

# House Bill 2282

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Department of Justice)

## 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**.

Allows civil action against employer of obligor under child support judgment, or against person for which obligor has contracted to perform services, if obligor's employment or contractual relationship is designed, in part, to avoid payment in whole or part of obligor's child support obligation. Provides for judgment requiring defendant to make payments on obligor's child support obligation and other remedies.

### A BILL FOR AN ACT

Relating to civil actions to enforce child support obligations.

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

**SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 25.**

**SECTION 2. (1) The administrator or an obligee may file a civil action in circuit court under this section if the administrator or obligee has reasonable grounds to believe that:**

**(a) An obligor is self-employed, or is employed by an entity in which the obligor has a controlling interest, and the payments made to the obligor in compensation for services are lower than the reasonable value for those services; or**

**(b) An obligor is contracting to perform services for an entity in which the obligor has a controlling interest, and the payments made to the obligor under the contract are lower than the reasonable value for those services.**

**(2) An action under this section may be brought against an obligor's employer or against a person for which the obligor has contracted to perform services.**

**(3) The circuit court shall enter a judgment requiring the defendant to make payments on an obligor's child support obligation if the court finds:**

**(a) The obligor meets the description given in subsection (1)(a) or (b) of this section; and**

**(b) The court determines that the obligor's employment or contractual relationship is designed, in part, to avoid payment in whole or part of the obligor's child support obligation.**

**(4) In addition to the relief specified in subsection (3) of this section, a court may award a prevailing plaintiff in an action under this section such other relief as the court may find appropriate, including a lump sum judgment for past due support and injunctive relief.**

**(5) In any action under this section, a prevailing plaintiff may recover the costs of investigation, the costs of trial and appeal and reasonable attorney fees.**

**(6) A judgment entered under this section may not modify or otherwise change the judgment that created the child support obligation.**

**(7) The remedy provided under this section is in addition to any other remedy that may be available for the enforcement of a child support obligation.**

**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.