



# Oregon Department of Justice

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## Division of Child Support

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### TESTIMONY ON SENATE BILL 590 For the Senate Judiciary Committee March 6, 2013

#### Presented by:

**Kate Cooper Richardson, Director  
Oregon Child Support Program  
Division of Child Support  
Department of Justice**

This testimony is presented in support of Senate Bill 590.

#### **How This Bill Changes Current Law**

This measure makes minor changes to update and improve operations of the Oregon Child Support Program. It removes the requirement that the Program include unnecessary personal information in documents sent to the other party or filed in court in certain legal proceedings. It also removes the requirement to obtain a court order for an income withholding when a previous exception to withholding was granted, which will bring the statute into compliance with federal law. Additionally, the bill updates the definition of “rehire” for employer new hire reporting requirements to match the federal definition.

#### **Key Points of Legislation**

- **Protects customer privacy by removing unnecessary personal information from certain legal proceedings.**
  - Removes the party’s telephone number from information required in an administrative motion to modify a support order.
  - In a notice to suspend an obligor’s license for failure to pay child support, the party’s date of birth is limited to only the year of birth.
- **Clarifies withholding requirements when an exception to withholding was previously granted.**
  - Support orders filed in court must require the obligated parent (obligor) to pay support by income withholding unless an exception to the withholding is granted.

- An exception to the withholding may be granted if the court or the administrator determines that, based on proof of timely payment of previously ordered support, it is not in the best interests of the child to issue the withholding.
  - In cases where a prior exception was granted, the person to whom the support is owed (obligee) may request an income withholding if it is in the best interest of the child. The obligor is given notice and an opportunity to object.
  - Under some circumstances, current statute requires a court order to reinstate withholding if the exception was previously required by a court. Federal law requires the initiation of income withholding as soon as support is past due.
  - This measure removes the requirement to apply for withholding by motion to the court.
    - Aligns Oregon withholding requirements with federal law.
    - Simplifies the process for parties requesting withholding for support by removing the requirement to apply for the withholding through the court.
    - Expedites collecting support for the family by processing the withholding administratively.
- **Updates new-hire reporting timeframe for “rehires” to match federal definition.**
- Aligns Oregon definition with federal law, which defines a “rehire” as an employee who was laid off, separated, furloughed, granted a leave without pay, or terminated from employment for more than 60 days.
  - This measure updates the timeframe from 45 days to 60 days in the definition of a rehired employee.

### **Fiscal Impact**

There is no fiscal impact from this bill.

### **Recommended Action**

The Department of Justice recommends committee approval of Senate Bill 590 because it will make processes more efficient, enhance customer service, and conform with federal law.

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