

Senate Bill 923

Sponsored by Senator BOQUIST; Senators BATES, FERRIOLI, GEORGE, METSGER, MORRISETTE, WALKER, WHITSETT, Representatives BARKER, BEYER, CAMERON, ESQUIVEL, FREEMAN, HANNA, HUFFMAN, JENSON, OLSON, SCHAUFLE, G SMITH, STIEGLER, THATCHER, WHISNANT, WITT (at the request of Oregon War Veterans Association)

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 reduction of child support awards in consideration of Social Security or veterans' benefits for child support judgments and child support judgment modifications entered on or after January 1, 1995.

Requires Department of Justice to immediately notify consumer reporting agency of inaccurate support delinquency report made by department and provide required information to rehabilitate obligor's credit standing.

A BILL FOR AN ACT

1
2 Relating to child support awards; amending ORS 25.650 and section 22, chapter 572, Oregon Laws
3 2003.

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

5 **SECTION 1.** Section 22, chapter 572, Oregon Laws 2003, is amended to read:

6 **Sec. 22.** (1) The amendments to ORS 25.010 by section 2, **chapter 572, Oregon Laws 2003**, [*of*
7 *this 2003 Act*] apply to support enforcement proceedings initiated and support orders issued before,
8 on or after [*the effective date of this 2003 Act*] **January 1, 2004**.

9 (2) The amendments to ORS 25.125 by section 5, **chapter 572, Oregon Laws 2003**, [*of this 2003*
10 *Act*] apply to motions to terminate, vacate or set aside support orders filed before, on or after [*the*
11 *effective date of this 2003 Act*] **January 1, 2004**.

12 (3) The amendments to ORS 25.275 and 107.135 by sections 6[, 13] and 13a of this 2003 Act apply
13 to child support decrees and child support decree modifications entered on or after [*the effective date*
14 *of this 2003 Act*] **January 1, 1995**.

15 (4) The amendments to ORS 25.396 by section 8, **chapter 572, Oregon Laws 2003**, [*of this 2003*
16 *Act*] apply to requests for exceptions to income withholding filed on or after [*the effective date of this*
17 *2003 Act*] **January 1, 2004**.

18 (5) The amendments to ORS 25.414 by section 9, **chapter 572, Oregon Laws 2003**, [*of this 2003*
19 *Act*] apply to orders to withhold income issued before, on or after [*the effective date of this 2003*
20 *Act*] **January 1, 2004**.

21 (6) The amendments to ORS 25.610 by section 11, **chapter 572, Oregon Laws 2003**, [*of this 2003*
22 *Act*] apply to requests made to the Department of Revenue on or after [*the effective date of this 2003*
23 *Act*] **January 1, 2004**.

24 (7) The amendments to ORS 109.103 by section 15, **chapter 572, Oregon Laws 2003**, [*of this 2003*
25 *Act*] apply to proceedings initiated under ORS 109.103 on or after [*the effective date of this 2003*
26 *Act*] **January 1, 2004**.

27 (8) The amendments to ORS 416.425 by [*sections 16, 16a and*] **section 16b, chapter 572, Oregon**

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 **Laws 2003**, [of this 2003 Act] apply to motions filed under ORS 416.425 on or after [the effective date
2 of this 2003 Act] **January 1, 2004**.

3 (9) The amendments to ORS 419B.406 and 419C.597 by sections 18 and 19, **chapter 572, Oregon**
4 **Laws 2003**, [of this 2003 Act] apply to support obligations ordered before, on or after [the effective
5 date of this 2003 Act] **January 1, 2004**.

6 **SECTION 2.** ORS 25.650 is amended to read:

7 25.650. (1) As used in this section, “consumer reporting agency” means any person that, for
8 monetary fees or dues or on a cooperative nonprofit basis, regularly engages in whole or in part in
9 the practice of assembling or evaluating consumer credit information or other information on con-
10 sumers for the purpose of furnishing consumer reports to third parties, and that uses any means or
11 facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

12 (2)(a) Notwithstanding any other law, and subject to rules established by the Department of
13 Justice, for cases in which there is past due support, the department shall:

14 (A) Report periodically to consumer reporting agencies the name of any obligor who is delin-
15 quent in the payment of support and the amount owed by the obligor; and

16 (B) Otherwise make available to a consumer reporting agency upon its request information re-
17 garding the amount of past due support owed by an obligor.

18 (b) The department shall provide advance notice to both the obligor and the obligee concerning
19 the proposed reporting of information to the consumer reporting agencies. The notice must inform
20 both parties:

21 (A) Of the amount of the past due support the department will report to the consumer reporting
22 agencies;

23 (B) That the department will continue to report the past due support amount owed without
24 sending additional notice to the parties;

25 (C) Of the obligor’s right to request an administrative review within 30 days after the date of
26 the notice; and

27 (D) Of the issues that may be considered on review.

28 (c) If an obligor requests an administrative review, the department may not report the past due
29 support amount until the review is complete.

30 (d) A party may appeal a decision from the administrative review under ORS 183.484. An appeal
31 of the decision does not stay the department from making reports to consumer reporting agencies.

32 (3)(a) If paternity has been established and a consumer report is needed for the purpose of es-
33 tablishing or modifying a child support order, the administrator may request that a consumer re-
34 porting agency provide a report.

35 (b) At least 10 days prior to making a request under paragraph (a) of this subsection, the ad-
36 ministrator shall notify the obligor or obligee whose report is requested, by certified or registered
37 mail, that the report will be requested.

38 (4) The department shall report information under subsection (2) of this section only to a person
39 that has furnished evidence satisfactory to the department that the person is a consumer reporting
40 agency.

41 (5) When the department has made a report to a consumer reporting agency under subsection
42 (2) of this section, the department shall promptly notify the consumer reporting agency when the
43 department’s records show that the obligor no longer owes past due support.

44 **(6) If the department determines that it has made an inaccurate report to a consumer**
45 **reporting agency under subsection (2) of this section, the department shall immediately no-**

1 **tify the consumer reporting agency that the information provided was inaccurate. The de-**
2 **partment shall provide any written information, explanation or statement necessary as**
3 **required by the consumer reporting agency to rehabilitate the obligor's credit report and**
4 **standing. The department shall notify the obligor of notifications to and communications**
5 **with the consumer reporting agency made under this subsection.**

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