, and levy, per Chapter 21 of Title 12 Oklahoma Statutes, 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;

(5) Intercept of state tax refunds, per 45 C.F.R. § 303.102, 68 O.S. § 205.2, and OAC 340:25-5, Part 27;

(6) administrative offsets per 31 U.S.C. § 3716, 31 C.F.R. § 285.1, and Executive Order 13019;

- (7) denial, revocation, or suspension of United States passports, per 56 O.S. § 240.1 and 42 U.S.C. §§ 652 and 654;
- (8) revocation, suspension, non-renewal, and non-issuance of various licenses,, per, 47 O.S. §§ 1-153, 6-201, and 6-211, and 56 O.S. §§ 237.1 and 240.15 through 240.21A;
- (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
- (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;
- (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;
- (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;
- (13) seek work orders, per 56 O.S. § 240.10;
- (14) indirect civil contempt of court, per 21 O.S. §§ 566 and 567, 43 O.S. § 137, and 56 O.S. § 234.

(A) 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; and ■ 5 & 6

(B) CSS may use indirect civil contempt of court to compel genetic testing of either party per 21 O.S. § 566, 56 O.S. § 240.23; and ■ 7

- (15) when a debtor transfers income or property to avoid child support payments, action to void the transfer or obtain favorable settlement per the Uniform Fraudulent Transfer Act, 24 O.S. §§ 112 through 123 and 42 U.S.C. § 666;
- (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 8

(f) **Incarcerated NCP.** When an NCP is incarcerated for 180-consecutive days, CSS follows 43 O.S. §118l and OAC 340:25-5-140 regarding abatement of child support orders.

(g) **Spousal Support.** CSS enforces a spousal support obligation for a spouse or

former spouse per 42 U.S.C. § 654 and 45 C.F.R. § 302.31 when CSS is enforcing that spouse's or former spouse's current child support obligation. ■ § 9

INSTRUCTIONS TO STAFF 340:25-5-200

Revised ~~09-16-2409-15-25~~

- 1. The Oklahoma Human Services (OKDHS) 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 OKDHS 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".
(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 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 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. CSS staff consults with the state's attorney on the next steps for enforcing the genetic testing order. CSS staff follows the "Do "Do We File Contempt if a Party Fails to Appear for Genetic Testing?" Testing?" Quest article when the party fails to appear for genetic testing.

7.8. (a) CSS staff follows the "Servicemembers Civil Relief Act (SCRA) Guide" Quest article 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 and files the default affidavit with the court, per Sections 3901 through 4043 of Title 50 of the United States Code.

8.9. CSS staff does not collect spousal support for the CP to whom the spousal support is owed when the child no longer lives in the CP's home and the CP is not supporting the child.

340:25-5-214. Passport denial, revocation, restriction, or limitation

Revised ~~09-16-19~~09-15-25

(a) Section 652 of Title 42 of the United States Code (42 U.S.C. 652) provides for the United States Secretary of State to refuse to issue a passport to a person certified as owing child support debt. It also provides for action to revoke, restrict, or limit a passport already issued. If the amount of arrears owed by a person exceeds the threshold amount for certification set by federal law or regulation, Oklahoma Department of Human Services, Child Support Services (CSS) may certify the person

under 42 U.S.C. 654 and Section 240.1 of Title 56 of the Oklahoma Statutes (56 O.S. 240.1). ■ 1

(b) Before issuing a certification as described in (a) of this Section, CSS provides notice to the noncustodial parent (NCP) of CSS determination that the NCP owes child support debt, the consequences of the determination, and the opportunity to contest the determination through either:

(1) the annual notice process as established in 56 O.S. § 237A and Oklahoma Administrative Code (OAC) 340:25-5-213; or

(2) notice of federal offset under Section 303.72 of Title 45 of the Code of Federal Regulations and OAC 340:25-5, Part 25.

(c) If CSS finds a request for certification was submitted in error, or in a life or death situation, CSS requests immediate release of an NCP's passport from the process described in (a) of this Section. ■ 2

(d) Prior to release of a passport, CSS follows OAC 340:25-5-350.3. CSS may request release of an NCP's passport from the process described in (a) of this Section if the NCP pays the entire child support debt or:

(1) pays the entire child support debt down to the threshold amount;

(2) enters into a repayment agreement or order to retire the remaining child support debt in not more than 36 equal monthly payments; and

(3) provides CSS with a verified source of future income for which an income assignment may be issued for payment of all current support and arrears. ■ 2

(e) A passport may be released from the passport referral process at the discretion of the CSS director. The district office may request a director's exception when it is determined the passport denial, revocation, restriction, or limitation negatively impacts a reliable source of child support. ■ 2 through 5

(f) After requesting release of a case from the passport referral process, CSS may at any time recertify the case as described in (a) of this Section.

PART 33. INTERGOVERNMENTAL CASES

340:25-5-270. Intergovernmental cases [ITS Only]

Revised 09-15-22

(a) **Legal basis.** When referring and processing intergovernmental Title IV-D cases, the Oklahoma 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 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 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. ■ 5 & 6

(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 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. ■ 6 7

(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. ■ 7 8

(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 where the 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), CP, or any child lives in Oklahoma; and
- (iii) CSS or another Title IV-D agency makes the request. ■ § 9

(B) CSS issues a notice to redirect payments to the Title IV-D agency in the state of residence of the CP when:

- (i) a child support or income assignment order was issued;
- (ii) neither the NCP, CP, or any child lives in the issuing state; and
- (iii) Oklahoma provides child support services. ■ § 9

(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 NCP or CP does not reside in Oklahoma. The CSS director or appointed designee approves requests for limited services not listed in 45 C.F.R. § 303.7. ■ § 10

(h) **Determination of arrears.** When Oklahoma 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 a tribunal of another state to enforce.

(i) **Choice of law.** The applicable law for support duration determination 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 even after another state modifies the order.

(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 09-16-2409-15-25

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~~) Services (OCSS) Action Transmittal AT-23-02 for instructions on completing interstate child support forms.**
3. **Communication.**

- (1) CSS staff follows ~~OCSE~~ OCSS Action Transmittal AT-20-14 to clarify the intent of Section 303.7 of Title 45 of the Code of Federal Regulations 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 (CP) to district office." The Customer Assistance Response Effort (CARE) passes calls through from the CP as long as there is no follow-up message to stop.
4. CSS staff assists 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.
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.
6. When CSS staff have domestic violence information relevant to an intergovernmental case, the initiating state is responsible for the determination of case closure, per Section 303.7(c)(11) and (12) of Title 45 of the Code of Federal Regulations. CSS staff communicates with the initiating agency regarding the family violence issues. When the initiating agency does not close its case due to family violence or good cause issues identified by the responding state, CSS staff contacts the Family Violence Coordinator for assistance on how to proceed with the other state. The Family Violence Coordinator contact information can be found in the Quest article "Who to Contact: State Offices and PFRs, CS Offices, and OHS".
- 6.7. CSS staff attempts to coordinate with the Title IV-D agency in the initiating or responding state if any, in arranging testimony over the phone with an out-of-state witness or party. CSS staff requests a phone number from the nonresident party where the non-resident can be reached on the hearing date when unable to appear in person.
- 7.8. Determination of controlling order (DCO).
- (1) When there are multiple support orders, CSS seeks a judicial DCO. To determine which state has the presumed controlling order, CSS staff follows the "Identifying Controlling Order and Which State has CEJ" Quest article.
 - (A) CSS staff follows ~~OCSE~~ OCSS Information Memorandum IM-16-02 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

"Completing a Notice of Determination of Controlling Order" Quest article. 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.

8.9. CSS may seek an order to redirect payments from either district court or the Office of Administrative Hearings: Child Support.

9.10. (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 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) DCO;

(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 CP'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 ~~09-15-23~~09-15-25

(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 Statutes (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 (CP), noncustodial parents (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 CSS makes to a CP or NCP is subsequently withdrawn when a tax intercept or other collection is revoked;
- (B) a check or other payment instrument CSS receives from an NCP or other payor on behalf of the NCP is dishonored after a payment 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) 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 is a result of CP fraud.

(2) When the CP receives 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 overpayment amount. CSS satisfies any remaining overpayment as set forth in (1) of this subsection.

(f) **Notice and administrative review.**

(1) CSS sends an overpayment and recovery notice 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 Oklahoma Administrative Code 340:25-5-200.1.

(2) The administrative review provides an opportunity for the overpayment recipient to offer new or additional information regarding the overpayment amount. After the review, CSS issues a notice of administrative review decision.

(3) When an agency, agent, or entity of the state of Oklahoma or another state owes the overpayment, CSS may collect the amount of overpayment without notice or providing the opportunity to object. ■ 3

(g) **Limits to overpayment recovery.**

(1) CSS Center for Finance and Budget completes a case review on the balances owed to a CP prior to disbursing an overpayment. ■ 4

(2) CSS is not responsible for creating or recovering overpayments for:

(A) a non-Title IV-D case or time periods when non-Title IV-D cases convert to Title IV-D cases;

(B) time periods when:

(i) CSS collects under a court order that was later vacated or after the case is dismissed; ■ 5

(ii) the parties fail to provide CSS with verification of a change in the child's physical custody;

(iii) CSS collects under a court order that is later modified; or ■ 5 & 6

(iv) CSS collects under a court order and the child is adopted;

(C) time periods when cash medical support is distributed to a CP and the Oklahoma Health Care Authority retroactively certifies medical assistance; or

(D) ongoing regular payments during the period an NCP incarcerated.

(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) **Issuing 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) **Returning excess support amounts.** When CSS receives a payment that exceeds the NCP's total arrears balance, CSS returns the excess amount to the payor within 45-calendar days after discovering the over collection. ■ 7

(j) **Payments made in error.** When CSS receives an erroneous payment from the payor that is 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 is 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.

(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.

(l) **Inactive status and closure of overpayment recovery cases.**

(1) CSS may place an overpayment recovery case in inactive status when the whereabouts of the recipient of the overpayment are unknown. When the recipient is located, CSS returns the case to active status.

(2) CSS may close an overpayment recovery case when:

- (A) the overpayment has been satisfied by payment in full;
- (B) the recipient dies and leaves no resources from which the overpayment may be paid; or
- (C) CSS determines that the overpayment is uncollectible.

PART 39. ACCOUNTING AND DISTRIBUTION

340:25-5-350.3. Payment of support through Centralized Support Registry

Revised ~~09-16-19~~09-15-25

(a) **Centralized Support Registry.** Oklahoma Department of Human Services (~~DHS~~) (OKDHS) Child Support Services (CSS) operates a Centralized Support Registry (Registry), also known as the State Disbursement Unit, for the receipt, recording, allocation, distribution, and disbursement of support payments. CSS operates the Registry per Sections 410 and 413 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 410 and 413), Sections 302.51 and 303.100 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 302.51 and 303.100), and Sections 654b and 657 of Title 42 of the United

States Code (42 U.S.C. §§ 654b and 657).

(1) This Section applies to both Title IV-D and non-Title IV-D cases, unless the context clearly indicates otherwise.

(2) When a non-Title IV-D child support case has an income assignment in place, the Registry processes child support payments received from unemployment compensation benefits as income assignments per federal and state law. ■ 1

(b) Support payments.

(1) Support payments must be paid as instructed in writing by CSS to the Registry.

(2) CSS offices may accept support payments when a payment is made:

(A) in connection with a court action; or

(B) as part of a settlement agreement on a lien or levy. ■ 2 through 4

(c) Method of payment. CSS may require payors and persons to provide information needed to identify and properly allocate and distribute payments and to submit payments to the Registry, per 43 O.S. § 413.

(1) Support payment amounts are converted from a foreign country's order amount to a United States (U.S.) dollar amount at the time of the referral or application and that exchange rate remains in place until the child support order is modified or the arrears are confirmed.

(2) CSS:

(A) allocates and distributes support payments, per Oklahoma Administrative Code (OAC) 340:25-5-351;

(B) modifies or enforces international orders, per OAC 340:25-5-285;

(C) safeguards case information and records received from payors and persons. Information and records concerning Title IV-D and non-Title IV-D recipients of services through the Registry are confidential, per 56 O.S. § 183 except as provided in OAC 340:25-5-67;

(D) sends custodial persons (CPs) a quarterly written notice of the amount of current support, arrears, and interest collected, and the amount of collections paid to the CP. CPs may also obtain this information over the Internet or by phoning CSS, per OAC 340:25-1-2.1;

(E) reserves the right to refuse to accept a personal or business check or direct debit after receiving a dishonored personal or business check, direct debit, electronic funds transfer (EFT), or other negotiable instrument from the same payor or on the same case; and

(F) considers the date of collection to be the date payments are received by the Registry and applies payments to existing case balances as of that date. When a payment collected represents the current support amount for future months, the amount is applied to such future months when there are no past due balances on any of the noncustodial parent's (NCP's) cases, per 45 C.F.R. § 302.51. ■ 5

(3) When CSS refuses to accept a personal or business check, direct debit, EFT, or other negotiable instrument from a payor per (2)(E) of this subsection, the payor:

(A) must submit the payment by cashier's check, certified check, money order, or cash at a CSS verified payment location as identified on the CSS page at <http://www.okdhs.org>;

(B) is added to the CSS Returned Payments List;

(C) remains on the Returned Payments List until CSS receives the equivalent of

12 months of payments unless:

- (i) the payment is returned due to missing endorsement;
 - (ii) the payor provides prior notification that payment will be returned and remits a replacement payment within 10-calendar days of notification in the manner required by CSS; ■ 6
 - (iii) the returned payment is insufficient funds caused by a CSS Financial Institution Data Match levy; or
 - (iv) CSS deems the reason for returned payment is out of payor's control; or
- (D) must request removal from the Returned Payments List by contacting CSS, per OAC 340:25-1-2.1.

(4) CSS notifies the payor by mail:

- (A) of the reason for the returned payment;
- (B) that the payor was placed on the Returned Payments List;
- (C) that the payor must submit payments as outlined in (3)(A) of this subsection; and
- (D) how the payor can be removed from the Returned Payments List.

(5) When CSS removes the payor from the Returned Payments List and subsequently has another payment returned, the payor is added back to the Returned Payments List and remains there indefinitely. ■ 6

(d) **EFT support payments.** NCPs, employers, and other payors may register to make electronic payments through the CSS online child support payment system (e-Pay), available through <http://www.okdhs.org/services/ocss/pages/paymentoptions.aspx>.

(1) To transfer child support payments electronically, NCPs, employers, and other payors must:

- (A) call CSS at the phone numbers provided in OAC 340:25-1-2.1 to set up the EFT process;
- (B) have a valid email account;
- (C) have Internet access;
- (D) be a legal owner of a:
 - (i) bank account held at a financial institution within the U.S.; or
 - (ii) VISA or MasterCard credit or debit card held at a financial institution within the U.S.; and
- (E) register to use e-Pay. ■ 7

(2) E-Pay payments do not replace federally mandated income withholding and will not stop or cancel income-withholding orders for NCPs.

(3) CSS may adjust and release payroll deductions that were electronically transferred from an NCP's wages. When an adjustment cannot be processed in time to effect the change on the next scheduled electronic funds transfer, employers do not refund money to the employee, make adjustments to subsequent EFT payments, or take other action to correct the amount deducted. ■ 8

(4) CSS reserves the right to:

- (A) close an e-Pay account and impose fees and charges when a scheduled payment transaction is returned for any reason; ■ 7
- (B) add the payor to Returned Payments List, per (c)(3) of this Section; and
- (C) specify what payment formats are used to conduct the electronic funds transfer between businesses to state child support entities.

(e) Payment issuance.

(1) Per ~~42 U.S.C. § 654 and 45 C.F.R. § 302.38~~, 62 O.S. § 34.64, CSS issues payments to the CP only by transferring funds electronically and refunds to the obligor electronically through debit cards or direct deposit.

(2) In interstate cases, CSS issues payments to the initiating state Title IV-D agency by electronic funds transfer and only issues payments by paper warrant to initiating states that do not have an electronic funds transfer system.

(3) Payments issued by debit card.

(A) When a ~~DHS~~ OKDHS customer has a debit card, at the point of CSS initial child support payment issuance for a CP, a letter is mailed explaining that child support funds are added to the existing debit card account.

(B) When a ~~DHS~~ OKDHS customer was not issued an Oklahoma debit card at the point of CSS initial child support payment issuance, a letter is mailed explaining the debit card activation process and that the debit card should be expected within 10- business days. The CP must activate the debit card within 90-calendar days of issuance.

(i) When a card is not activated, CSS mails a second letter to the CP after 45-calendar days and a third letter after 90-calendar days. The letters explain the importance of activating the debit card and that when the card is not activated within 90-calendar days the payment is no longer available on the debit card.

(ii) Payments issued to a CP who has not activated the debit card are returned to CSS after 90-calendar days. When payments are returned to CSS, payments are applied, per OAC 340:25-5-350.4. When the payments were distributed to other case balances or returned to the NCP, the payments are not redistributed to the CP.

(4) Payments issued by direct deposit. After receiving a debit card, the CP may enroll in direct deposit by calling the toll-free customer service phone number located on the back of the debit card. There are no charges or fees for receiving child support payments by direct deposit. A CP must have a bank account held at a financial institution within the U.S. to receive direct deposit child support payments and normal banking charges may apply. ■ 9

(f) Forged endorsement on warrants.

(1) When a CP reports that a warrant has been fraudulently cashed, CSS compares the payee's signature against the endorsement on the warrant and verifies that the signatures do not match.

(2) CSS sends the following completed and signed documentation by the payee to the Oklahoma State Treasurer's Office (OST):

(A) Form 10AD044E, Affidavit of Lost or Destroyed Warrant;

(B) Form 10AD045E, Affidavit of Forged Endorsement; and

(C) Form 10AD046E, Investigation Questionnaire.

(3) CSS issues a replacement warrant to the payee after CSS receives the return of funds from OST and the OST mandatory 60-calendar day holding period closes.

(g) Overcollected support amounts. CSS returns overcollected support amounts, per OAC 340:25-5-350.1.

(h) Payment errors. When payments were disbursed, CSS manages payment errors

as described in this subsection.

(1) When a payor makes a payment error, CSS is not required to correct, redirect, or recover the distributed payment, unless it was retained by ~~DHS~~ OKDHS.

(2) When CSS errs, CSS recovers overpayments to parties or CPs in Title IV-D and non-Title IV-D cases, per OAC 340:25-5, Part 37.

(i) **Suspicious payment activity.** CSS restricts use of payment methods by imposing limits, hold times, or other measures when CSS believes that suspicious activity occurred or may occur on a payor's account.

340:25-5-351. Allocation and distribution of collections [ITS Only]

Revised 09-16-24

(a) **Authority.** Oklahoma Human Services Child Support Services (CSS) allocates and distributes support collections, per Section 657 of Title 42 of the United States Code (42 U.S.C. § 657) and Sections 302.32, 302.51, and 302.52 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 302.32, 302.51, and 302.52). CSS collects fees, per 42 U.S.C. § 654, 45 C.F.R. § 302.33, and Section 237 of Title 56 of the Oklahoma Statutes (56 O.S. § 237).

(b) **Fees.** CSS collects fees, per 42 U.S.C. § 654, 45 C.F.R. § 302.33, and 56 O.S. § 237. A case is exempt from fees when the custodial person (CP) is currently receiving Temporary Assistance for Needy Families (TANF). Fees are withheld prior to child support distribution to the CP. CSS collects:

(1) an annual fee on eligible cases, per 45 C.F.R. § 302.33. When there is more than one Title IV-D child support program involved, CSS collects the annual fee on cases when Oklahoma is the initiating state; and

(2) a three percent service fee for each payment distributed to the CP, up to a \$10.00 per month maximum except when the CP is currently receiving SoonerCare (Medicaid).

(c) **Allocation.**

(1) **General allocation.** Allocation refers to how a payment is divided among eligible obligations. Some obligors have more than one child support case and the allocation rules determine which case receives all or a portion of the collection received. A collection is allocated based on the source of the collection and the type of legal action resulting in a collection. ■ 1

(2) **Allocation models.** CSS divides collections among the obligor's eligible obligations based on the following models.

(A) **Standard.** All payments not made by income withholding order or federal income tax refund offset are allocated to eligible obligations in (i) through (iii):

(i) prorated to the current child support, cash medical support, and spousal support;

(ii) prorated to the monthly payment plan on past support; and

(iii) amounts remaining from the initial collection or additional collections received during the same month will allocate based on a prorated share of total arrears owed on all eligible obligations. The allocated amounts cannot exceed the total arrears due on the cases.

(B) **Income Withholding Order (IWO).** Periodic payments from an IWO are allocated to eligible obligations in (i) through (iii):

- (i) prorated to the current child support, cash medical support, and spousal support;
 - (ii) prorated to the monthly payment plan on past support and other judgment(s), such as judgments for genetic testing costs; and
 - (iii) the steps in (1) and (2) of this subsection are repeated for amounts remaining from the initial collection or additional collections received during the same month, until the entire collection is allocated.
- (C) **Internal Revenue Service (IRS).** Collections received from the offset of federal income tax refunds are allocated according to the existing federal hierarchy, per 42 U.S.C. § 657 and 45 C.F.R. § 303.72. CSS allocates only to balances certified to the IRS. CSS applies these collections to each eligible obligation:
- (i) first to balances certified to the IRS as public assistance; and
 - (ii) then to any CP's certified balances.
- (3) **Specific enforcement actions.** Collections received from case-specific enforcement actions are not allocated across all cases, but are allocated to the case(s) in which the action is taken. ■ 1
- (4) **Non-Title IV-D cases.** In non-Title IV-D cases, CSS allocates payments as follows:
- (A) payments received from an IWO are allocated using the IWO model. Collections are allocated to non-Title IV-D cases based on the amounts listed in the non-Title IV-D IWO; and
 - (B) all other payments are allocated using the Standard model. When CSS receives information on processing a specific payment, CSS may allocate the payment based on that information.
- (5) **Intergovernmental cases.**
- (A) **Incoming.** In cases where CSS is collecting support for a CP who is receiving services from another jurisdiction's child support agency, past-due payments are allocated based on information the initiating state provides. ■ 2
 - (B) **Outgoing.** Collections received from other jurisdictions resulting from an outgoing referral are allocated to that case.
- (d) **Distribution.**
- (1) CSS distributes collections based on the federal distribution hierarchy, per 42 U.S.C. § 657 and 45 C.F.R. §§ 302.32 and 302.51.
 - (2) CSS initially distributes collections to current support and current cash medical support obligations due each month. When collections are less than the amount of all current support and current cash medical support due, CSS distributes collections between the current child support and the current cash medical support obligations in proportionate shares.
 - (3) After the current child support and current cash medical support obligations are met, CSS distributes collections to current spousal support due.
 - (4) After current child support, current cash medical support, and current spousal support obligations are satisfied, remaining collections for the month are distributed to past-due balances.
 - (5) CSS distributes payments to interest owed after current child support and principal arrears balances are paid in full to each obligation.

(6) When a payment collected represents current support for future months, the amount is applied to such. When past support balances exist on any of the noncustodial parent's cases, payments are not applied to the next month's current support, per 45 C.F.R. § 302.51. ■ 3

(e) **Distributed payment adjustments.** When CSS determines a payment adjustment is required, CSS makes the necessary corrections to the statewide automated data processing and information retrieval system. ■ 4

INSTRUCTIONS TO STAFF 340:25-5-351

Revised ~~09-16-2409-15-25~~

1. **State's attorneys may make agreements regarding the percentage of the settlement to take and how to split the collection from specific enforcement remedies among multiple cases.** Examples of collections received from specific enforcement remedies are those made:
 - (1) during contempt proceedings or criminal non-support actions in order to satisfy a purge, bond, or sentencing agreement. This includes payments made in court or as a result of a court directive during these proceedings;
 - (2) to reinstate license(s); or
 - (3) as a result of a ~~lien or~~ **Financial Institution Data Match (FIDM)** levy. ~~State's attorneys make agreements regarding the percentage of the settlement to take and how to split the collection among multiple cases.~~
2. **Child Support Services (CSS) staff reviews the information the initiating state provides regarding whether the past-due balance on the case is owed to the custodial person (CP) or to the other state and time periods for balances assigned to the state(s). When the information provided is unclear or incomplete, CSS staff does not build the past-due balances in the Oklahoma Support Information System (OSIS) until the information from the initiating state is received. CSS staff monitors interstate cases to ensure the information regarding the assignment of balances is complete and current and requests additional information from the initiating state as necessary. When the initiating state fails to provide the necessary information, CSS staff initiates the closure process per Oklahoma Administrative Code 340:25-5-123.**
3. (a) **For example, a noncustodial parent (NCP) pays current support on February 1, makes another payment February 28, and has past due balances. When balances are owed to the state, the state retains the collection. When balances are owed to the CP, the CP receives both payments. When the NCP has multiple cases, the second payment distributes to any case with eligible balances and not to future support.**
(b) **When the second monthly payment received is a federal payment, such as Defense Finance and Accounting Service (DFAS) or Social Security Administration and represents a regular periodic payment, CSS logs the payment to the UNDA screen. When the OSIS futures program runs, the payment distributes to current support regardless of balances on the case.**
4. **Designated CSS district office staff submits distributed adjustment requests through a finance mail box. Before an adjustment is performed, the case information on OSIS must be updated. When case balances are corrected, all**

distributed payments are taken into account, even those incorrectly applied. When a payment is adjusted, OSIS automatically increases the balance of the case type to which the payment was distributed in error. Common reasons for adjustment requests and the appropriate balance adjustments, include, but are not limited to subparagraphs (1) through (4) of this Instructions to Staff.

- (1) Current support distributed to the wrong case type.**
 - (A) Current month.** When this occurs in the current month, district office CSS staff corrects the Child Data (CHU) screen for each child and sends an adjustment request to correct the payment distribution. Balance adjustments are not necessary.
 - (B) Prior month.** When this occurs in the prior month, CSS district office staff reduces the balance for current support on the incorrect case type, creating a credit if necessary, and increases the balance for current support on the correct case type. This balance adjustment has no effect on the NCP's overall case balance.
- (2) Credit balance.** CSS district office staff first determines what case type(s) is overpaid. For example, if case type C is overpaid, CSS district office staff initializes a credit balance on case type C.
 - (A)** When a case type is overpaid and there are other balances, the Center for Finance and Budget transfers the specified amount from one case type to another.
 - (B)** When a case type is overpaid and there are other balances but the credit is more than the balance owed, the Center for Finance and Budget transfers the specified amount from one case type to another and the remainder is refunded to the NCP.
- (3) Payment logged to the wrong case.**
 - (A)** Balance adjustments are not necessary.
 - (B)** The Center for Finance and Budget transfers the payment to the correct case.
- (4) Current support posted for incorrect amount.**
 - (A)** When current support did not post on OSIS, CSS district office staff makes corrections on the Obligation Selection List by Family Group Number (FGN) (OBLU) screen and case balances post automatically.
 - (B)** When an amount less than the correct amount posted on OSIS, CSS district office staff updates the:
 - (i)** OBLU screen;
 - (ii)** Past Due Support Adjustment (CFAR) screen to increase arrearages by the amount that did not post; and
 - (iii)** current support on the Current Monthly Amount Due Adjustment (CFAD) screen.
 - (C)** When an amount greater than the correct amount posted on OSIS, CSS district office staff updates the:
 - (i)** OBLU screen;
 - (ii)** CFAR screen to decrease arrearages by the amount posted in error; and
 - (iii)** CFAD screen to decrease current support monthly due by the

amount that posted in error. When the incorrect current support amount was issued to the CP, this adjustment creates a credit balance in current support.

(I) When there are sufficient arrearages for a similar case type as the current support amount that posted in error, zero the credit and reduce arrearages by the same amount. This balance adjustment has no effect on the NCP's overall case balance.

(II) When there are not sufficient arrearages for a similar case type as the current support amount that posted in error, further balance adjustments are unnecessary.