

(5) *OCSS distributes payments to interest owed after the current child support and principal arrears balances are paid in full to each obligation.* (emphasis added).<sup>13</sup>

¶16 The amended version of OAC 340:25-5-351 leaves no doubt that DHS allocates payments uniformly, regardless of a case's status as IV-D or non-IV-D. It also firmly establishes that in both types of cases, the principal portion of past due child support is reduced before accrued interest. Because Roca paid his child support through the Centralized Support Registry, DHS rules controlled the method of allocation. Thus, it was error to utilize the United States Rule for allocating Roca's monthly payments.

### Conclusion

¶17 Title 43 O.S. Supp. 2002 § 413 and DHS rules require payments made through the Centralized Support Registry in this case to be allocated first to current obligations, second to past due amounts, and finally to interest on the principle balance.<sup>14</sup> Accordingly, we vacate the COCA opinion and affirm the trial court's order of March 19, 2010.

¶18 Reif, V.C.J., Kauger, Watt, Winchester, Edmondson, Taylor, Combs and Gurich, JJ., concur.

¶19 Colbert, C.J., not participating.

**GURICH, J.**

1. Although there is no order in the record which delineates how payments were to be allocated under this order, pleadings filed by Houston acknowledge the \$850.00 sum was payable as the "purge fee." Motion to Accelerate Sentence, O.R. at 5.

2. See 43 O.S. 2011 § 413.

3. The record reflects that Roca also made two lump sum payments of \$2,600.00 and \$5,600.00 in June and July of 2003.

4. Attached to Roca's Motion to Terminate Garnishment was a DHS spreadsheet reflecting the total payments received through the Oklahoma Centralized Support Registry between June 2003 and August 2009.

5. Therein, the trial judge concluded the principal balance owed was still \$59,300.45, with accumulated interest of \$24,846.81 through September 1, 2009, creating a total judgment of \$84,147.26. Roca alleged that the default order was entered following confusion over whether the hearing on his motion to terminate the wage assignment had been cancelled. As noted, Roca filed a pleading subsequent to his motion, styled "Defendant's Notice of Payment of Purge Fee and Withdrawal of Motion to Terminate Garnishment." In spite of Roca's withdrawal of the pending motion, Houston's attorney appeared at the scheduled hearing and secured judgment by default. Houston denied that the hearing was stricken or rendered moot by the filing of the purported notice and withdrawal.

6. In an effort to address increasing dependence on federal social services created by unpaid child support obligations, Congress passed legislation in the mid-1970s requiring each state to develop their own child support enforcement program. Laura W. Morgan, *The Federalization Of Child Support A Shift In The Ruling Paradigm: Child Support As Outside The Contours Of "Family Law"*, 16 J. Am. Acad. Matrim. Law. 195, 203; Paul K. Legler, *The Coming Revolution in Child Support Policy: Implications of the 1996 Welfare Act*, 30 Fam., L.Q. 519, 521 (1996). Commonly referred to as a "IV-D" program, these state organizations consisted of a joint state and federal enforcement sys-

tem. Numerous amendments were made to the original enactment, perhaps none more significant than the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The PRWORA ended the federal government's direct involvement with welfare administration and replaced it with a system of block grants to states complying with IV-D program requirements. *Id.* In the area of child support enforcement, the PRWORA compelled changes in state laws and procedures to enhance collections of support. *Id.* One such requirement was the creation of a central support registry. *Id.*

7. This section remains identical; however, it is now codified at 43 O.S. 2011 § 413(G).

8. Federal regulations only address allocation of payments in IV-D cases. 45 C.F.R. § 302.51, reads in relevant part:

(a)(1) *For purposes of distribution in a IV-D case*, amounts collected, except as provided under paragraphs (a)(3) and (5) of this section, shall be treated first as payment on the required support obligation for the month in which the support was collected and if any amounts are collected which are in excess of such amount, these excess amounts shall be treated as amounts which represent payment on the required support obligation for previous months. (emphasis added).

9. There is nothing in the record to suggest IV-D services were being received by Houston on behalf of the minor child.

10. According to 56 O.S. 2001 § 237.7(20) "Payment plan" includes, but is not limited to, a plan approved by the support enforcement entity that provides sufficient security to ensure compliance with a support order or that incorporates voluntary or involuntary income assignment or a similar plan for periodic payment of past-due support and, if applicable, current and future support. . . ." Roca was undoubtedly paying the 2000 child support judgment via a payment plan as defined by statute.

11. See OAC 340:25-5-351 (b)(5).

12. DHS regulations defined support as "all payments or other obligations due and owing to the obligee or person entitled by the obligor under a support order, and may include, but is not limited to, child support, medical insurance or other health benefit plan premiums or payments, child care obligations, support alimony payments, and other obligations as specified in Section 118 of Title 43 of the Oklahoma Statutes." See OAC 340:25-1-1.1. It is unclear from the record in this case, whether DHS merely provided a conduit for transferring payments to Houston or whether the agency employed consistent allocation policies for both IV-D and non-IV-D cases.

13. DHS' policy on allocating interest payments remained unchanged with the 2013 amendments. See OAC 340:25-5-140.1(l) (eff. July 1, 2013) ("(l) **Application of payments to interest.** OCSS applies payments to interest per OAC 340:25-5-351").

14. Because we find Oklahoma statutes and DHS regulations dictate the outcome of this case, we need not address Roca's argument that applying different allocation rules to IV-D and non-IV-D cases would violate the Equal Protection Clause of the United States and Oklahoma Constitutions.

**2014 OK 60**

**In re Pilot Program for Videoconferencing in the District Court**

**SCAD-2014-15. June 23, 2014**

### **ORDER CREATING PILOT PROGRAM FOR VIDEOCONFERENCING IN DISTRICT COURT AND ADOPTION OF RULES FOR VIDEOCONFERENCING PILOT PROGRAM**

¶1 THIS COURT DETERMINES:

(1) "Videoconferencing" is an interactive technology that sends video, voice, and data signals over a transmission circuit so that two or more individuals or groups can communicate with each other simultaneously using video monitors.

(2) The Administrative Office of the Courts, Management Information Services Divi-