

House Bill 2125

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies requirements for securing and enforcing medical support obligations. Adjusts period for review of support orders for compliance with formula from two to three years, or such shorter cycle as determined by rule of Department of Justice.

A BILL FOR AN ACT

1
2 Relating to changes in state child support program in response to changes in federal law; amending
3 ORS 25.020, 25.150, 25.245, 25.287, 25.321, 25.323 and 25.329.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 25.020 is amended to read:

6 25.020. (1) Support payments for or on behalf of any person[,] **that are** ordered, registered or
7 filed under **this chapter or** ORS chapter [25,] 107, 108, 109, 110, 416, 419B or 419C, unless otherwise
8 authorized by ORS 25.030, shall be made to the Department of Justice[,] as the state disbursement
9 unit:

10 (a) During periods for which support is assigned under ORS 418.032, 418.042, 419B.406 or
11 419C.597;

12 (b) As provided by rules adopted under ORS 180.345, when public assistance is provided to a
13 person who receives or has a right to receive support payments on the person's own behalf or on
14 behalf of another person;

15 (c) After the assignment of support terminates for as long as amounts assigned remain owing;

16 (d) For any period during which support enforcement services are provided under ORS 25.080;

17 (e) When ordered by the court under ORS 419B.400;

18 (f) When a support order that is entered or modified on or after January 1, 1994, includes a
19 provision requiring the obligor to pay support by income withholding; or

20 (g) When ordered by the court under any other applicable provision of law.

21 (2) The Department of Justice shall disburse payments, after lawful deduction of fees and in
22 accordance with applicable statutes and rules, to those persons and entities that are lawfully enti-
23 tled to receive such payments.

24 (3)(a) When the administrator is providing support enforcement services under ORS 25.080, the
25 obligee may enter into an agreement with a collection agency, as defined in ORS 697.005, for as-
26 sistance in collecting child support payments.

27 (b) The Department of Justice:

28 (A) Shall disburse support payments, to which the obligee is legally entitled, to the collection
29 agency if the obligee submits the completed form referred to in paragraph (c)(A) of this subsection
30 to the department;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (B) May reinstate disbursements to the obligee if:

2 (i) The obligee requests that disbursements be made directly to the obligee;

3 (ii) The collection agency violates any provision of this subsection; or

4 (iii) The Department of Consumer and Business Services notifies the Department of Justice that
5 the collection agency is in violation of the rules adopted under ORS 697.086;

6 (C) Shall credit the obligor's account for the full amount of each support payment received by
7 the department and disbursed to the collection agency; and

8 (D) Shall develop the form referred to in paragraph (c)(A) of this subsection, which shall include
9 a notice to the obligee printed in type size equal to at least 12-point type that the obligee may be
10 eligible for support enforcement services from the department or the district attorney without pay-
11 ing the interest or fee that is typically charged by a collection agency.

12 (c) The obligee shall:

13 (A) Provide to the department, on a form approved by the department, information about the
14 agreement with the collection agency; and

15 (B) Promptly notify the department when the agreement is terminated.

16 (d) The collection agency:

17 (A) May provide investigative and location services to the obligee and disclose relevant infor-
18 mation from those services to the administrator for purposes of providing support enforcement ser-
19 vices under ORS 25.080;

20 (B) May not charge interest or a fee for its services exceeding 29 percent of each support pay-
21 ment received unless the collection agency, if allowed by the terms of the agreement between the
22 collection agency and the obligee, hires an attorney to perform legal services on behalf of the
23 obligee;

24 (C) May not initiate, without written authorization from the administrator, any enforcement
25 action relating to support payments on which support enforcement services are provided by the ad-
26 ministrator under ORS 25.080; and

27 (D) Shall include in the agreement with the obligee a notice printed in type size equal to at least
28 12-point type that provides information on the fees, penalties, termination and duration of the
29 agreement.

30 (e) The administrator may use information disclosed by the collection agency to provide support
31 enforcement services under ORS 25.080.

32 (4) The Department of Justice may immediately transmit **to the obligee** payments received from
33 any obligor [*who has not previously tendered any payment by a check or instrument that was not paid*
34 *or was dishonored, to the obligee,*] without waiting for payment or clearance of the check or instru-
35 ment received **if the obligor has not previously tendered any payment by a check or instru-**
36 **ment that was not paid or was dishonored.**

37 (5) The Department of Justice shall notify each obligor and obligee by mail when support pay-
38 ments shall be made to the department and when the obligation to make payments in this manner
39 shall cease.

40 (6)(a) The administrator shall provide information about a child support account directly to a
41 party to the support order regardless of whether the party is represented by an attorney. As used
42 in this subsection, "information about a child support account" means the:

43 (A) Date of issuance of the support order.

44 (B) Amount of the support order.

45 (C) Dates and amounts of payments.

1 (D) Dates and amounts of disbursements.

2 (E) Payee of any disbursements.

3 (F) Amount of any arrearage.

4 (G) Source of any collection.

5 (b) Nothing in this subsection limits the information the administrator may provide by law to a
6 party who is not represented by an attorney.

7 (7) Any pleading for the entry or modification of a support order must contain a statement that
8 payment of support under a new or modified order will be by income withholding unless an excep-
9 tion to payment by income withholding is granted under ORS 25.396.

10 (8)(a) Except as provided in paragraphs (d) and (e) of this subsection, a judgment or order es-
11 tablishing paternity or including a provision concerning support must contain:

12 (A) The residence, mailing or contact address, Social Security number, telephone number and
13 driver license number of each party;

14 (B) The name, address and telephone number of all employers of each party;

15 (C) The names and dates of birth of the joint children of the parties; and

16 (D) Any other information required by rule adopted by the Chief Justice of the Supreme Court
17 under ORS 1.002.

18 (b) The judgment or order shall also include notice that the obligor and obligee:

19 (A) Must inform the court and the administrator in writing of any change in the information
20 required by this subsection within 10 days after the change; and

21 (B) May request that the administrator review the amount of support ordered after [*two years*]
22 **three years, or such shorter cycle as determined by rule of the Department of Justice**, or at
23 any time upon a substantial change of circumstances.

24 (c) The administrator may require of the parties any additional information that is necessary for
25 the provision of support enforcement services under ORS 25.080.

26 (d)(A) Upon a finding, which may be made ex parte, that the health, safety or liberty of a party
27 or child would unreasonably be put at risk by the disclosure of information specified in this sub-
28 section or by the disclosure of other information concerning a child or party to a paternity or sup-
29 port proceeding or if an existing order so requires, a court or administrator or administrative law
30 judge, when the proceeding is administrative, shall order that the information not be contained in
31 any document provided to another party or otherwise disclosed to a party other than the state.

32 (B) The Department of Justice shall adopt rules providing for similar confidentiality for infor-
33 mation described in subparagraph (A) of this paragraph that is maintained by an entity providing
34 support enforcement services under ORS 25.080.

35 (e) The Chief Justice of the Supreme Court may, in consultation with the Department of Justice,
36 adopt rules under ORS 1.002 to designate information specified in this subsection as confidential and
37 require that the information be submitted through an alternate procedure to ensure that the infor-
38 mation is exempt from public disclosure under ORS 192.502.

39 (9)(a) Except as otherwise provided in paragraph (b) of this subsection, in any subsequent child
40 support enforcement action, the court or administrator, upon a showing of diligent effort made to
41 locate the obligor or obligee, may deem due process requirements to be met by mailing notice to the
42 last-known residential, mailing or employer address or contact address as provided in ORS 25.085.

43 (b) Service of an order directing an obligor to appear in a contempt proceeding is subject to
44 ORS 33.015 to 33.155.

45 (10) Subject to ORS 25.030, this section, to the extent it imposes any duty or function upon the

1 Department of Justice, shall be deemed to supersede any provisions of ORS chapters 107, 108, 109,
 2 110, 416, 419A, 419B and 419C that would otherwise impose the same duties or functions upon the
 3 county clerk or the Department of Human Services.

4 (11) Except as provided for in subsections (12), (13) and (14) of this section, credit may not be
 5 given for payments not made to the Department of Justice as required under subsection (1) of this
 6 section.

7 (12) The Department of Justice shall give credit for payments not made to the department:

8 (a) When payments are not assigned to this or another state and the obligee and obligor agree
 9 in writing that specific payments were made and should be credited;

10 (b) When payments are assigned to the State of Oregon, the obligor and obligee make sworn
 11 written statements that specific payments were made, canceled checks or other substantial evidence
 12 is presented to corroborate their statements and the obligee has been given prior written notice of
 13 any potential criminal or civil liability that may attach to an admission of the receipt of assigned
 14 support;

15 (c) When payments are assigned to another state and that state verifies that payments not paid
 16 to the department were received by the other state; or

17 (d) As provided by rule adopted under ORS 180.345.

18 (13) An obligor may apply to the Department of Justice for credit for payments made other than
 19 to the Department of Justice. If the obligee or other state does not provide the agreement, sworn
 20 statement or verification required by subsection (12) of this section, credit may be given pursuant
 21 to order of an administrative law judge assigned from the Office of Administrative Hearings after
 22 notice and opportunity to object and be heard are given to both obligor and obligee. Notice shall
 23 be served upon the obligee as provided by ORS 25.085. Notice to the obligor may be by regular mail
 24 at the address provided in the application for credit. A hearing conducted under this subsection is
 25 a contested case hearing and ORS 183.413 to 183.470 apply. Any party may seek a hearing de novo
 26 in the circuit court.

27 (14) Nothing in this section precludes the Department of Justice from giving credit for payments
 28 not made to the department when there has been a judicially determined credit or satisfaction or
 29 when there has been a satisfaction of support executed by the person to whom support is owed.

30 (15) The Department of Justice shall adopt rules that:

31 (a) Direct how support payments that are made through the department are to be applied and
 32 distributed; and

33 (b) Are consistent with federal regulations.

34 **SECTION 2.** ORS 25.150 is amended to read:

35 25.150. The Department of Justice shall assess and collect any fees for **establishment,**
 36 **enforcement, [services and] collection, accounting and disbursement services required by state law**
 37 **or administrative rule or by federal law or regulation, [or state law or administrative rule] in-**
 38 **cluding the annual fee required under Title IV-D of the Social Security Act.**

39 **SECTION 3.** ORS 25.245 is amended to read:

40 25.245. (1) Notwithstanding any other provision of Oregon law, a parent who is eligible for and
 41 receiving cash payments under Title IV-A of the Social Security Act, the general assistance program
 42 as provided in ORS chapter 411 or a general assistance program of another state or tribe, the
 43 Oregon Supplemental Income Program or the federal Supplemental Security Income Program shall
 44 be rebuttably presumed unable to pay child support and a child support obligation does not accrue
 45 unless the presumption is rebutted.

1 (2) Each month, the Department of Human Services shall identify those persons receiving cash
 2 payments under the programs listed in subsection (1) of this section that are administered by the
 3 State of Oregon and provide that information to the administrator. If benefits are received from
 4 programs listed in subsection (1) of this section that are administered by other states, tribes or
 5 federal agencies, the obligor shall provide the administrator with written documentation of the
 6 benefits. The Department of Human Services shall adopt rules to implement this subsection.

7 (3) The administrator shall refer to the information provided in subsection (2) of this section
 8 prior to establishing any child support obligation. Within 30 days following identification of persons
 9 under subsection (2) of this section, the entity responsible for support enforcement services under
 10 ORS 25.080 shall provide notice of the presumption to the obligee and obligor and shall inform all
 11 parties to the support order that, unless a party objects as provided in subsection (4) of this section,
 12 child support shall cease accruing beginning with the support payment due on or after the date the
 13 obligor first begins receiving the cash payments and continuing through the support payment due
 14 in the last month in which the obligor received the cash payments. The entity responsible for sup-
 15 port enforcement services shall serve the notice on the obligee in the manner provided for the ser-
 16 vice of summons in a civil action or by certified mail, return receipt requested, and shall serve the
 17 notice on the obligor by first class mail to the obligor's last-known address. The notice shall specify
 18 the month in which cash payments are first made and shall contain a statement that the adminis-
 19 trator represents the state and that low cost legal counsel may be available.

20 (4) A party may object to the presumption by sending an objection to the entity responsible for
 21 support enforcement services under ORS 25.080 within 20 days after the date of service of the no-
 22 tice. The objection must describe the resources of the obligor or other evidence that might rebut the
 23 presumption of inability to pay child support. The entity receiving the objection shall cause the case
 24 to be set for a hearing before a court or an administrative law judge. The court or administrative
 25 law judge may consider only whether the presumption has been rebutted.

26 (5) If no objection is made, or if the court or administrative law judge finds that the presumption
 27 has not been rebutted, the Department of Justice shall discontinue billing the obligor for the period
 28 of time described in subsection (3) of this section and no arrearage shall accrue for the period dur-
 29 ing which the obligor is not billed. In addition, the entity providing support enforcement services
 30 shall file with the circuit court in which the support order or judgment has been entered a copy of
 31 the notice described in subsection (3) of this section or, if an objection is made and the presumption
 32 is not rebutted, a copy of the administrative law judge's order.

33 (6)(a) Within 30 days after the date the obligor ceases receiving cash payments under a program
 34 listed in subsection (1) of this section, the Department of Justice shall provide notice to all parties
 35 to the support order:

36 (A) Specifying the last month in which a cash payment was made;

37 (B) Stating that the payment of those benefits has terminated and that by operation of law bill-
 38 ing and accrual of support resumes; and

39 (C) Informing the parties of their rights to request a review and modification of the support
 40 order based on a substantial change in circumstance or pursuant to ORS 25.287 or any other pro-
 41 vision of law.

42 (b) The notice shall include a statement that the administrator represents the state and that low
 43 cost legal counsel may be available.

44 (c) The entity providing enforcement services shall file a copy of the notice required by para-
 45 graph (a) of this subsection with the circuit court in which the support order or judgment has been

1 entered.

2 (7) Receipt by a child support obligor of cash payments under any of the programs listed in
 3 subsection (1) of this section shall be sufficient cause for a court or administrative law judge to al-
 4 low a credit and satisfaction against child support arrearage for months that the obligor received
 5 the cash payments.

6 (8) The notice and finding of financial responsibility required by ORS 416.415 shall include no-
 7 tice of the presumption, nonaccrual and arrearage credit rights provided for in this section.

8 (9) The presumption, nonaccrual and arrearage credit rights created by this section shall apply
 9 whether or not child support enforcement services are being provided under Title IV-D of the Social
 10 Security Act.

11 (10) Application of the presumption, nonaccrual and arrearage credit rights created by this
 12 section does not constitute a modification but does not limit the right of any party to seek a mod-
 13 ification of a support order based upon a change of circumstances or pursuant to ORS 25.287 or any
 14 other provision of law. In determining whether a change in circumstances has occurred or whether
 15 *[two years have elapsed]* **three years have elapsed, or such shorter cycle as determined by rule**
 16 **of the Department of Justice**, since entry of a support order, the court or administrative law judge
 17 may not consider any action taken under this section as entry of a support order. The presumption
 18 stated in subsection (1) of this section applies in any modification proceeding.

19 **SECTION 4.** ORS 25.287 is amended to read:

20 25.287. (1)(a) The entity providing support enforcement services under ORS 25.080 may initiate
 21 proceedings to modify a support obligation to ensure that the support obligation is in accordance
 22 with the formula established under ORS 25.270 to 25.287.

23 (b) Proceedings under this subsection may occur only after *[two years have elapsed]* **three years**
 24 **have elapsed, or such shorter cycle as determined by rule of the Department of Justice**, from
 25 the later of the following:

26 (A) The date the original support obligation took effect;

27 (B) The date any previous modification of the support obligation took effect; or

28 (C) The date of any previous review and determination under this subsection that resulted in
 29 no modification of the support obligation.

30 (c) For purposes of paragraph (b) of this subsection, a support obligation or modification takes
 31 effect on the first date on which the obligor is to pay the established or modified support amount.

32 (d) The only issues at proceedings under this subsection are whether *[two years have elapsed,*
 33 *as described in paragraph (b) of this subsection,]* **three years have elapsed, or such shorter cycle**
 34 **as determined by rule of the department**, and whether the support obligation is in substantial
 35 compliance with the formula established under ORS 25.270 to 25.287.

36 (e) Upon review, if the administrator determines that a support obligation does not qualify for
 37 modification under this section, a party may object to the determination within 30 days after the
 38 date of the determination. A hearing on the objection shall be conducted by an administrative law
 39 judge assigned from the Office of Administrative Hearings. Appeal of the order of the administrative
 40 law judge may be taken to the circuit court of the county in which the support obligation has been
 41 entered or registered for a hearing de novo. The appeal to the court shall be by petition for review
 42 filed within 60 days after entry of the order of the administrative law judge.

43 (f) If the court, the administrator or the administrative law judge finds that more than *[two years*
 44 *have elapsed, as described in paragraph (b) of this subsection,]* **three years have elapsed, or such**
 45 **shorter cycle as determined by rule of the department**, the court, the administrator or the ad-

1 ministrative law judge shall modify the support order to bring the support obligation into substantial
 2 compliance with the formula established under ORS 25.270 to 25.287, regardless of whether there
 3 has been a substantial change in circumstances since the support obligation was last established,
 4 modified or reviewed. Proceedings by the administrator or administrative law judge under this sub-
 5 section shall be conducted according to the provisions of ORS 416.425 and 416.427.

6 (g) The provisions of this subsection apply to any support obligation established by a support
 7 order under **this chapter or** ORS chapter [24,] 107, 108, 109, 110 or 416 or ORS 419B.400 or
 8 419C.590.

9 (2) The entity providing support enforcement services shall state in the document initiating the
 10 proceeding, to the extent known:

11 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
 12 ceeding involving the child, including a proceeding brought under ORS 107.085, 107.135, 107.431,
 13 108.110, 109.100, 109.103, 109.165, 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter
 14 110; and

15 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
 16 ORS 110.303, involving the child, other than the support obligation the entity seeks to modify.

17 (3) The entity providing support enforcement services shall include with the document initiating
 18 the proceeding a certificate regarding any pending support proceeding and any existing support or-
 19 der other than the support obligation the entity seeks to modify. The entity providing support
 20 enforcement services shall use a certificate that is in a form prescribed by the administrator and
 21 shall include information required by the administrator and subsection (2) of this section.

22 (4) The administrator, court or administrative law judge may use the provisions of subsection
 23 (1) of this section when a support order was entered in another state and registered in Oregon, the
 24 provisions of ORS chapter 110 apply and more than [*two years have elapsed as provided in subsection*
 25 *(1)(b) of this section*] **three years have elapsed, or such shorter cycle as determined by rule of**
 26 **the department.**

27 (5) Notwithstanding the provisions of this section, proceedings may be initiated at any time to
 28 modify a support obligation based upon a substantial change of circumstances under any other pro-
 29 vision of law.

30 (6) The obligee is a party to any action to modify a support obligation under this section.

31 **SECTION 5.** ORS 25.321 is amended to read:

32 25.321. As used in ORS 25.321 to 25.343:

33 (1) "Accessible" means that, unless otherwise provided in a support order:

34 (a) A health benefit plan does not have service area limitations or the health benefit plan pro-
 35 vides an option not subject to service area limitations;

36 (b) A health benefit plan has service area limitations and the child lives within 30 miles or 30
 37 minutes of a primary care provider under the plan; or

38 (c) A health benefit plan is accessible as defined in rules of the Department of Justice.

39 (2) **"Cash medical support" means an amount ordered to be paid toward the cost of health**
 40 **insurance provided by a public entity or by another parent through employment or other-**
 41 **wise, or for other medical expenses not covered by insurance.**

42 [(2)] (3) "Enforcing agency" means the administrator.

43 [(3)] (4) "Enroll" means to be eligible for and covered by a health benefit plan.

44 [(4)] (5) "Health benefit plan" means any policy or contract of insurance, indemnity, subscription
 45 or membership issued by an insurer or any self-insured employee benefit plan for the purpose of

1 covering medical expenses. Medical expenses may include but are not limited to hospital, surgical,
 2 major medical, dental, optical, prescription drugs, office visits or any other comparable health care
 3 expenses or any combination of these expenses.

4 [(5)(a)] **(6)(a)** “Health care coverage” means providing a health benefit plan under ORS 25.323
 5 to meet the medical needs of a child and paying the cost of any premium required by the health
 6 benefit plan.

7 (b) “Health care coverage” does not include and is a separate obligation from any monetary
 8 amount of child support or spousal support ordered to be paid.

9 **(7) “Medical support” includes health care coverage, premiums, copayments or payments**
 10 **of medical expenses.**

11 [(6)] **(8)** “Medical support notice” means a notice as prescribed under 42 U.S.C. 666(a)(19) or a
 12 substantially similar notice that is issued and forwarded by the enforcing agency to enforce health
 13 care coverage provisions of a support order.

14 [(7)] **(9)** “Plan administrator” means:

15 (a) The employer, union or other provider that offers a health benefit plan; or

16 (b) The person to whom, under a written agreement of the parties, the duty of plan administrator
 17 is delegated by the employer, union or other provider that offers a health benefit plan.

18 [(8)] **(10)** “Primary care provider” means a physician who provides primary care and is a family
 19 or general practitioner, pediatrician, internist, obstetrician, or gynecologist.

20 [(9)] **(11)** “Satisfactory health care coverage” means coverage provided under a health benefit
 21 plan, *other than Medicaid or the Oregon Health Plan, that at a minimum includes emergency care,*
 22 *inpatient and outpatient hospital care, physician services, whether provided within or outside a hospital*
 23 *setting, and laboratory and X-ray services] **that at a minimum includes medical and hospital***
 24 **coverage, provides for preventive, emergency, acute and chronic care and imposes reasonable**
 25 **deductibles and copayments.**

26 **SECTION 6.** ORS 25.323 is amended to read:

27 25.323. (1) In all child support orders entered under **this chapter and** ORS chapters 107, 108,
 28 109 and 110 and ORS 416.400 to 416.465, 419B.400 and 419C.590, and in any modifications of those
 29 orders, the court or the enforcing agency shall order [*the obligor*] **either party or both parties** to
 30 provide satisfactory health care coverage for the child. [, *unless the court or the enforcing agency*
 31 *finds that:*]

32 [(a) *The obligee or the assignee of child support rights has elected to provide health care coverage*
 33 *for the child; or]*

34 [(b) *The obligor cannot provide satisfactory health care coverage that is reasonable in cost and*
 35 *accessible to the child.*]

36 (2) If the court or the enforcing agency finds that the [*obligor*] **parties** cannot provide health
 37 care coverage because health care coverage that is reasonable in cost and accessible to the child
 38 is not available at the time the child support order is entered, the court or the enforcing agency
 39 shall [*include in the order a provision requiring the obligor*]:

40 **(a) Order the parties** to provide health care coverage when [*such*] **the** coverage becomes
 41 available [*to the obligor.*]; **and**

42 **(b) Order the obligor to pay cash medical support, which may include paying cash for**
 43 **benefits provided by Medicaid or the Oregon Health Plan.**

44 [(3) *Health care coverage is reasonable in cost if:*]

45 [(a) *The coverage is available to the obligor through employment related or other group health in-*

1 *urance;]*

2 *[(b) The obligor's share, if any, of premiums for the coverage does not, under the circumstances of*
3 *the case, make the application of the formula established under ORS 25.275 unjust or inappropriate;*
4 *and]*

5 *[(c) The coverage satisfies other criteria that the Department of Justice may adopt by rule.]*

6 [(4)] (3) The Department of Justice shall:

7 (a) Adopt rules under ORS 25.275 for determining how the costs of providing health care cov-
8 erage affect the support obligation; **and**

9 **(b) Adopt rules specifying the types of medical support that may be provided under this**
10 **section.**

11 **SECTION 7.** ORS 25.329 is amended to read:

12 25.329. When the enforcing agency serves a medical support notice on an employer:

13 (1) The employer shall comply with the provisions in the medical support notice;

14 (2) The plan administrator and the employer shall treat the medical support notice as an appli-
15 cation by the enforcing agency for health care coverage for the named child under the health benefit
16 plan to the extent an application is required by the plan;

17 (3) If the obligor named in the medical support notice is not an employee of the employer, or if
18 a health benefit plan is not offered or available to the obligor, the employer shall notify the en-
19 forcing agency within 20 business days after the date of the medical support notice;

20 (4) If a health benefit plan is offered or available to the obligor, the employer shall send the plan
21 administrator's portion of the notice to each appropriate plan administrator within 20 business days
22 after the date of the medical support notice;

23 (5) Within 40 business days after the date of the medical support notice, the plan administrator
24 shall do all of the following as directed by the notice:

25 (a) Complete the appropriate portion of the notice and return the portion to the enforcing
26 agency;

27 (b) If the child is or will be enrolled, notify the obligor and obligee and furnish the obligee with
28 the information necessary to effectuate coverage and submit claims for benefits;

29 (c) If the child has been or will be enrolled, provide the enforcing agency with the type of health
30 benefit plan under which the child has been or will be enrolled, including whether dental, optical,
31 office visits and prescription drugs are covered services;

32 (d) If more than one health benefit plan is available to the obligor and the obligor is not en-
33 rolled, forward the health benefit plan descriptions and documents to the enforcing agency;

34 (e) If the obligor is subject to a waiting period that expires more than 90 days after the date
35 of receipt of the medical support notice by the plan administrator or if the obligor has not completed
36 a waiting period that is measured in a manner other than the passage of time, notify the employer,
37 the enforcing agency, the obligor and the obligee; and

38 (f) Upon completion of the enrollment, notify the employer of the enrollment;

39 (6) If the plan administrator notifies the employer that the obligor is subject to a waiting period
40 that expires more than 90 days after the date of receipt of the medical support notice by the plan
41 administrator or that the obligor is subject to a waiting period that is measured in a manner other
42 than the passage of time, the employer shall, when the obligor becomes eligible to enroll in the plan,
43 notify the plan administrator that the medical support notice requires that the child named in the
44 notice be enrolled in the plan;

45 (7) The plan administrator shall enroll the child and, if necessary to the enrollment of the child,

1 enroll the obligor in the plan selected in accordance with this subsection. All of the following apply
2 to the selection of the plan:

3 (a) If the obligor is enrolled in a health benefit plan that offers dependent coverage **at a rea-**
4 **sonable cost**, that plan shall be selected;

5 (b) If the obligor is not enrolled in a health benefit plan or is not enrolled in a plan that offers
6 dependent coverage **at a reasonable cost**, and if only one plan with dependent coverage is offered,
7 that plan shall be selected; and

8 (c) If the obligor is not enrolled in a health benefit plan or is not enrolled in a plan that offers
9 dependent coverage **at a reasonable cost** and if more than one plan with dependent coverage is
10 offered, the enforcing agency shall:

11 (A) Send the health benefit plan descriptions and documents to the obligee; and

12 (B) Select a plan in consultation with the obligee and in accordance with rules adopted by the
13 Department of Justice;

14 (8) If more than one health benefit plan is available to the obligor and the obligor is not en-
15 rolled, within 20 business days after the date the plan administrator forwarded the health benefit
16 plan descriptions and documents to the enforcing agency under subsection (5)(d) of this section, the
17 plan administrator shall:

18 (a) Enroll the child, and if necessary the obligor, in the health benefit plan selected by the en-
19 forcing agency; or

20 (b) Enroll the child, and if necessary the obligor, in any default option if the plan administrator
21 has not received a selection from the enforcing agency; and

22 (9) Upon notification from the plan administrator that the child is enrolled, the employer shall
23 either withhold and forward the premiums as provided in ORS 25.331 or notify the enforcing agency
24 that the enrollment cannot be completed because of limits established for withholding as provided
25 in ORS 25.331.

26
