



# Oregon Department of Justice

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## Division of Child Support

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## TESTIMONY ON SENATE BILL 591 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 591.

### How This Bill Changes Current Law

It is not uncommon for the Oregon Child Support Program to discover a pending judicial case, such as a divorce, when it is in the process of establishing an administrative child support order. In some circumstances, the Program will finish its administrative case by filing the order in the pending court case. This protects the rights of the children to receive support while the other action is pending and provides notice of the Program's order to the court.

However, some courts have ruled that dismissal of the underlying action for lack of prosecution by the parties also dismisses the administrative child support order. When this happens, the Program has to start over with a new action, delaying child support payments to the affected families, causing parents to receive overpayment notices for payments already made, and increasing workload.

This bill amends the statute to clarify that a prior administrative child support order survives the judicial dismissal of the other action. The Program believes that this clarification is consistent with the Oregon Law Commission's work on the judgment statutes, in which the Program was a participant. The Child Support Program conferred with the Oregon Judicial Department in the drafting and submission of this measure.

### Key Points of Legislation

- Clarifies that a general dismissal of a judicial proceeding under ORS Chapters 107-109 does not dismiss the administrative child support order.

- The bill specifically pertains to administrative orders entered under ORS 416.400 to 416.465 when the same parties are involved in both proceedings.
- Preserves judicial authority to supersede an administrative order.
- Ensures that children and families are financially supported not only during the pendency of a legal proceeding but also following dismissal for want of prosecution.

### **Fiscal Impact**

This bill has no fiscal impact.

### **Recommended Action**

The Department of Justice recommends committee approval of Senate Bill 591 because it will clarify the intersection of the administrative child support order and the judicial order, make processes more efficient, ensure that more of Oregon's children receive support and enhance customer service, and reduce costs.

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