

## SENATE AMENDMENTS TO SENATE BILL 45

By COMMITTEE ON JUDICIARY

March 3

1 On page 1 of the printed bill, line 3, before “25.084” insert “25.015,” and after “416.415” insert  
2 a comma.

3 In line 4, delete “and 416.429” and insert “416.429 and 416.448”.

4 On page 11, line 8, after “mail” insert “, or by any other mail service with delivery  
5 confirmation,”.

6 In line 10, delete “, or by any” and insert a period.

7 Delete line 11.

8 On page 12, after line 35, insert:

9 “**SECTION 15.** ORS 25.015 is amended to read:

10 “25.015. (1) The Department of Justice shall notify the parties to a support order that payment  
11 is to commence on the first due date following the date of the notice when:

12 “(a) The department receives a copy of a support order of a court that requires payments to be  
13 made through the department or for which there is an application for support enforcement services;

14 “(b) The department commences accounting services; and

15 “(c) The order has been entered within the previous 180 days.

16 “(2) The department shall include in the notice under subsection (1) of this section a statement  
17 that [*no later than 60 days after the date of the notice*] the department [*shall*] **will** adjust the account  
18 to reflect an accrued arrearage for the period of time between the effective date of the order and  
19 the date of the notice unless, **within 30 days after the date of the notice**, a party requests that  
20 the department establish the arrearage on the account as provided in ORS 25.167 or 416.429.

21 “(3) If, within [*60*] **30** days after the date of the notice under subsection (1) of this section, a  
22 party requests the department to establish the arrearage as provided in ORS 25.167 or 416.429, the  
23 department may not reflect an accrued arrearage on the account until the arrearage has been es-  
24 tablished.

25 “(4) If a party does not request the department to establish the arrearage as provided in sub-  
26 section (3) of this section, the department shall adjust the account to reflect the arrearage for the  
27 period of time between the effective date of the order and the date of the notice.

28 “**SECTION 16.** ORS 416.448 is amended to read:

29 “416.448. (1) As used in this section:

30 “(a) ‘Child support judgment’ has the meaning given that term in ORS 25.089.

31 “(b) ‘Governing child support judgment’ has the meaning given that term in ORS 25.091.

32 “(2) Notwithstanding any other provision of this section or ORS 25.089, when two or more child  
33 support judgments exist involving the same obligor and child, and when one or more of the judg-  
34 ments was issued by a tribunal of another state, the administrator shall apply the provisions of ORS  
35 chapter 110 before enforcing or modifying a child support judgment under this section or ORS

1 25.089.

2 “(3) When the administrator finds that two or more child support judgments exist involving the  
3 same obligor and child and the same period, and each child support judgment was issued in this  
4 state:

5 “(a) The administrator may petition the court for the county where a child who is subject to the  
6 judgments resides for a governing child support judgment under ORS 25.091; or

7 “(b) The administrator may apply the presumption described in ORS 25.091, determine the con-  
8 trolling terms of the child support judgments and issue a proposed governing child support order  
9 and notice to the parties in the manner prescribed by rules adopted by the Department of Justice  
10 under ORS 416.455. The proposed governing child support order must include all of the information  
11 described in ORS 25.091 (8). The administrator shall serve the proposed governing child support or-  
12 der and notice in the manner provided in ORS 416.425. The notice must include a statement that the  
13 proposed governing child support order shall become final unless a written objection is made to the  
14 administrator within [60] 30 days after service of the proposed governing child support order and  
15 notice.

16 “(4) If the administrator receives a timely written objection to a proposed governing child sup-  
17 port order issued under subsection (3)(b) of this section, the administrator shall certify the matter  
18 to the court for the county where a child who is subject to the judgments resides for a governing  
19 child support judgment under ORS 25.091.

20 “(5) If the administrator does not receive a timely written objection to a proposed governing  
21 child support order issued under subsection (3)(b) of this section, the governing child support order  
22 is final. The administrator shall certify the governing child support order to a court for review and  
23 approval under ORS 416.425 (10). The governing child support order is not effective until reviewed  
24 and approved by the court. If the court approves the governing child support order, the governing  
25 child support order becomes the governing child support judgment upon filing as provided in ORS  
26 416.440.

27 “(6) When a governing child support judgment is entered as described in ORS 416.440, the non-  
28 controlling terms of each earlier child support judgment are terminated. However, subject to sub-  
29 section (7) of this section, the entry of a governing child support judgment does not affect any  
30 support payment arrearage or any liability related to medical support, as defined in ORS 25.321, that  
31 has accrued under a child support judgment before the governing child support judgment is entered.

32 “(7) For purposes of reconciling any child support arrears or credits under all of the child sup-  
33 port judgments, amounts collected and credited for a particular period under one child support  
34 judgment must be credited against the amounts accruing or accrued for the same period under any  
35 other child support judgment.

36 “(8) Not sooner than 30 days and not later than 60 days after entry of the governing child sup-  
37 port judgment, the administrator shall file a certified copy of the governing child support judgment  
38 with each court that issued an earlier child support judgment. A failure to file does not affect the  
39 validity or enforceability of the governing child support judgment.

40 “(9) When an administrative law judge finds that two or more child support judgments exist in-  
41 volving the same obligor and child and the same period, and each child support judgment was issued  
42 in this state, the administrative law judge shall remand the matter to the administrator to follow the  
43 provisions of subsection (3) of this section.”.

44 In line 36, delete “15” and insert “17” and after “ORS” insert “25.015,”.

45 In line 37, delete “and” and insert a comma and after “416.429” insert “and 416.448” and delete

1 "14" and insert "16".

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