

DRAFT

SUMMARY

Repeals former provisions of Uniform Interstate Family Support Act. Incorporates most recent version of federal Uniform Interstate Family Support Act into Oregon law.

A BILL FOR AN ACT

Relating to the Uniform Interstate Family Support Act; creating new provisions; amending ORS 18.038, 18.042, 18.158, 18.252, 25.010, 25.287, 25.405, 33.135, 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025, 416.415, 416.419, 416.425, 416.440, 419B.400 and 419C.590; and repealing ORS 110.303, 110.304, 110.305, 110.318, 110.321, 110.324, 110.327, 110.330, 110.333, 110.336, 110.339, 110.342, 110.345, 110.348, 110.349, 110.351, 110.357, 110.360, 110.363, 110.366, 110.369, 110.372, 110.375, 110.378, 110.379, 110.381, 110.384, 110.387, 110.390, 110.391, 110.392, 110.394, 110.395, 110.397, 110.398, 110.400, 110.401, 110.402, 110.405, 110.408, 110.411, 110.414, 110.417, 110.420, 110.423, 110.426, 110.429, 110.432, 110.435, 110.436, 110.437, 110.438, 110.440, 110.443, 110.446, 110.449 and 110.452.

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

SECTION 1. Sections 2 to 79 of this 2015 Act are added to and made a part of ORS chapter 110.

UNIFORM INTERSTATE FAMILY SUPPORT ACT

ARTICLE 1

(General Provisions)

1 **SECTION 2.** This chapter may be cited as the Uniform Interstate
2 Family Support Act.

3 **SECTION 3.** As used in this chapter:

4 (1) “Child” means an individual, whether over or under the age of
5 majority, who is or is alleged to be owed a duty of support by the
6 individual’s parent or who is or is alleged to be the beneficiary of a
7 support order directed to the parent.

8 (2) “Child support order” means a support order for a child, in-
9 cluding a child who has attained the age of majority under the law of
10 the issuing state or foreign country.

11 (3) “Convention” means the Convention on the International Re-
12 covery of Child Support and Other Forms of Family Maintenance,
13 concluded at The Hague on November 23, 2007.

14 (4) “Duty of support” means an obligation imposed or imposable by
15 law to provide support for a child, spouse or former spouse, including
16 an unsatisfied obligation to provide support.

17 (5) “Foreign country” means a country, or a political subdivision
18 of a country, other than the United States, that authorizes the issu-
19 ance of support orders and:

20 (a) That has been declared under the law of the United States to
21 be a foreign reciprocating country;

22 (b) That has established a reciprocal arrangement for child support
23 with this state as provided in section 25 of this 2015 Act;

24 (c) That has enacted a law or established procedures for the issu-
25 ance and enforcement of support orders that are substantially similar
26 to the procedures under this chapter; or

27 (d) In which the Convention is in force with respect to the United
28 States.

29 (6) “Foreign support order” means a support order of a foreign
30 tribunal.

31 (7) “Foreign tribunal” means a court, administrative agency or

1 quasi-judicial entity of a foreign country that is authorized to estab-
2 lish, enforce or modify support orders or to determine parentage of a
3 child. “Foreign tribunal” includes a competent authority under the
4 Convention.

5 (8) “Home state” means the state or foreign country in which a
6 child lived with a parent or a person acting as parent for at least six
7 consecutive months immediately preceding the time of filing of a pe-
8 tition or comparable pleading for support and, if a child is less than
9 six months old, the state or foreign country in which the child lived
10 from birth with the parent or person acting as parent. A period of
11 temporary absence of the child, parent or person acting as parent is
12 counted as part of the six-month or other period.

13 (9) “Income” includes earnings or other periodic entitlements to
14 money from any source and any other property subject to withholding
15 for support under the law of this state.

16 (10) “Income withholding order” means an order or other legal
17 process directed to an obligor’s employer or other debtor issued pur-
18 suant to ORS 25.372 to 25.427 to withhold support from the income of
19 the obligor.

20 (11) “Initiating tribunal” means the tribunal of a state or foreign
21 country from which a petition or comparable pleading is forwarded or
22 in which a petition or comparable pleading is filed for forwarding to
23 another state or foreign country.

24 (12) “Issuing foreign country” means the foreign country in which
25 a tribunal issues a support order or a judgment determining parentage
26 of a child.

27 (13) “Issuing state” means the state in which a tribunal issues a
28 support order or a judgment determining parentage of a child.

29 (14) “Issuing tribunal” means the tribunal of a state or foreign
30 country that issues a support order or a judgment determining par-
31 entage of a child.

1 (15) "Law" includes decisional and statutory law and rules and
2 regulations having the force of law.

3 (16) "Obligee" means:

4 (a) An individual to whom a duty of support is or is alleged to be
5 owed or in whose favor a support order or a judgment determining
6 parentage of a child has been issued;

7 (b) A foreign country, state or political subdivision of a state to
8 which the rights under a duty of support or support order have been
9 assigned or which has independent claims based on financial assist-
10 ance provided to an individual obligee in place of child support;

11 (c) An individual seeking a judgment determining parentage of the
12 individual's child; or

13 (d) A person that is a creditor in a proceeding under sections 62 to
14 74 of this 2015 Act.

15 (17) "Obligor" means an individual, or the estate of a decedent,
16 that:

17 (a) Owes or is alleged to owe a duty of support;

18 (b) Is alleged but has not been adjudicated to be a parent of a child;

19 (c) Is liable under a support order; or

20 (d) Is a debtor in a proceeding under sections 62 to 74 of this 2015
21 Act.

22 (18) "Outside this state" means a location in another state or a
23 country other than the United States, whether or not the country is
24 a foreign country.

25 (19) "Person" means an individual, corporation, business trust, es-
26 tate, trust, partnership, limited liability company, association, joint
27 venture, public corporation, government, governmental subdivision,
28 agency, instrumentality or any other legal or commercial entity.

29 (20) "Record" means information that is inscribed on a tangible
30 medium or that is stored in an electronic or other medium and is re-
31 trievable in perceivable form.

1 **(21) “Register” means to file in a tribunal of this state a support**
2 **order or judgment determining parentage of a child issued in another**
3 **state or a foreign country.**

4 **(22) “Registering tribunal” means a tribunal in which a support or-**
5 **der or judgment determining parentage of a child is registered.**

6 **(23) “Responding state” means a state in which a petition or com-**
7 **parable pleading for support or to determine parentage of a child is**
8 **filed or to which a petition or comparable pleading is forwarded for**
9 **filing from another state or a foreign country.**

10 **(24) “Responding tribunal” means the authorized tribunal in a re-**
11 **sponding state or foreign country.**

12 **(25) “Spousal support order” means a support order for a spouse or**
13 **former spouse of the obligor.**

14 **(26) “State” means a state of the United States, the District of**
15 **Columbia, Puerto Rico, the United States Virgin Islands, any territory**
16 **or insular possession under the jurisdiction of the United States or an**
17 **Indian nation or tribe.**

18 **(27) “Support enforcement agency” means a public official, govern-**
19 **mental entity or private agency authorized to:**

20 **(a) Seek enforcement of support orders or laws relating to the duty**
21 **of support;**

22 **(b) Seek establishment or modification of child support;**

23 **(c) Request determination of parentage of a child;**

24 **(d) Attempt to locate obligors or their assets; or**

25 **(e) Request determination of the controlling child support order.**

26 **(28) “Support order” means a judgment, decree, order, decision or**
27 **directive, whether temporary, final or subject to modification, issued**
28 **in a state or foreign country for the benefit of a child, a spouse or a**
29 **former spouse, that provides for monetary support, health care,**
30 **arrearages, retroactive support or reimbursement for financial assist-**
31 **ance provided to an individual obligee in place of child support. The**

1 term may include related costs and fees, interest, income withholding,
2 automatic adjustment, reasonable attorney fees and other relief.

3 (29) "Tribunal" means a court, administrative agency or quasi-
4 judicial entity authorized to establish, enforce or modify support or-
5 ders or to determine parentage of a child.

6 SECTION 4. The tribunals of this state are the circuit court, the
7 administrator as defined in ORS 25.010, the Department of Justice or
8 an administrative law judge of the Employment Department, as ap-
9 propriate.

10 SECTION 5. (1) Remedies provided by this chapter are cumulative
11 and do not affect the availability of remedies under other law or the
12 recognition of a foreign support order on the basis of comity.

13 (2) This chapter does not:

14 (a) Provide the exclusive method of establishing or enforcing a
15 support order under the law of this state; or

16 (b) Grant a tribunal of this state jurisdiction to render judgment
17 or issue an order relating to child custody or visitation in a proceeding
18 under this chapter.

19 SECTION 6. (1) A tribunal of this state shall apply sections 2 to 61
20 of this 2015 Act and, as applicable, sections 62 to 74 of this 2015 Act to
21 a support proceeding involving:

22 (a) A foreign support order;

23 (b) A foreign tribunal; or

24 (c) An obligee, obligor or child residing in a foreign country.

25 (2) A tribunal of this state that is requested to recognize and en-
26 force a support order on the basis of comity may apply the procedural
27 and substantive provisions of sections 2 to 61 of this 2015 Act .

28 (3) Sections 62 to 74 of this 2015 Act apply only to a support pro-
29 ceeding under the Convention. In such a proceeding, if a provision of
30 sections 62 to 74 of this 2015 Act is inconsistent with sections 2 to 61
31 of this 2015 Act, sections 62 to 74 of this 2015 Act control.

1 **ARTICLE 2**
2 **(Jurisdiction)**
3

4 **SECTION 7. (1) In a proceeding to establish or enforce a support**
5 **order or to determine parentage of a child, a tribunal of this state may**
6 **exercise personal jurisdiction over a nonresident individual or the**
7 **individual's guardian or conservator if:**

8 (a) The individual is personally served with notice within this state;

9 (b) The individual submits to the jurisdiction of this state by con-
10 sent in a record, by entering a general appearance or by filing a re-
11 sponsive document having the effect of waiving any contest to
12 personal jurisdiction;

13 (c) The individual resided with the child in this state;

14 (d) The individual resided in this state and provided prenatal ex-
15 penses or support for the child;

16 (e) The child resides in this state as a result of the acts or directives
17 of the individual;

18 (f) The individual engaged in sexual intercourse in this state and
19 the child may have been conceived by that act of intercourse;

20 (g) The individual asserted parentage of a child in the registry
21 maintained in this state by the Center for Health Statistics of the
22 Oregon Health Authority by filing a voluntary acknowledgment of
23 paternity under ORS 109.070; or

24 (h) There is any other basis consistent with the Constitutions of the
25 State of Oregon and the United States for the exercise of personal ju-
26 risdiction.

27 (2) The bases of personal jurisdiction set forth in subsection (1) of
28 this section or in any other law of this state may not be used to ac-
29 quire personal jurisdiction for a tribunal of this state to modify a child
30 support order of another state unless the requirements of section 56
31 of this 2015 Act are met or, in the case of a foreign support order,

1 unless the requirements of section 60 of this 2015 Act are met.

2 **SECTION 8.** Personal jurisdiction acquired by a tribunal of this
3 state in a proceeding under this chapter or other law of this state re-
4 lating to a support order continues as long as a tribunal of this state
5 has continuing, exclusive jurisdiction to modify its order or continuing
6 jurisdiction to enforce its order as provided by sections 11, 12 and 17
7 of this 2015 Act.

8 **SECTION 9.** Under this chapter, a tribunal of this state may serve
9 as an initiating tribunal to forward proceedings to a tribunal of an-
10 other state, and as a responding tribunal for proceedings initiated in
11 another state or a foreign country.

12 **SECTION 10.** (1) A tribunal of this state may exercise jurisdiction
13 to establish a support order if the petition or comparable pleading is
14 filed after a pleading is filed in another state or a foreign country only
15 if:

16 (a) The petition or comparable pleading in this state is filed before
17 the expiration of the time allowed in the other state or the foreign
18 country for filing a responsive pleading challenging the exercise of
19 jurisdiction by the other state or the foreign country;

20 (b) The contesting party timely challenges the exercise of jurisdic-
21 tion in the other state or the foreign country; and

22 (c) If relevant, this state is the home state of the child.

23 (2) A tribunal of this state may not exercise jurisdiction to establish
24 a support order if the petition or comparable pleading is filed before
25 a petition or comparable pleading is filed in another state or a foreign
26 country if:

27 (a) The petition or comparable pleading in the other state or foreign
28 country is filed before the expiration of the time allowed in this state
29 for filing a responsive pleading challenging the exercise of jurisdiction
30 by this state;

31 (b) The contesting party timely challenges the exercise of jurisdic-

1 **tion in this state; and**

2 **(c) If relevant, the other state or foreign country is the home state**
3 **of the child.**

4 **SECTION 11. (1) A tribunal of this state that has issued a child**
5 **support order consistent with the law of this state has and shall ex-**
6 **ercise continuing, exclusive jurisdiction to modify its child support**
7 **order if the order is the controlling order and:**

8 **(a) At the time of the filing of a request for modification, this state**
9 **is the residence of the obligor, the individual obligee or the child for**
10 **whose benefit the support order is issued; or**

11 **(b) Even if this state is not the residence of the obligor, the indi-**
12 **vidual obligee or the child for whose benefit the support order is is-**
13 **sued, the parties consent in a record or in open court that the tribunal**
14 **of this state may continue to exercise jurisdiction to modify its order.**

15 **(2) A tribunal of this state that has issued a child support order**
16 **consistent with the law of this state may not exercise continuing, ex-**
17 **clusive jurisdiction to modify the order if:**

18 **(a) All of the parties who are individuals file consent in a record**
19 **with the tribunal of this state that a tribunal of another state that**
20 **has jurisdiction over at least one of the parties who is an individual**
21 **or that is located in the state of residence of the child may modify the**
22 **order and assume continuing, exclusive jurisdiction; or**

23 **(b) The tribunal's order is not the controlling order.**

24 **(3) If a tribunal of another state has issued a child support order**
25 **pursuant to the Uniform Interstate Family Support Act or a law sub-**
26 **stantially similar to that Act which modifies a child support order of**
27 **a tribunal of this state, tribunals of this state shall recognize the**
28 **continuing, exclusive jurisdiction of the tribunal of the other state.**

29 **(4) A tribunal of this state that lacks continuing, exclusive juris-**
30 **isdiction to modify a child support order may serve as an initiating**
31 **tribunal to request a tribunal of another state to modify a support**

1 order issued in that state.

2 (5) A temporary support order issued ex parte or pending resolution
3 of a jurisdictional conflict does not create continuing, exclusive juris-
4 diction in the issuing tribunal.

5 SECTION 12. (1) A tribunal of this state that has issued a child
6 support order consistent with the law of this state may serve as an
7 initiating tribunal to request a tribunal of another state to enforce:

8 (a) The order if the order is the controlling order and has not been
9 modified by a tribunal of another state that assumed jurisdiction
10 pursuant to the Uniform Interstate Family Support Act; or

11 (b) A money judgment for arrears of support and interest on the
12 order accrued before a determination that an order of a tribunal of
13 another state is the controlling order.

14 (2) A tribunal of this state having continuing jurisdiction over a
15 support order may act as a responding tribunal to enforce the order.

16 SECTION 13. (1) If a proceeding is brought under this chapter and
17 only one tribunal has issued a child support order, the order of that
18 tribunal controls and must be recognized.

19 (2) If a proceeding is brought under this chapter and two or more
20 child support orders have been issued by tribunals of this state, an-
21 other state or a foreign country with regard to the same obligor and
22 same child, a tribunal of this state having personal jurisdiction over
23 both the obligor and individual obligee shall apply the following rules
24 and by order shall determine which order controls and must be re-
25 cognized:

26 (a) If only one of the tribunals would have continuing, exclusive
27 jurisdiction under this chapter the order of that tribunal controls.

28 (b) If more than one of the tribunals would have continuing, ex-
29 clusive jurisdiction under this chapter:

30 (A) An order issued by a tribunal in the current home state of the
31 child controls; or

1 (B) If an order has not been issued in the current home state of the
2 child, the order most recently issued controls.

3 (c) If none of the tribunals would have continuing, exclusive juris-
4 diction under this chapter, the tribunal of this state shall issue a child
5 support order, which controls.

6 (3) If two or more child support orders have been issued for the
7 same obligor and same child, upon request of a party who is an indi-
8 vidual or that is a support enforcement agency, a tribunal of this state
9 having personal jurisdiction over both the obligor and the obligee who
10 is an individual shall determine which order controls under subsection
11 (2) of this section. The request may be filed with a registration for
12 enforcement or registration for modification pursuant to sections 46
13 to 61 of this 2015 Act or may be filed as a separate proceeding.

14 (4) A request to determine which is the controlling order must be
15 accompanied by a copy of every child support order in effect and the
16 applicable record of payments. The requesting party shall give notice
17 of the request to each party whose rights may be affected by the de-
18 termination.

19 (5) The tribunal that issued the controlling order under subsection
20 (1), (2) or (3) of this section has continuing jurisdiction to the extent
21 provided in section 11 or 12 of this 2015 Act.

22 (6) A tribunal of this state that determines by order which is the
23 controlling order under subsection (2)(a) or (b) or (3) of this section
24 or that issues a new controlling order under subsection (2)(c) of this
25 section shall state in that order:

- 26 (a) The basis upon which the tribunal made its determination;
- 27 (b) The amount of prospective support, if any; and
- 28 (c) The total amount of consolidated arrears and accrued interest,
29 if any, under all of the orders after all payments made are credited
30 as provided by section 15 of this 2015 Act.

31 (7) Within 30 days after issuance of an order determining which is

1 the controlling order, the party obtaining the order shall file a certi-
2 fied copy of it in each tribunal that issued or registered an earlier or-
3 der of child support. A party or support enforcement agency obtaining
4 the order that fails to file a certified copy is subject to appropriate
5 sanctions by a tribunal in which the issue of failure to file arises. The
6 failure to file does not affect the validity or enforceability of the con-
7 trolling order.

8 (8) An order that has been determined to be the controlling order,
9 or a judgment for consolidated arrears of support and interest, if any,
10 made pursuant to this section must be recognized in proceedings under
11 this chapter.

12 SECTION 14. In responding to registrations or petitions for
13 enforcement of two or more child support orders in effect at the same
14 time with regard to the same obligor and different individual obligees,
15 at least one of which was issued by a tribunal of another state or a
16 foreign country, a tribunal of this state shall enforce those orders in
17 the same manner as if the orders had been issued by a tribunal of this
18 state.

19 SECTION 15. A tribunal of this state shall credit amounts collected
20 for a particular period pursuant to any child support order against the
21 amounts owed for the same period under any other child support order
22 for support of the same child issued by a tribunal of this state, another
23 state or a foreign country.

24 SECTION 16. A tribunal of this state exercising personal jurisdic-
25 tion over a nonresident in a proceeding under this chapter, under
26 other law of this state relating to a support order or recognizing a
27 foreign support order may receive evidence from outside this state
28 pursuant to section 33 of this 2015 Act, communicate with a tribunal
29 outside this state pursuant to section 34 of this 2015 Act and obtain
30 discovery through a tribunal outside this state pursuant to section 35
31 of this 2015 Act. In all other respects, sections 18 to 61 of this 2015 Act

1 do not apply and the tribunal shall apply the procedural and substan-
2 tive law of this state.

3 **SECTION 17.** (1) A tribunal of this state issuing a spousal support
4 order consistent with the law of this state has continuing, exclusive
5 jurisdiction to modify the spousal support order throughout the exist-
6 ence of the support obligation.

7 (2) A tribunal of this state may not modify a spousal support order
8 issued by a tribunal of another state or a foreign country having
9 continuing, exclusive jurisdiction over that order under the law of that
10 state or foreign country.

11 (3) A tribunal of this state that has continuing, exclusive jurisdic-
12 tion over a spousal support order may serve as:

13 (a) An initiating tribunal to request a tribunal of another state to
14 enforce the spousal support order issued in this state; or

15 (b) A responding tribunal to enforce or modify its own spousal
16 support order.

17

18

ARTICLE 3

19

(Civil Provisions of General Application)

20

21 **SECTION 18.** (1) Except as otherwise provided in this chapter,
22 sections 18 to 36 of this 2015 Act apply to all proceedings under this
23 chapter.

24 (2) An individual petitioner or a support enforcement agency may
25 initiate a proceeding authorized under this chapter by filing a petition
26 in an initiating tribunal for forwarding to a responding tribunal or by
27 filing a petition or a comparable pleading directly in a tribunal of an-
28 other state or a foreign country that has or can obtain personal ju-
29 risdiction over the respondent.

30 **SECTION 19.** A minor parent, or a guardian or other legal repre-
31 sentative of a minor parent, may maintain a proceeding on behalf of

1 or for the benefit of the minor's child.

2 **SECTION 20.** Except as otherwise provided in this chapter, a re-
3 sponding tribunal of this state shall:

4 (1) Apply the procedural and substantive law generally applicable
5 to similar proceedings originating in this state and may exercise all
6 powers and provide all remedies available in those proceedings; and

7 (2) Determine the duty of support and the amount payable in ac-
8 cordance with the law and support guidelines of this state.

9 **SECTION 21.** (1) Upon the filing of a petition authorized by this
10 chapter, an initiating tribunal of this state shall forward the petition
11 and its accompanying documents:

12 (a) To the responding tribunal or appropriate support enforcement
13 agency in the responding state; or

14 (b) If the identity of the responding tribunal is unknown, to the
15 state information agency of the responding state with a request that
16 the petition and accompanying documents be forwarded to the appro-
17 priate tribunal and that receipt be acknowledged.

18 (2) If requested by the responding tribunal, a tribunal of this state
19 shall issue a certificate or other document and make findings required
20 by the law of the responding state. If the responding tribunal is in a
21 foreign country, upon request the tribunal of this state shall specify
22 the amount of support sought, convert that amount into the equiv-
23 alent amount in the foreign currency under applicable official or
24 market exchange rate as publicly reported and provide any other doc-
25 uments necessary to satisfy the requirements of the responding for-
26 eign tribunal.

27 **SECTION 22.** (1) When a responding tribunal of this state receives
28 a petition or comparable pleading from an initiating tribunal or di-
29 rectly pursuant to section 18 (2) of this 2015 Act, the responding
30 tribunal shall cause the petition or pleading to be filed and notify the
31 petitioner where and when it was filed.

1 **(2) A responding tribunal of this state, to the extent not prohibited**
2 **by other law, may do one or more of the following:**

3 **(a) Establish or enforce a support order, modify a child support**
4 **order, determine the controlling child support order or determine**
5 **parentage of a child;**

6 **(b) Order an obligor to comply with a support order, specifying the**
7 **amount and the manner of compliance;**

8 **(c) Order income withholding;**

9 **(d) Determine the amount of any arrearages and specify a method**
10 **of payment;**

11 **(e) Enforce orders by civil or criminal contempt, or both;**

12 **(f) Set aside property for satisfaction of the support order;**

13 **(g) Place liens and order execution on the obligor's property;**

14 **(h) Order an obligor to keep the tribunal informed of the obligor's**
15 **current residential address, electronic mail address, telephone number,**
16 **employer, address of employment and telephone number at the place**
17 **of employment;**

18 **(i) Issue a warrant for an obligor who has failed, after proper no-**
19 **tice, to appear at a hearing ordered by the tribunal and enter the**
20 **warrant in any local and state computer systems for criminal war-**
21 **rants;**

22 **(j) Order the obligor to seek appropriate employment by specified**
23 **methods;**

24 **(k) Award reasonable attorney fees and other fees and costs; and**

25 **(L) Grant any other available remedy.**

26 **(3) A responding tribunal of this state shall include in a support**
27 **order issued under this chapter, or in the documents accompanying**
28 **the order, the calculations on which the support order is based.**

29 **(4) A responding tribunal of this state may not condition the pay-**
30 **ment of a support order issued under this chapter upon compliance**
31 **by a party with provisions for visitation.**

1 (5) If a responding tribunal of this state issues an order under this
2 chapter, the tribunal shall send a copy of the order to the petitioner
3 and the respondent and to the initiating tribunal, if any.

4 (6) If requested to enforce a support order, arrears or judgment or
5 to modify a support order stated in a foreign currency, a responding
6 tribunal of this state shall convert the amount stated in the foreign
7 currency to the equivalent amount in dollars under the applicable of-
8 ficial or market exchange rate as publicly reported.

9 SECTION 23. If a petition or comparable pleading is received by an
10 inappropriate tribunal of this state, the tribunal shall forward the
11 pleading and accompanying documents to an appropriate tribunal of
12 this state or another state and notify the petitioner where and when
13 the pleading was sent.

14 SECTION 24. (1) A support enforcement agency of this state, upon
15 request, shall provide services to a petitioner in a proceeding under
16 this chapter.

17 (2) A support enforcement agency of this state that is providing
18 services to the petitioner shall:

19 (a) Take all steps necessary to enable an appropriate tribunal of this
20 state, another state or a foreign country to obtain jurisdiction over the
21 respondent;

22 (b) Request an appropriate tribunal to set a date, time and place for
23 a hearing;

24 (c) Make a reasonable effort to obtain all relevant information, in-
25 cluding information as to income and property of the parties;

26 (d) Within two days, exclusive of Saturdays, Sundays and legal
27 holidays, after receipt of notice in a record from an initiating, re-
28 sponding or registering tribunal, send a copy of the notice to the
29 petitioner;

30 (e) Within two days, exclusive of Saturdays, Sundays and legal
31 holidays, after receipt of communication in a record from the re-

1 spondent or the respondent's attorney, send a copy of the communi-
2 cation to the petitioner; and

3 (f) Notify the petitioner if jurisdiction over the respondent cannot
4 be obtained.

5 (3) A support enforcement agency of this state that requests regis-
6 tration of a child support order in this state for enforcement or for
7 modification shall make reasonable efforts:

8 (a) To ensure that the order to be registered is the controlling or-
9 der; or

10 (b) If two or more child support orders exist and the identity of the
11 controlling order has not been determined, to ensure that a request
12 for such a determination is made in a tribunal having jurisdiction to
13 do so.

14 (4) A support enforcement agency of this state that requests regis-
15 tration and enforcement of a support order, arrears or judgment
16 stated in a foreign currency shall convert the amounts stated in the
17 foreign currency into the equivalent amounts in dollars under the ap-
18 plicable official or market exchange rate as publicly reported.

19 (5) A support enforcement agency of this state shall issue or request
20 a tribunal of this state to issue a child support order and an income
21 withholding order that redirect payment of current support, arrears
22 and interest if requested to do so by a support enforcement agency of
23 another state pursuant to section 36 of this 2015 Act.

24 (6) This chapter does not create or negate a relationship of attorney
25 and client or other fiduciary relationship between a support enforce-
26 ment agency or the attorney for the agency and the individual being
27 assisted by the agency.

28 SECTION 25. (1) If the appropriate state official or agency deter-
29 mines that the support enforcement agency is neglecting or refusing
30 to provide services to an individual, the state official or agency may
31 order the agency to perform its duties under this chapter or may

1 provide those services directly to the individual.

2 (2) The appropriate state official or agency may determine that a
3 foreign country has established a reciprocal arrangement for child
4 support with this state and take appropriate action for notification of
5 the determination.

6 SECTION 26. An individual may employ private counsel to repre-
7 sent the individual in proceedings authorized by this chapter.

8 SECTION 27. (1) The Attorney General's office is the state infor-
9 mation agency under this chapter.

10 (2) The state information agency shall:

11 (a) Compile and maintain a current list, including addresses, of the
12 tribunals in this state that have jurisdiction under this chapter and
13 any support enforcement agencies in this state and transmit a copy
14 to the state information agency of every other state;

15 (b) Maintain a register of names and addresses of tribunals and
16 support enforcement agencies received from other states;

17 (c) Forward to the appropriate tribunal in the county in this state
18 in which the obligee who is an individual or the obligor resides, or in
19 which the obligor's property is believed to be located, all documents
20 concerning a proceeding under this chapter received from another
21 state or a foreign country; and

22 (d) Obtain information concerning the location of the obligor and
23 the obligor's property within this state not exempt from execution, by
24 such means as postal verification and federal or state locator services,
25 examination of telephone directories, requests for the obligor's address
26 from employers and examination of governmental records including,
27 to the extent not prohibited by other law, those relating to real prop-
28 erty, vital statistics, law enforcement, taxation, motor vehicles, driver
29 licenses and Social Security.

30 SECTION 28. (1) In a proceeding under this chapter, a petitioner
31 seeking to establish a support order, to determine parentage of a child

1 or to register and modify a support order of a tribunal of another state
2 or a foreign country must file a petition. Unless otherwise ordered
3 under section 29 of this 2015 Act, the petition or accompanying docu-
4 ments must provide, so far as known, the name, residential address
5 and Social Security numbers of the obligor and the obligee or the
6 parent and alleged parent and the name, sex, residential address, So-
7 cial Security number and date of birth of each child for whose benefit
8 support is sought or whose parentage is to be determined. Unless filed
9 at the time of registration, the petition must be accompanied by a
10 copy of any support order known to have been issued by another
11 tribunal. The petition may include any other information that may
12 assist in locating or identifying the respondent.

13 (2) The petition must specify the relief sought. The petition and
14 accompanying documents must conform substantially with the re-
15 quirements imposed by the forms mandated by federal law for use in
16 cases filed by a support enforcement agency.

17 SECTION 29. If a party alleges in an affidavit or a pleading under
18 oath that the health, safety or liberty of a party or child would be
19 jeopardized by disclosure of specific identifying information, that in-
20 formation must be sealed and may not be disclosed to the other party
21 or the public. After a hearing in which a tribunal takes into consid-
22 eration the health, safety or liberty of the party or child, the tribunal
23 may order disclosure of information that the tribunal determines to
24 be in the interest of justice.

25 SECTION 30. (1) The petitioner may not be required to pay a filing
26 fee or other costs.

27 (2) If an obligee prevails, a responding tribunal of this state may
28 assess against an obligor filing fees, reasonable attorney fees, other
29 costs and necessary travel and other reasonable expenses incurred by
30 the obligee and the obligee's witnesses. The tribunal may not assess
31 fees, costs or expenses against the obligee or the support enforcement

1 agency of either the initiating or responding state or foreign country
2 except as provided by other law. Attorney fees may be taxed as costs
3 and may be ordered paid directly to the attorney, who may enforce the
4 order in the attorney's own name. Payment of support owed to the
5 obligee has priority over fees, costs and expenses.

6 (3) The tribunal shall order the payment of costs and reasonable
7 attorney fees if it determines that a hearing was requested primarily
8 for delay. In a proceeding under sections 46 to 61 of this 2015 Act, a
9 hearing is presumed to have been requested primarily for delay if a
10 registered support order is confirmed or enforced without change.

11 SECTION 31. (1) Participation by a petitioner in a proceeding under
12 this chapter before a responding tribunal, whether in person, by pri-
13 vate attorney or through services provided by the support enforcement
14 agency, does not confer personal jurisdiction over the petitioner in
15 another proceeding.

16 (2) A petitioner is not amenable to service of civil process while
17 physically present in this state to participate in a proceeding under
18 this chapter.

19 (3) The immunity granted by this section does not extend to civil
20 litigation based on acts unrelated to a proceeding under this chapter
21 committed by a party while physically present in this state to partic-
22 ipate in the proceeding.

23 SECTION 32. A party whose parentage of a child has been previ-
24 ously determined by or pursuant to law may not plead nonparentage
25 as a defense to a proceeding under this chapter.

26 SECTION 33. (1) The physical presence of a nonresident party who
27 is an individual in a tribunal of this state is not required for the es-
28 tablishment, enforcement or modification of a support order or the
29 rendition of a judgment determining parentage of a child.

30 (2) An affidavit, a document substantially complying with federally
31 mandated forms or a document incorporated by reference in an affi-

1 **davit or form that would not be excluded under the hearsay rule if**
2 **given in person is admissible in evidence if given under penalty of**
3 **perjury by a party or witness residing outside this state.**

4 **(3) A copy of the record of child support payments certified as a**
5 **true copy of the original by the custodian of the record may be for-**
6 **warded to a responding tribunal. The copy is evidence of the facts as-**
7 **serted in the record and is admissible to show whether payments were**
8 **made.**

9 **(4) Copies of bills for testing for parentage of a child and for**
10 **prenatal and postnatal health care of the mother and child that are**
11 **furnished to the adverse party at least 10 days before trial are admis-**
12 **sible in evidence to prove the amount of the charges billed and that**
13 **the charges were reasonable, necessary and customary.**

14 **(5) Documentary evidence transmitted from outside this state to a**
15 **tribunal of this state by telephone, telecopier or other electronic**
16 **means that do not provide an original record may not be excluded**
17 **from evidence on an objection based on the means of transmission.**

18 **(6) In a proceeding under this chapter, a tribunal of this state shall**
19 **permit a party or witness residing outside this state to be deposed or**
20 **to testify under penalty of perjury by telephone, audiovisual means or**
21 **other electronic means at a designated tribunal or other location. A**
22 **tribunal of this state shall cooperate with other tribunals in designat-**
23 **ing an appropriate location for the deposition or testimony.**

24 **(7) If a party called to testify at a civil hearing refuses to answer**
25 **on the ground that the testimony may be self-incriminating, the trier**
26 **of fact may draw an adverse inference from the refusal.**

27 **(8) A privilege against disclosure of communications between**
28 **spouses does not apply in a proceeding under this chapter.**

29 **(9) The defense of immunity based on the relationship of husband**
30 **and wife or parent and child does not apply in a proceeding under this**
31 **chapter.**

1 (10) A voluntary acknowledgment of paternity, certified as a true
2 copy, is admissible to establish parentage of the child.

3 **SECTION 34.** A tribunal of this state may communicate with a
4 tribunal outside this state in a record or by telephone, electronic mail
5 or other means to obtain information concerning the laws of that
6 tribunal, the legal effect of a judgment, decree or order of that
7 tribunal and the status of a proceeding. A tribunal of this state may
8 furnish similar information by similar means to a tribunal outside this
9 state.

10 **SECTION 35.** A tribunal of this state may:

11 (1) Request a tribunal outside this state to assist in obtaining dis-
12 covery; and

13 (2) Upon request, compel a person over which it has jurisdiction to
14 respond to a discovery order issued by a tribunal outside this state.

15 **SECTION 36.** (1) A support enforcement agency or tribunal of this
16 state shall disburse promptly any amounts received pursuant to a
17 support order as directed by the order. The agency or tribunal shall
18 furnish to a requesting party or tribunal of another state or a foreign
19 country a certified statement by the custodian of the record of the
20 amounts and dates of all payments received.

21 (2) If neither the obligor nor the obligee who is an individual nor
22 the child resides in this state, upon request from the support
23 enforcement agency of this state or another state, the support
24 enforcement agency of this state or a tribunal of this state shall:

25 (a) Direct that the support payment be made to the support
26 enforcement agency in the state in which the obligee is receiving ser-
27 vices; and

28 (b) Issue and send to the obligor's employer a conforming income
29 withholding order or an administrative notice of change of payee re-
30 flecting the redirected payments.

31 (3) The support enforcement agency of this state receiving redi-

1 rected payments from another state pursuant to a law similar to sub-
2 section (2) of this section shall furnish to a requesting party or
3 tribunal of the other state a certified statement by the custodian of
4 the record of the amount and dates of all payments received.

5
6 **ARTICLE 4**

7 **(Establishment of Support Order or Determination of Parentage)**

8
9 **SECTION 37.** (1) If a support order entitled to recognition under
10 this chapter has not been issued, a responding tribunal of this state
11 with personal jurisdiction over the parties may issue a support order
12 if:

13 (a) The individual seeking the order resides outside this state; or

14 (b) The support enforcement agency seeking the order is located
15 outside this state.

16 (2) The tribunal may issue a temporary child support order if the
17 tribunal determines that such an order is appropriate and the indi-
18 vidual ordered to pay is:

19 (a) A presumed father of the child;

20 (b) Petitioning to have his paternity adjudicated;

21 (c) Identified as the father of the child through genetic testing;

22 (d) An alleged father who has declined to submit to genetic testing;

23 (e) Shown by clear and convincing evidence to be the father of the
24 child;

25 (f) An acknowledged father as provided by applicable state law;

26 (g) The mother of the child; or

27 (h) An individual who has been ordered to pay child support in a
28 previous proceeding and the order has not been reversed or vacated.

29 (3) Upon finding, after notice and opportunity to be heard, that an
30 obligor owes a duty of support, the tribunal shall issue a support order
31 directed to the obligor and may issue other orders pursuant to section

1 **22 of this 2015 Act.**

2 **SECTION 38. A tribunal of this state authorized to determine par-**
3 **entage of a child may serve as a responding tribunal in a proceeding**
4 **to determine parentage of a child brought under this chapter or a law**
5 **or procedure substantially similar to this chapter.**

6

7

ARTICLE 5

8

(Enforcement of Support Order Without Registration)

9

10 **SECTION 39. An income withholding order issued in another state**
11 **may be sent by or on behalf of the obligee, or by the support enforce-**
12 **ment agency, to the person defined as the obligor's employer under the**
13 **income withholding law of this state without first filing a petition or**
14 **comparable pleading or registering the order with a tribunal of this**
15 **state.**

16 **SECTION 40. (1) Upon receipt of an income withholding order, the**
17 **obligor's employer shall immediately provide a copy of the order to the**
18 **obligor.**

19 **(2) The employer shall treat an income withholding order issued in**
20 **another state that appears regular on its face as if it had been issued**
21 **by a tribunal of this state.**

22 **(3) Except as otherwise provided in subsection (4) of this section and**
23 **section 41 of this 2015 Act, the employer shall withhold and distribute**
24 **the funds as directed in the income withholding order by complying**
25 **with terms of the order that specify:**

26 **(a) The duration and amount of periodic payments of current child**
27 **support, stated as a sum certain;**

28 **(b) The person designated to receive payments and the address to**
29 **which the payments are to be forwarded;**

30 **(c) Medical support, whether in the form of a periodic cash pay-**
31 **ment, stated as a sum certain or by ordering the obligor to provide**

1 health insurance coverage for the child under a policy available
2 through the obligor's employment;

3 (d) The amount of periodic payments of fees and costs for a support
4 enforcement agency, the issuing tribunal and the obligee's attorney,
5 stated as sums certain; and

6 (e) The amount of periodic payments of arrearages and interest on
7 arrearages, stated as sums certain.

8 (4) An employer shall comply with the law of the state of the
9 obligor's principal place of employment for withholding from income
10 with respect to:

11 (a) The employer's fee for processing an income withholding order;

12 (b) The maximum amount permitted to be withheld from the
13 obligor's income; and

14 (c) The times within which the employer must implement the in-
15 come withholding order and forward the child support payment.

16 SECTION 41. If an obligor's employer receives two or more income
17 withholding orders with respect to the earnings of the same obligor,
18 the employer satisfies the terms of the orders if the employer complies
19 with the law of the state of the obligor's principal place of employment
20 to establish the priorities for withholding and allocating income with-
21 held for two or more child support obligees.

22 SECTION 42. An employer that complies with an income withhold-
23 ing order issued in another state in accordance with sections 39 to 45
24 of this 2015 Act is not subject to civil liability to an individual or
25 agency with regard to the employer's withholding of child support
26 from the obligor's income.

27 SECTION 43. An employer that willfully fails to comply with an
28 income withholding order issued in another state and received for
29 enforcement is subject to the same penalties that may be imposed for
30 noncompliance with an order issued by a tribunal of this state.

31 SECTION 44. (1) An obligor may contest the validity or enforcement

1 of an income withholding order issued in another state and received
2 directly by an employer in this state by registering the order in a
3 tribunal of this state and filing a contest to that order as provided in
4 sections 46 to 61 of this 2015 Act or otherwise contesting the order in
5 the same manner as if the order had been issued by a tribunal of this
6 state.

7 (2) The obligor shall give notice of the contest to:

8 (a) A support enforcement agency providing services to the obligee;

9 (b) Each employer that has directly received an income withholding
10 order relating to the obligor; and

11 (c) The person designated to receive payments in the income with-
12 holding order or, if no person is designated, to the obligee.

13 SECTION 45. (1) A party or support enforcement agency seeking to
14 enforce a support order or an income withholding order, or both, is-
15 sued in another state, or a foreign support order, may send the docu-
16 ments required for registering the order to a support enforcement
17 agency of this state.

18 (2) Upon receipt of the documents, the support enforcement agency,
19 without initially seeking to register the order, shall consider and, if
20 appropriate, use any administrative procedure authorized by the law
21 of this state to enforce a support order or an income withholding or-
22 der, or both. If the obligor does not contest administrative enforce-
23 ment, the order need not be registered. If the obligor contests the
24 validity or administrative enforcement of the order, the support
25 enforcement agency shall register the order pursuant to this chapter.

26

27

ARTICLE 6

28

(Registration, Enforcement and Modification of

29

Support Orders)

30

(Part 1. Registration for Enforcement of Support Order)

31

1 **SECTION 46.** A support order or income withholding order issued
2 in another state or a foreign support order may be registered in this
3 state for enforcement.

4 **SECTION 47.** (1) Except as otherwise provided in section 67 of this
5 2015 Act, a support order or income withholding order of another state
6 or a foreign support order may be registered in this state by sending
7 the following records to the appropriate tribunal in this state:

8 (a) A letter of transmittal to the tribunal requesting registration
9 and enforcement;

10 (b) Two copies, including one certified copy, of the order to be reg-
11 istered, including any modification of the order;

12 (c) A sworn statement by the person requesting registration or a
13 certified statement by the custodian of the records showing the
14 amount of any arrearage;

15 (d) The name of the obligor and, if known:

16 (A) The obligor's address and Social Security number;

17 (B) The name and address of the obligor's employer and any other
18 source of income of the obligor; and

19 (C) A description and the location of property of the obligor in this
20 state not exempt from execution; and

21 (e) Except as otherwise provided in section 29 of this 2015 Act, the
22 name and address of the obligee and, if applicable, the person to whom
23 support payments are to be remitted.

24 (2) Upon receipt of a request for registration, the registering
25 tribunal shall cause the order to be filed as an order of a tribunal of
26 another state or a foreign support order, together with one copy of the
27 documents and information, regardless of their form.

28 (3) A petition or comparable pleading seeking a remedy that must
29 be affirmatively sought under other law of this state may be filed at
30 the same time as the request for registration or later. The pleading
31 must specify the grounds for the remedy sought.

1 (4) If two or more orders are in effect, the person requesting regis-
2 tration shall:

3 (a) Furnish to the tribunal a copy of every support order asserted
4 to be in effect in addition to the documents specified in this section;

5 (b) Specify the order alleged to be the controlling order, if any; and

6 (c) Specify the amount of consolidated arrears, if any.

7 (5) A request for a determination of which is the controlling order
8 may be filed separately or with a request for registration and
9 enforcement or for registration and modification. The person request-
10 ing registration shall give notice of the request to each party whose
11 rights may be affected by the determination.

12 SECTION 48. (1) A support order or income withholding order is-
13 sued in another state, or a foreign support order, is registered when
14 the order is filed in the registering tribunal of this state.

15 (2) A registered support order issued in another state or a foreign
16 country is enforceable in the same manner and is subject to the same
17 procedures as an order issued by a tribunal of this state.

18 (3) Except as otherwise provided in this chapter, a tribunal of this
19 state shall recognize and enforce, but may not modify, a registered
20 support order if the issuing tribunal had jurisdiction.

21 SECTION 49. (1) Except as otherwise provided in subsection (4) of
22 this section, the law of the issuing state or foreign country governs:

23 (a) The nature, extent, amount and duration of current payments
24 under a registered support order;

25 (b) The computation and payment of arrearages and accrual of in-
26 terest on the arrearages under the support order; and

27 (c) The existence and satisfaction of other obligations under the
28 support order.

29 (2) In a proceeding for arrears under a registered support order, the
30 statute of limitation of this state, or of the issuing state or foreign
31 country, whichever is longer, applies.

1 **(3) A responding tribunal of this state shall apply the procedures**
2 **and remedies of this state to enforce current support and collect ar-**
3 **rears and interest due on a support order of another state or a foreign**
4 **country registered in this state.**

5 **(4) After a tribunal of this state or another state determines which**
6 **is the controlling order and issues an order consolidating arrears, if**
7 **any, a tribunal of this state shall prospectively apply the law of the**
8 **state or foreign country issuing the controlling order, including its law**
9 **on interest on arrears, on current and future support and on consol-**
10 **idated arrears.**

11
12 **(Part 2. Contest of Validity or Enforcement)**
13

14 **SECTION 50.** **(1) When a support order or income withholding order**
15 **issued in another state or a foreign support order is registered, the**
16 **registering tribunal of this state shall notify the nonregistering party.**
17 **The notice must be accompanied by a copy of the registered order and**
18 **the documents and relevant information accompanying the order.**

19 **(2) A notice must inform the nonregistering party:**

20 **(a) That a registered support order is enforceable as of the date of**
21 **registration in the same manner as an order issued by a tribunal of**
22 **this state;**

23 **(b) That a hearing to contest the validity or enforcement of the**
24 **registered order must be requested within 20 days after notice unless**
25 **the registered order is under section 68 of this 2015 Act;**

26 **(c) That failure to contest the validity or enforcement of the regis-**
27 **tered order in a timely manner will result in confirmation of the order**
28 **and enforcement of the order and the alleged arrearages; and**

29 **(d) Of the amount of any alleged arrearages.**

30 **(3) If the registering party asserts that two or more orders are in**
31 **effect, a notice must also:**

1 (a) Identify the two or more orders and the order alleged by the
2 registering party to be the controlling order and the consolidated ar-
3 rears, if any;

4 (b) Notify the nonregistering party of the right to a determination
5 of which is the controlling order;

6 (c) State that the procedures provided in subsection (2) of this sec-
7 tion apply to the determination of which is the controlling order; and

8 (d) State that failure to contest the validity or enforcement of the
9 order alleged to be the controlling order in a timely manner may re-
10 sult in confirmation that the order is the controlling order.

11 (4) Upon registration of an income withholding order for enforce-
12 ment, the support enforcement agency or the registering tribunal shall
13 notify the obligor's employer pursuant to the income withholding law
14 of this state.

15 SECTION 51. (1) A nonregistering party seeking to contest the va-
16 lidity or enforcement of a registered support order in this state shall
17 request a hearing within the time required by section 50 of this 2015
18 Act. The nonregistering party may seek to vacate the registration, to
19 assert any defense to an allegation of noncompliance with the regis-
20 tered order or to contest the remedies being sought or the amount of
21 any alleged arrearages pursuant to section 52 of this 2015 Act.

22 (2) If the nonregistering party fails to contest the validity or
23 enforcement of the registered support order in a timely manner, the
24 order is confirmed by operation of law.

25 (3) If a nonregistering party requests a hearing to contest the va-
26 lidity or enforcement of the registered support order, the registering
27 tribunal shall schedule the matter for hearing and give notice to the
28 parties of the date, time and place of the hearing.

29 SECTION 52. (1) A party contesting the validity or enforcement of
30 a registered support order or seeking to vacate the registration has the
31 burden of proving one or more of the following defenses:

1 (a) The issuing tribunal lacked personal jurisdiction over the con-
2 testing party;

3 (b) The order was obtained by fraud;

4 (c) The order has been vacated, suspended or modified by a later
5 order;

6 (d) The issuing tribunal has stayed the order pending appeal;

7 (e) There is a defense under the law of this state to the remedy
8 sought;

9 (f) Full or partial payment has been made;

10 (g) The statute of limitation under section 49 of this 2015 Act pre-
11 cludes enforcement of some or all of the alleged arrearages; or

12 (h) The alleged controlling order is not the controlling order.

13 (2) If a party presents evidence establishing a full or partial defense
14 under subsection (1) of this section, a tribunal may stay enforcement
15 of a registered support order, continue the proceeding to permit pro-
16 duction of additional relevant evidence and issue other appropriate
17 orders. An uncontested portion of the registered support order may
18 be enforced by all remedies available under the law of this state.

19 (3) If the contesting party does not establish a defense under sub-
20 section (1) of this section to the validity or enforcement of a registered
21 support order, the registering tribunal shall issue an order confirming
22 the order.

23 **SECTION 53.** Confirmation of a registered support order, whether
24 by operation of law or after notice and hearing, precludes further
25 contest of the order with respect to any matter that could have been
26 asserted at the time of registration.

27
28 (Part 3. Registration and Modification
29 of Child Support Order of Another State)

30
31 **SECTION 54.** A party or support enforcement agency seeking to

1 **modify, or to modify and enforce, a child support order issued in an-**
2 **other state shall register that order in this state in the same manner**
3 **provided in sections 46 to 53 of this 2015 Act if the order has not been**
4 **registered. A petition for modification may be filed at the same time**
5 **as a request for registration or later. The pleading must specify the**
6 **grounds for modification.**

7 **SECTION 55. A tribunal of this state may enforce a child support**
8 **order of another state registered for purposes of modification in the**
9 **same manner as if the order had been issued by a tribunal of this**
10 **state, but the registered support order may be modified only if the**
11 **requirements of section 56 or 58 of this 2015 Act have been met.**

12 **SECTION 56. (1) If section 58 of this 2015 Act does not apply, upon**
13 **petition a tribunal of this state may modify a child support order is-**
14 **sued in another state that is registered in this state if, after notice and**
15 **hearing, the tribunal finds that:**

16 **(a) The following requirements are met:**

17 **(A) Neither the child, nor the obligee who is an individual nor the**
18 **obligor resides in the issuing state;**

19 **(B) A petitioner who is a nonresident of this state seeks modifica-**
20 **tion; and**

21 **(C) The respondent is subject to the personal jurisdiction of the**
22 **tribunal of this state; or**

23 **(b) This state is the residence of the child, or a party who is an**
24 **individual is subject to the personal jurisdiction of the tribunal of this**
25 **state, and all of the parties who are individuals have filed consents in**
26 **a record in the issuing tribunal for a tribunal of this state to modify**
27 **the support order and assume continuing, exclusive jurisdiction.**

28 **(2) Modification of a registered child support order is subject to the**
29 **same requirements, procedures and defenses that apply to the modifi-**
30 **cation of an order issued by a tribunal of this state, and the order may**
31 **be enforced and satisfied in the same manner.**

1 (3) A tribunal of this state may not modify any aspect of a child
2 support order that may not be modified under the law of the issuing
3 state, including the duration of the obligation of support. If two or
4 more tribunals have issued child support orders for the same obligor
5 and same child, the order that controls and must be so recognized
6 under section 13 of this 2015 Act establishes the aspects of the support
7 order which are nonmodifiable.

8 (4) In a proceeding to modify a child support order, the law of the
9 state that is determined to have issued the initial controlling order
10 governs the duration of the obligation of support. The obligor's ful-
11 fillment of the duty of support established by that order precludes
12 imposition of a further obligation of support by a tribunal of this state.

13 (5) On the issuance of an order by a tribunal of this state modifying
14 a child support order issued in another state, the tribunal of this state
15 becomes the tribunal having continuing, exclusive jurisdiction.

16 (6) Notwithstanding subsections (1) to (5) of this section and section
17 7 (2) of this 2015 Act, a tribunal of this state retains jurisdiction to
18 modify an order issued by a tribunal of this state if:

- 19 (a) One party resides in another state; and
20 (b) The other party resides outside the United States.

21 SECTION 57. If a child support order issued by a tribunal of this
22 state is modified by a tribunal of another state that assumed jurisdic-
23 tion pursuant to the Uniform Interstate Family Support Act, a
24 tribunal of this state:

25 (1) May enforce its order that was modified only as to arrears and
26 interest accruing before the modification;

27 (2) May provide appropriate relief for violations of its order that
28 occurred before the effective date of the modification; and

29 (3) Shall recognize the modifying order of the other state upon
30 registration for the purpose of enforcement.

31 SECTION 58. (1) If all of the parties who are individuals reside in

1 this state and the child does not reside in the issuing state, a tribunal
2 of this state has jurisdiction to enforce and to modify the issuing
3 state's child support order in a proceeding to register that order.

4 (2) A tribunal of this state exercising jurisdiction under this section
5 shall apply the provisions of sections 2 to 6 of this 2015 Act, sections
6 7 to 17 of this 2015 Act, sections 46 to 61 of this 2015 Act and the pro-
7 cedural and substantive law of this state to the proceeding for
8 enforcement or modification. Sections 18 to 36 of this 2015 Act,
9 sections 37 and 38 of this 2015 Act, sections 39 to 45 of this 2015 Act,
10 sections 62 to 74 of this 2015 Act and sections 75 and 76 of this 2015 Act
11 do not apply.

12 SECTION 59. Within 30 days after issuance of a modified child
13 support order, the party obtaining the modification shall file a certi-
14 fied copy of the order with the issuing tribunal that had continuing,
15 exclusive jurisdiction over the earlier order, and in each tribunal in
16 which the party knows the earlier order has been registered. A party
17 who obtains the order and fails to file a certified copy is subject to
18 appropriate sanctions by a tribunal in which the issue of failure to file
19 arises. The failure to file does not affect the validity or enforceability
20 of the modified order of the new tribunal having continuing, exclusive
21 jurisdiction.

22
23 (Part 4. Registration and Modification
24 of Foreign Child Support Order)
25

26 SECTION 60. (1) Except as otherwise provided in section 72 of this
27 2015 Act, if a foreign country lacks or refuses to exercise jurisdiction
28 to modify its child support order pursuant to its laws, a tribunal of
29 this state may assume jurisdiction to modify the child support order
30 and bind all individuals subject to the personal jurisdiction of the
31 tribunal whether the consent to modification of a child support order

1 otherwise required of the individual pursuant to section 56 of this 2015
2 Act has been given or whether the individual seeking modification is
3 a resident of this state or of the foreign country.

4 (2) An order issued by a tribunal of this state modifying a foreign
5 child support order pursuant to this section is the controlling order.

6 **SECTION 61.** A party or support enforcement agency seeking to
7 modify, or to modify and enforce, a foreign child support order not
8 under the Convention may register that order in this state under
9 sections 46 to 53 of this 2015 Act if the order has not been registered.
10 A petition for modification may be filed at the same time as a request
11 for registration or at another time. The petition must specify the
12 grounds for modification.

13
14 **ARTICLE 7**

15 **(Support Proceeding Under Convention)**

16
17 **SECTION 62.** As used in sections 62 to 74 of this 2015 Act:

18 (1) “Application” means a request under the Convention by an
19 obligee or obligor, or on behalf of a child, made through a central
20 authority for assistance from another central authority.

21 (2) “Central authority” means the entity designated by the United
22 States or a foreign country described in section 3 (5)(d) of this 2015
23 Act to perform the functions specified in the Convention.

24 (3) “Convention support order” means a support order of a tribunal
25 of a foreign country described in section 3 (5)(d) of this 2015 Act.

26 (4) “Direct request” means a petition filed by an individual in a
27 tribunal of this state in a proceeding involving an obligee, obligor or
28 child residing outside the United States.

29 (5) “Foreign support agreement” means:

30 (a) An agreement for support in a record that:

31 (A) Is enforceable as a support order in the country of origin;

1 (B) Has been:

2 (i) Formally drawn up or registered as an authentic instrument by
3 a foreign tribunal; or

4 (ii) Authenticated by, or concluded, registered or filed with a for-
5 eign tribunal; and

6 (C) May be reviewed and modified by a foreign tribunal; and

7 (b) A maintenance arrangement or authentic instrument under the
8 Convention.

9 (6) "United States central authority" means the Secretary of the
10 United States Department of Health and Human Services.

11 SECTION 63. Sections 62 to 74 of this 2015 Act apply only to a sup-
12 port proceeding under the Convention. In such a proceeding, if a pro-
13 vision of sections 62 to 74 of this 2015 Act is inconsistent with sections
14 2 to 61 of this 2015 Act, sections 62 to 74 of this 2015 Act control.

15 SECTION 64. The governmental entity of this state is recognized
16 as the agency designated by the United States central authority to
17 perform specific functions under the Convention.

18 SECTION 65. (1) In a support proceeding under sections 62 to 74 of
19 this 2015 Act, the governmental entity of this state shall:

20 (a) Transmit and receive applications; and

21 (b) Initiate or facilitate the institution of a proceeding regarding
22 an application in a tribunal of this state.

23 (2) The following support proceedings are available to an obligee
24 under the Convention:

25 (a) Recognition or recognition and enforcement of a foreign support
26 order;

27 (b) Enforcement of a support order issued or recognized in this
28 state;

29 (c) Establishment of a support order if there is no existing order,
30 including, if necessary, determination of parentage of a child;

31 (d) Establishment of a support order if recognition of a foreign

1 support order is refused under section 69 (2)(b), (d) or (i) of this 2015
2 Act;

3 (e) Modification of a support order of a tribunal of this state; and

4 (f) Modification of a support order of a tribunal of another state or
5 a foreign country.

6 (3) The following support proceedings are available under the Con-
7 vention to an obligor against whom there is an existing support order:

8 (a) Recognition of an order suspending or limiting enforcement of
9 an existing support order of a tribunal of this state;

10 (b) Modification of a support order of a tribunal of this state; and

11 (c) Modification of a support order of a tribunal of another state
12 or a foreign country.

13 (4) A tribunal of this state may not require security, bond or de-
14 posit, however described, to guarantee the payment of costs and ex-
15 penses in proceedings under the Convention.

16 SECTION 66. (1) A petitioner may file a direct request seeking es-
17 tablishment or modification of a support order or determination of
18 parentage of a child. In the proceeding, the law of this state applies.

19 (2) A petitioner may file a direct request seeking recognition and
20 enforcement of a support order or support agreement. In the pro-
21 ceeding, sections 67 to 74 of this 2015 Act apply.

22 (3) In a direct request for recognition and enforcement of a Con-
23 vention support order or foreign support agreement:

24 (a) A security, bond or deposit is not required to guarantee the
25 payment of costs and expenses; and

26 (b) An obligee or obligor that in the issuing country has benefited
27 from free legal assistance is entitled to benefit, at least to the same
28 extent, from any free legal assistance provided for by the law of this
29 state under the same circumstances.

30 (4) A petitioner filing a direct request is not entitled to assistance
31 from the governmental entity.

1 **(5) Sections 62 to 74 of this 2015 Act do not prevent the application**
2 **of laws of this state that provide simplified, more expeditious rules**
3 **regarding a direct request for recognition and enforcement of a foreign**
4 **support order or foreign support agreement.**

5 **SECTION 67. (1) Except as otherwise provided in sections 62 to 74**
6 **of this 2015 Act, a party who is an individual or a support enforcement**
7 **agency seeking recognition of a Convention support order shall regis-**
8 **ter the order in this state as provided in sections 46 to 61 of this 2015**
9 **Act.**

10 **(2) Notwithstanding sections 28 and 47 (1) of this 2015 Act, a request**
11 **for registration of a Convention support order must be accompanied**
12 **by:**

13 **(a) A complete text of the support order or an abstract or extract**
14 **of the support order drawn up by the issuing foreign tribunal, which**
15 **may be in the form recommended by the Hague Conference on Private**
16 **International Law;**

17 **(b) A record stating that the support order is enforceable in the is-**
18 **suing country;**

19 **(c) If the respondent did not appear and was not represented in the**
20 **proceedings in the issuing country, a record attesting, as appropriate,**
21 **either that the respondent had proper notice of the proceedings and**
22 **an opportunity to be heard or that the respondent had proper notice**
23 **of the support order and an opportunity to be heard in a challenge or**
24 **appeal on fact or law before a tribunal;**

25 **(d) A record showing the amount of arrears, if any, and the date**
26 **the amount was calculated;**

27 **(e) A record showing a requirement for automatic adjustment of the**
28 **amount of support, if any, and the information necessary to make the**
29 **appropriate calculations; and**

30 **(f) If necessary, a record showing the extent to which the applicant**
31 **received free legal assistance in the issuing country.**

1 **(3) A request for registration of a Convention support order may**
2 **seek recognition and partial enforcement of the order.**

3 **(4) A tribunal of this state may vacate the registration of a Con-**
4 **vention support order without the filing of a contest under section 68**
5 **of this 2015 Act only if, acting on its own motion, the tribunal finds**
6 **that recognition and enforcement of the order would be manifestly**
7 **incompatible with public policy.**

8 **(5) The tribunal shall promptly notify the parties of the registration**
9 **or the order vacating the registration of a Convention support order.**

10 **SECTION 68. (1) Except as otherwise provided in sections 62 to 74**
11 **of this 2015 Act, sections 50 to 53 of this 2015 Act apply to a contest**
12 **of a registered Convention support order.**

13 **(2) A party contesting a registered Convention support order shall**
14 **file a contest not later than 30 days after notice of the registration,**
15 **but if the contesting party does not reside in the United States, the**
16 **contest must be filed not later than 60 days after notice of the regis-**
17 **tration.**

18 **(3) If the nonregistering party fails to contest the registered Con-**
19 **vention support order by the time specified in subsection (2) of this**
20 **section, the order is enforceable.**

21 **(4) A contest of a registered Convention support order may be based**
22 **only on grounds set forth in section 69 of this 2015 Act. The contesting**
23 **party bears the burden of proof.**

24 **(5) In a contest of a registered Convention support order, a tribunal**
25 **of this state:**

26 **(a) Is bound by the findings of fact on which the foreign tribunal**
27 **based its jurisdiction; and**

28 **(b) May not review the merits of the order.**

29 **(6) A tribunal of this state deciding a contest of a registered Con-**
30 **vention support order shall promptly notify the parties of its decision.**

31 **(7) A challenge or appeal, if any, does not stay the enforcement of**

1 a Convention support order unless there are exceptional circum-
2 stances.

3 **SECTION 69.** (1) Except as otherwise provided in subsection (2) of
4 this section, a tribunal of this state shall recognize and enforce a
5 registered Convention support order.

6 (2) The following grounds are the only grounds on which a tribunal
7 of this state may refuse recognition and enforcement of a registered
8 Convention support order:

9 (a) Recognition and enforcement of the order is manifestly incom-
10 patible with public policy, including the failure of the issuing tribunal
11 to observe minimum standards of due process, which include notice
12 and an opportunity to be heard;

13 (b) The issuing tribunal lacked personal jurisdiction consistent with
14 section 7 of this 2015 Act;

15 (c) The order is not enforceable in the issuing country;

16 (d) The order was obtained by fraud in connection with a matter
17 of procedure;

18 (e) A record transmitted in accordance with section 67 of this 2015
19 Act lacks authenticity or integrity;

20 (f) A proceeding between the same parties and having the same
21 purpose is pending before a tribunal of this state and that proceeding
22 was the first to be filed;

23 (g) The order is incompatible with a more recent support order in-
24 volving the same parties and having the same purpose, if the more
25 recent support order is entitled to recognition and enforcement under
26 this chapter in this state;

27 (h) Payment, to the extent alleged arrears have been paid in whole
28 or in part;

29 (i) In a case in which the respondent neither appeared nor was re-
30 presented in the proceeding in the issuing foreign country:

31 (A) If the law of that country provides for prior notice of pro-

1 **ceedings, the respondent did not have proper notice of the proceedings**
2 **and an opportunity to be heard; or**

3 **(B) If the law of that country does not provide for prior notice of**
4 **the proceedings, the respondent did not have proper notice of the order**
5 **and an opportunity to be heard in a challenge or appeal on fact or law**
6 **before a tribunal; or**

7 **(j) The order was made in violation of section 72 of this 2015 Act.**

8 **(3) If a tribunal of this state does not recognize a Convention sup-**
9 **port order under subsection (2)(b), (d) or (i) of this section:**

10 **(a) The tribunal may not dismiss the proceeding without allowing**
11 **a reasonable time for a party to request the establishment of a new**
12 **Convention support order; and**

13 **(b) The governmental entity shall take all appropriate measures to**
14 **request a child support order for the obligee if the application for re-**
15 **cognition and enforcement was received under section 65 of this 2015**
16 **Act.**

17 **SECTION 70. If a tribunal of this state does not recognize and en-**
18 **force a Convention support order in its entirety, the tribunal shall**
19 **enforce any severable part of the order. An application or direct re-**
20 **quest may seek recognition and partial enforcement of a Convention**
21 **support order.**

22 **SECTION 71. (1) Except as otherwise provided in subsections (3) and**
23 **(4) of this section, a tribunal of this state shall recognize and enforce**
24 **a foreign support agreement registered in this state.**

25 **(2) An application or direct request for recognition and enforcement**
26 **of a foreign support agreement must be accompanied by:**

27 **(a) A complete text of the foreign support agreement; and**

28 **(b) A record stating that the foreign support agreement is enforce-**
29 **able as an order of support in the issuing country.**

30 **(3) A tribunal of this state may vacate the registration of a foreign**
31 **support agreement only if, acting on its own motion, the tribunal finds**

1 that recognition and enforcement would be manifestly incompatible
2 with public policy.

3 (4) In a contest of a foreign support agreement, a tribunal of this
4 state may refuse recognition and enforcement of the agreement if it
5 finds:

6 (a) Recognition and enforcement of the agreement is manifestly
7 incompatible with public policy;

8 (b) The agreement was obtained by fraud or falsification;

9 (c) The agreement is incompatible with a support order involving
10 the same parties and having the same purpose in this state, another
11 state or a foreign country if the support order is entitled to recogni-
12 tion and enforcement under this chapter in this state; or

13 (d) The record submitted under subsection (2) of this section lacks
14 authenticity or integrity.

15 (5) A proceeding for recognition and enforcement of a foreign sup-
16 port agreement must be suspended during the pendency of a challenge
17 to or appeal of the agreement before a tribunal of another state or a
18 foreign country.

19 SECTION 72. (1) A tribunal of this state may not modify a Con-
20 vention child support order if the obligee remains a resident of the
21 foreign country where the support order was issued unless:

22 (a) The obligee submits to the jurisdiction of a tribunal of this
23 state, either expressly or by defending on the merits of the case with-
24 out objecting to the jurisdiction at the first available opportunity; or

25 (b) The foreign tribunal lacks or refuses to exercise jurisdiction to
26 modify its support order or issue a new support order.

27 (2) If a tribunal of this state does not modify a Convention child
28 support order because the order is not recognized in this state, section
29 69 (3) of this 2015 Act applies.

30 SECTION 73. Personal information gathered or transmitted under
31 sections 62 to 74 of this 2015 Act may be used only for the purposes for

1 which it was gathered or transmitted.

2 **SECTION 74.** A record filed with a tribunal of this state under
3 sections 62 to 74 of this 2015 Act must be in the original language and,
4 if not in English, must be accompanied by an English translation.

5
6 **ARTICLE 8**

7 **(Interstate Rendition)**
8

9 **SECTION 75.** (1) For purposes of this section and section 76 of this
10 2015 Act, “governor” includes an individual performing the functions
11 of governor or the executive authority of a state covered by this
12 chapter.

13 (2) The Governor of this state may:

14 (a) Demand that the governor of another state surrender an indi-
15 vidual found in the other state who is charged criminally in this state
16 with having failed to provide for the support of an obligee; or

17 (b) On the demand of the governor of another state, surrender an
18 individual found in this state who is charged criminally in the other
19 state with having failed to provide for the support of an obligee.

20 (3) A provision for extradition of individuals not inconsistent with
21 this chapter applies to the demand even if the individual whose sur-
22 render is demanded was not in the demanding state when the crime
23 was allegedly committed and has not fled therefrom.

24 **SECTION 76.** (1) Before making a demand that the governor of an-
25 other state surrender an individual charged criminally in this state
26 with having failed to provide for the support of an obligee, the Gov-
27 ernor of this state may require a prosecutor of this state to demon-
28 strate that at least 60 days previously the obligee had initiated
29 proceedings for support pursuant to this chapter or that the proceed-
30 ing would be of no avail.

31 (2) If, under this chapter or a law substantially similar to this

1 chapter, the governor of another state makes a demand that the
2 Governor of this state surrender an individual charged criminally in
3 that state with having failed to provide for the support of a child or
4 other individual to whom a duty of support is owed, the Governor of
5 this state may require a prosecutor to investigate the demand and re-
6 port whether a proceeding for support has been initiated or would be
7 effective. If it appears that a proceeding would be effective but has not
8 been initiated, the Governor of this state may delay honoring the de-
9 mand for a reasonable time to permit the initiation of a proceeding.

10 (3) If a proceeding for support has been initiated and the individual
11 whose rendition is demanded prevails, the Governor of this state may
12 decline to honor the demand. If the petitioner prevails and the indi-
13 vidual whose rendition is demanded is subject to a support order, the
14 Governor of this state may decline to honor the demand if the indi-
15 vidual is complying with the support order.

16
17 **ARTICLE 9**

18 **(Miscellaneous Provisions)**

19
20 **SECTION 77.** In applying and construing this uniform act, consid-
21 eration must be given to the need to promote uniformity of the law
22 with respect to its subject matter among states that enact it.

23 **SECTION 78.** This chapter applies to proceedings begun on or after
24 the effective date of this chapter to establish a support order or de-
25 termine parentage of a child or to register, recognize, enforce or
26 modify a prior support order, determination or agreement, whenever
27 issued or entered.

28 **SECTION 79.** If any provision of this chapter or its application to
29 any person or circumstance is held invalid, the invalidity does not af-
30 fect other provisions or applications of this chapter that can be given
31 effect without the invalid provision or application, and to this end the

1 **provisions of this chapter are severable.**

2

3

REPEAL OF EXISTING LAW

4

5 **SECTION 80. ORS 110.303, 110.304, 110.305, 110.318, 110.321, 110.324,**
6 **110.327, 110.330, 110.333, 110.336, 110.339, 110.342, 110.345, 110.348, 110.349,**
7 **110.351, 110.357, 110.360, 110.363, 110.366, 110.369, 110.372, 110.375, 110.378,**
8 **110.379, 110.381, 110.384, 110.387, 110.390, 110.391, 110.392, 110.394, 110.395,**
9 **110.397, 110.398, 110.400, 110.401, 110.402, 110.405, 110.408, 110.411, 110.414,**
10 **110.417, 110.420, 110.423, 110.426, 110.429, 110.432, 110.435, 110.436, 110.437,**
11 **110.438, 110.440, 110.443, 110.446, 110.449 and 110.452 are repealed.**

12

13

CONFORMING AMENDMENTS

14

15 **SECTION 81. ORS 18.038 is amended to read:**

16 18.038. (1) A judgment document must be plainly titled as a judgment.

17 (2) The title of a judgment document must indicate whether the judgment
18 is a limited judgment, a general judgment or a supplemental judgment. This
19 subsection does not apply to:

20 (a) Justice courts, municipal courts and county courts performing judicial
21 functions.

22 (b) Judgments in criminal actions.

23 (c) Judgments in juvenile proceedings under ORS chapters 419A, 419B and
24 419C.

25 (3) A judgment document must be separate from any other document in
26 the action. The judgment document may have attached affidavits, certif-
27 icates, motions, stipulations and exhibits as necessary or proper in support
28 of the judgment.

29 (4) A judgment document must include:

30 (a) The name of the court rendering the judgment and the file number or
31 other identifier used by the court for the action or actions decided by the

1 judgment;

2 (b) The names of any parties in whose favor the judgment is given and
3 the names of any parties against whom the judgment is given; and

4 (c) The signature of the judge rendering the judgment, or the signature
5 of the court administrator if the court administrator is authorized by law to
6 sign the judgment document, and the date the judgment document is signed.

7 (5) This section does not apply to any foreign judgment filed with a court
8 under ORS 24.115 or [110.405] **sections 46 to 49 of this 2015 Act.**

9 **SECTION 82.** ORS 18.042 is amended to read:

10 18.042. (1) The judgment document for a judgment in a civil action that
11 includes a money award must contain a separate section clearly labeled as
12 a money award. Any judgment in a civil action that includes a money award,
13 but does not contain a separate section clearly labeled as a money award,
14 does not create a judgment lien but may be enforced by any other judgment
15 remedy.

16 (2) The separate section required by subsection (1) of this section must
17 include all of the following:

18 (a) The name and address of each judgment creditor and the name, ad-
19 dress and telephone number of any attorney who represents one or more of
20 the judgment creditors.

21 (b) The name of each judgment debtor and, to the extent known by the
22 judgment creditor:

23 (A) The address of each judgment debtor;

24 (B) The year of birth of each judgment debtor;

25 (C) The tax identification number of each judgment debtor, or the final
26 four digits of the Social Security number of each judgment debtor;

27 (D) The final four digits of the driver license number of each judgment
28 debtor and the name of the state that issued the license; and

29 (E) The name of any attorney for each judgment debtor.

30 (c) The name of any person or public body, as defined in ORS 174.109,
31 other than the judgment creditor's attorney, that is known by the judgment

1 creditor to be entitled to any portion of the money award.

2 (d) The amount of money awarded in the judgment, exclusive of amounts
3 required to be included in the separate section under paragraphs (e) to (h)
4 of this subsection.

5 (e) Any interest owed as of the date the judgment is entered in the reg-
6 ister, either as a specific amount or as accrual information, including the
7 rate or rates of interest, the balance or balances upon which interest ac-
8 crues, the date or dates from which interest at each rate on each balance
9 runs, and whether interest is simple or compounded and, if compounded, at
10 what intervals.

11 (f) Information about interest that accrues on the judgment after entry
12 in the register, including the rate or rates of interest, the balance or bal-
13 ances upon which interest accrues, the date or dates from which interest at
14 each rate on each balance runs, and whether interest is simple or com-
15 pounded and, if compounded, at what intervals.

16 (g) For monetary obligations that are payable on a periodic basis, any
17 accrued arrearages, required further payments per period and payment dates.

18 (h) If the judgment requires the payment of costs and disbursements or
19 attorney fees, a statement indicating that the award is made, any specific
20 amounts awarded, a clear identification of the specific requests for relief for
21 which any attorney fees are awarded and the amount of attorney fees
22 awarded for each request for relief.

23 (3) The information required by subsection (2) of this section must be set
24 forth in the money award section of the judgment document in the same or-
25 der as the requirements appear in subsection (2) of this section.

26 (4) The separate section required by subsection (1) of this section must
27 be placed immediately above the judge's or court administrator's signature.
28 The separate section must be clearly labeled at its beginning as a money
29 award. If the judgment includes a support award, the label of the separate
30 section must so indicate. Except for information described in ORS 24.290, the
31 separate section of the judgment document may not contain any provision

1 except the information required by this section.

2 (5) The provisions of this section do not apply to foreign judgments that
3 are filed with a court under ORS 24.115 or [110.405] **sections 46 to 49 of this**
4 **2015 Act**. If a foreign judgment is filed with the court under ORS 24.115, the
5 separate statement required by ORS 24.125 must be filed with the foreign
6 judgment.

7 **SECTION 83.** ORS 18.158 is amended to read:

8 18.158. (1) At any time after a judgment for unpaid child support or un-
9 paid spousal support becomes effective in another state and before the expi-
10 ration or satisfaction of that judgment under the other state's law, a
11 judgment creditor under the judgment may record a certified copy of the
12 judgment or a lien record abstract for the judgment in the County Clerk Lien
13 Record for any county in this state.

14 (2) If a judgment of another state described in subsection (1) of this sec-
15 tion is extended or renewed under the laws of the state that rendered the
16 judgment, a judgment creditor under the judgment may record a certified
17 copy of the extension or renewal in the County Clerk Lien Record for any
18 county in this state or may record a lien record abstract for extension or
19 renewal in the County Clerk Lien Record for any county in this state.

20 (3) Upon recording a judgment, lien record abstract, extension or renewal
21 under this section, the judgment creates a judgment lien as described in ORS
22 18.152 (3).

23 (4) When the judgment expires in the state in which the judgment was
24 originally entered, the judgment lien and any support arrearage lien created
25 under this section expire in every county in which the judgment has been
26 recorded under this section.

27 (5) Liens arising by operation of law in another state against real prop-
28 erty for amounts of overdue payments under a support order, as defined in
29 [ORS 110.303] **section 3 of this 2015 Act**, shall be accorded full faith and
30 credit if the state agency, party or other entity seeking to enforce the lien
31 follows the applicable procedures for recording and service of notice of claim

1 of lien as required by this section. A state agency, party or other entity may
2 not file an action to enforce a lien described in this section until the
3 underlying judgment has been filed in Oregon as provided in ORS chapter
4 110.

5 (6) This section does not apply to justice courts, municipal courts or
6 county courts performing judicial functions.

7 **SECTION 84.** ORS 18.252 is amended to read:

8 18.252. (1) Except as provided in this section, and subject to the terms of
9 the judgment, a judgment may be enforced by execution upon entry of the
10 judgment. The ability to enforce a judgment by execution expires as provided
11 in ORS 18.180 to 18.192.

12 (2) Any portion of a money award that by the terms of the judgment is
13 to be paid on some date after the date that the judgment is entered may be
14 enforced by execution when payment becomes due under the terms of the
15 money award and is not paid.

16 (3) Except as provided in ORS 18.255 or by other law, a judgment may be
17 enforced only by the court in which the judgment is entered or, if the judg-
18 ment is a foreign judgment, the court in which the judgment is first filed
19 under ORS 24.115 or [110.405] **sections 46 to 49 of this 2015 Act.**

20 (4) Nothing in ORS 18.252 to 18.993 affects the ability of a judgment
21 creditor to enforce a judgment by means other than execution.

22 **SECTION 85.** ORS 25.010 is amended to read:

23 25.010. As used in ORS chapters 25, 107, 109 and 416 and any other stat-
24 utes providing for support payments or support enforcement procedures, un-
25 less the context requires otherwise:

26 (1) “Administrator” means either the Administrator of the Division of
27 Child Support of the Department of Justice or a district attorney, or the
28 administrator’s or a district attorney’s authorized representative.

29 (2) “Child” has the meaning given that term in [ORS 110.303] **section 3**
30 **of this 2015 Act.**

31 (3) “Child support rights” means the right to establish or enforce an ob-

1 ligation imposed or imposable by law to provide support, including but not
2 limited to medical support as defined in ORS 25.321 and an unsatisfied obli-
3 gation to provide support.

4 (4) "Department" means the Department of Justice.

5 (5) "Disposable income" means that part of the income of an individual
6 remaining after the deduction from the income of any amounts required to
7 be withheld by law except laws enforcing spousal or child support and any
8 amounts withheld to pay medical or dental insurance premiums.

9 (6) "Employer" means any entity or individual who engages an individual
10 to perform work or services for which compensation is given in periodic
11 payments or otherwise.

12 (7) "Income" is any monetary obligation in excess of \$4.99 after the fee
13 described in ORS 25.414 (6) has been deducted that is in the possession of a
14 third party owed to an obligor and includes but is not limited to:

15 (a) Compensation paid or payable for personal services whether denomi-
16 nated as wages, salary, commission, bonus or otherwise;

17 (b) Periodic payments pursuant to a pension or retirement program;

18 (c) Cash dividends arising from stocks, bonds or mutual funds;

19 (d) Interest payments;

20 (e) Periodic payments from a trust account;

21 (f) Any program or contract to provide substitute wages during times of
22 unemployment or disability;

23 (g) Any payment pursuant to ORS chapter 657; or

24 (h) Amounts payable to independent contractors.

25 (8) "Obligee" has the meaning given that term in [ORS 110.303] **section**
26 **3 of this 2015 Act.**

27 (9) "Obligor" has the meaning given that term in [ORS 110.303] **section**
28 **3 of this 2015 Act.**

29 (10) "Order to withhold" means an order or other legal process that re-
30 quires a withholder to withhold support from the income of an obligor.

31 (11) "Public assistance" has the meaning given that term in ORS 416.400.

1 (12) "Withholder" means any person who disburses income and includes
2 but is not limited to an employer, conservator, trustee or insurer of the
3 obligor.

4 **SECTION 86.** ORS 25.287 is amended to read:

5 25.287. (1)(a) The entity providing support enforcement services under
6 ORS 25.080 may initiate proceedings to modify a support obligation to ensure
7 that the support obligation is in accordance with the formula established
8 under ORS 25.275.

9 (b) Proceedings under this subsection may occur only after three years
10 have elapsed, or such shorter cycle as determined by rule of the Department
11 of Justice, from the later of the following:

12 (A) The date the original support obligation took effect;

13 (B) The date any previous modification of the support obligation took ef-
14 fect; or

15 (C) The date of any previous review and determination under this sub-
16 section that resulted in no modification of the support obligation.

17 (c) For purposes of paragraph (b) of this subsection, a support obligation
18 or modification takes effect on the first date on which the obligor is to pay
19 the established or modified support amount.

20 (d) The only issues at proceedings under this subsection are whether three
21 years have elapsed, or such shorter cycle as determined by rule of the de-
22 partment, and whether the support obligation is in substantial compliance
23 with the formula established under ORS 25.275.

24 (e) Upon review, if the administrator determines that a support obligation
25 does not qualify for modification under this section, a party may object to
26 the determination within 30 days after the date of the determination. A
27 hearing on the objection shall be conducted by an administrative law judge
28 assigned from the Office of Administrative Hearings. Appeal of the order of
29 the administrative law judge may be taken to the circuit court of the county
30 in which the support obligation has been entered or registered for a hearing
31 de novo. The appeal to the court shall be by petition for review filed within

1 60 days after entry of the order of the administrative law judge.

2 (f) If the court, the administrator or the administrative law judge finds
3 that more than three years have elapsed, or such shorter cycle as determined
4 by rule of the department, the court, the administrator or the administrative
5 law judge shall modify the support order to bring the support obligation into
6 substantial compliance with the formula established under ORS 25.275, re-
7 gardless of whether there has been a substantial change in circumstances
8 since the support obligation was last established, modified or reviewed. Pro-
9 ceedings by the administrator or administrative law judge under this sub-
10 section shall be conducted according to the provisions of ORS 416.425 and
11 416.427.

12 (g) The provisions of this subsection apply to any support obligation es-
13 tablished by a support order under this chapter or ORS chapter 107, 108, 109,
14 110 or 416 or ORS 419B.400 or 419C.590.

15 (2) The entity providing support enforcement services shall state in the
16 document initiating the proceeding, to the extent known:

17 (a) Whether there is pending in this state or any other jurisdiction any
18 type of support proceeding involving the child, including a proceeding
19 brought under ORS 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165,
20 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

21 (b) Whether there exists in this state or any other jurisdiction a support
22 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
23 child, other than the support obligation the entity seeks to modify.

24 (3) The entity providing support enforcement services shall include with
25 the document initiating the proceeding a certificate regarding any pending
26 support proceeding and any existing support order other than the support
27 obligation the entity seeks to modify. The entity providing support enforce-
28 ment services shall use a certificate that is in a form prescribed by the ad-
29 ministrator and shall include information required by the administrator and
30 subsection (2) of this section.

31 (4) The administrator, court or administrative law judge may use the

1 provisions of subsection (1) of this section when a support order was entered
2 in another state and registered in Oregon, the provisions of ORS chapter 110
3 apply and more than three years have elapsed, or such shorter cycle as de-
4 termined by rule of the department.

5 (5) Notwithstanding the provisions of this section, proceedings may be
6 initiated at any time to modify a support obligation based upon a substantial
7 change of circumstances under any other provision of law.

8 (6) The obligee is a party to any action to modify a support obligation
9 under this section.

10 **SECTION 87.** ORS 25.405 is amended to read:

11 25.405. (1) An obligor contesting an order to withhold issued under ORS
12 25.378 must do so within 30 days from the date income is first withheld
13 pursuant to the order to withhold. The obligor may not contest an order to
14 withhold issued under ORS 25.378 (5).

15 (2) The only basis for contesting the order to withhold is a mistake of
16 fact. "Mistake of fact" means an error in the amount of current support or
17 arrearages, or an error in the identity of the obligor. Payment of all
18 arrearages shall not be the sole basis for not implementing withholding.

19 (3) If the order to withhold was issued by a court of this state, the obligor
20 must contest the order to withhold in the court that issued the order.

21 (4) If the order to withhold was issued by a court or administrative
22 agency of another state and was received directly by an employer in this
23 state under [ORS 110.394] **section 39 of this 2015 Act**, the obligor may
24 contest the order to withhold by:

25 (a) Seeking relief from enforcement of the order in the appropriate
26 tribunal of the state that issued the order;

27 (b) Contesting the validity and enforcement of the order under [ORS
28 110.401] **section 44 of this 2015 Act**; or

29 (c) Registering the underlying withholding order in Oregon in the manner
30 provided by [ORS 110.405] **sections 46 to 49 of this 2015 Act** and seeking
31 relief from enforcement of the order as provided in [ORS 110.417 and

1 *110.420*] **sections 51 and 52 of this 2015 Act.**

2 (5) If the order to withhold was issued pursuant to a request for enforce-
3 ment under ORS 25.080, the obligor may contest the order to withhold to the
4 district attorney or the Division of Child Support. The district attorney or
5 the Division of Child Support need not provide an opportunity for a con-
6 tested case administrative hearing under ORS chapter 183 or a hearing in
7 circuit court. Within 45 days after the date income is first withheld pursuant
8 to the order to withhold, the district attorney or the Division of Child Sup-
9 port shall determine, based on an evaluation of the facts, if the withholding
10 shall continue and notify the obligor of the determination and of the
11 obligor's right to appeal the determination.

12 (6) Any appeal of the decision of the district attorney or the Division of
13 Child Support made under subsection (5) of this section is to the circuit
14 court for a hearing under ORS 183.484.

15 (7) The initiation of proceedings to contest an order to withhold under
16 subsection (4) of this section, a motion or request to contest an order to
17 withhold or an appeal of the decision of the district attorney or the Division
18 of Child Support made under subsection (5) of this section does not act to
19 stay withholding unless otherwise ordered by a court.

20 **SECTION 88.** ORS 33.135 is amended to read:

21 33.135. (1) Except as provided in subsection (5) of this section, proceedings
22 under ORS 33.055 to impose remedial sanctions for contempt and under ORS
23 33.065 to impose punitive sanctions for contempt shall be commenced within
24 two years of the act or omission constituting the contempt.

25 (2) For the purposes of this section, a proceeding to impose remedial
26 sanctions shall be deemed commenced as to each defendant when the motion
27 provided for in ORS 33.055 is filed.

28 (3) Proceedings to impose punitive sanctions are subject to ORS 131.135,
29 131.145 and 131.155.

30 (4) The time limitations imposed by subsection (1) of this section shall
31 not act to bar proceedings to impose sanctions for an act or omission that

1 constitutes a continuing contempt at the time contempt proceedings are
2 commenced. The willful failure of an obligor, as that term is defined in [ORS
3 110.303] **section 3 of this 2015 Act**, to pay a support obligation after that
4 obligation becomes a judgment is a contempt without regard to when the
5 obligation became a judgment.

6 (5) Proceedings to impose remedial or punitive sanctions for failure to pay
7 a support obligation by an obligor, as defined in [ORS 110.303] **section 3**
8 **of this 2015 Act**, shall be commenced within 10 years of the act or omission
9 constituting contempt.

10 **SECTION 89.** ORS 107.085 is amended to read:

11 107.085. (1) A suit for marital annulment, dissolution or separation shall
12 be entitled: "IN THE MATTER OF THE MARRIAGE OF (names of parties):
13 PETITION FOR (ultimate relief sought)." The moving party shall be desig-
14 nated as the "Petitioner" and the other party the "Respondent." Nothing in
15 this section shall preclude both parties from acting as "Copetitioners."

16 (2) The petitioner shall state the following in the petition:

17 (a) The names and dates of birth of all of the children born or adopted
18 during the marriage, and a reference to and expected date of birth of any
19 children conceived during the marriage but not yet born;

20 (b) The names and dates of birth of all children born to the parties prior
21 to the marriage;

22 (c) To the extent known:

23 (A) Whether there is pending in this state or any other jurisdiction a
24 domestic relations suit, as defined in ORS 107.510;

25 (B) Whether there is pending in this state or any other jurisdiction any
26 type of support proceeding involving dependents of the same marriage, in-
27 cluding one brought under this section or ORS 108.110, 109.100, 125.025,
28 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

29 (C) Whether there exists in this state or any other jurisdiction a support
30 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving de-
31 pendents of the same marriage; and

1 (d) That the petitioner acknowledges that by filing the petition the
2 petitioner is bound by the terms of the restraining order issued under ORS
3 107.093.

4 (3) The petitioner shall include with the petition a certificate regarding
5 any pending support proceeding and any existing support order. The
6 petitioner shall use a certificate that is in a form established by court rule
7 and include information required by court rule and subsection (2)(c)(B) and
8 (C) of this section.

9 (4) At or prior to the hearing of a suit for marital annulment, dissolution
10 or separation, the moving party or the party attending the hearing shall file
11 with the court a written statement setting forth the full names and any for-
12 mer names of the parties, the residence, mailing or contact addresses of the
13 parties, the ages of both parties, the date and place of the marriage of the
14 parties, and the names and ages of the children born to or adopted by the
15 parties. This information shall be incorporated in and made a part of the
16 judgment.

17 (5) If real property is involved, the petitioner may have a notice of
18 pendency of the action recorded at the time the petition is filed, as provided
19 in ORS 93.740.

20 (6) The Social Security numbers of the parties and of the children born
21 or adopted during the marriage and children born to the parties prior to the
22 marriage shall be provided as established in ORS 107.840.

23 **SECTION 90.** ORS 107.135 is amended to read:

24 107.135. (1) The court may at any time after a judgment of annulment or
25 dissolution of marriage or of separation is granted, upon the motion of either
26 party and after service of notice on the other party in the manner provided
27 by ORCP 7, and after notice to the Division of Child Support when required
28 under subsection (9) of this section:

29 (a) Set aside, alter or modify any portion of the judgment that provides
30 for the appointment and duties of trustees, for the custody, parenting time,
31 visitation, support and welfare of the minor children and the children at-

1 tending school, as defined in ORS 107.108, including any health or life in-
2 surance provisions, for the support of a party or for life insurance under ORS
3 107.820 or 107.830;

4 (b) Make an order, after service of notice to the other party, providing
5 for the future custody, support and welfare of minor children residing in the
6 state, who, at the time the judgment was given, were not residents of the
7 state, or were unknown to the court or were erroneously omitted from the
8 judgment;

9 (c) Terminate a duty of support toward any minor child who has become
10 self-supporting, emancipated or married;

11 (d) After service of notice on the child in the manner provided by law for
12 service of a summons, suspend future support for any child who has ceased
13 to be a child attending school as defined in ORS 107.108; and

14 (e) Set aside, alter or modify any portion of the judgment that provides
15 for a property award based on the enhanced earning capacity of a party that
16 was awarded before October 23, 1999. A property award may be set aside,
17 altered or modified under this paragraph:

18 (A) When the person with the enhanced earning capacity makes a good
19 faith career change that results in less income;

20 (B) When the income of the person with the enhanced earning capacity
21 decreases due to circumstances beyond the person's control; or

22 (C) Under such other circumstances as the court deems just and proper.

23 (2) When a party moves to set aside, alter or modify the child support
24 provisions of the judgment:

25 (a) The party shall state in the motion, to the extent known:

26 (A) Whether there is pending in this state or any other jurisdiction any
27 type of support proceeding involving children of the marriage, including one
28 brought under ORS 25.287, 107.431, 109.100, 125.025, 416.400 to 416.465,
29 419B.400 or 419C.590 or ORS chapter 110; and

30 (B) Whether there exists in this state or any other jurisdiction a support
31 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving

1 children of the marriage, other than the judgment the party is moving to set
2 aside, alter or modify.

3 (b) The party shall include with the motion a certificate regarding any
4 pending support proceeding and any existing support order other than the
5 judgment the party is moving to set aside, alter or modify. The party shall
6 use a certificate that is in a form established by court rule and include in-
7 formation required by court rule and paragraph (a) of this subsection.

8 (3) In a proceeding under this section to reconsider the spousal or child
9 support provisions of the judgment, the following provisions apply:

10 (a) A substantial change in economic circumstances of a party, which may
11 include, but is not limited to, a substantial change in the cost of reasonable
12 and necessary expenses to either party, is sufficient for the court to recon-
13 sider its order of support, except that an order of compensatory spousal
14 support may only be modified upon a showing of an involuntary, extraor-
15 dinary and unanticipated change in circumstances that reduces the earning
16 capacity of the paying spouse.

17 (b) If the judgment provided for a termination or reduction of spousal
18 support at a designated age in anticipation of the commencement of pension,
19 Social Security or other entitlement payments, and if the obligee is unable
20 to obtain the anticipated entitlement payments, that inability is sufficient
21 change in circumstances for the court to reconsider its order of support.

22 (c) If Social Security is considered in lieu of spousal support or partial
23 spousal support, the court shall determine the amount of Social Security the
24 party is eligible to collect. The court shall take into consideration any pen-
25 sion, retirement or other funds available to either party to effect an equita-
26 ble distribution between the parties and shall also take into consideration
27 any reduction of entitlement caused by taking early retirement.

28 (4) In considering under this section whether a change in circumstances
29 exists sufficient for the court to reconsider spousal or child support pro-
30 visions of a judgment, the following provisions apply:

31 (a) The court or administrator, as defined in ORS 25.010, shall consider

1 income opportunities and benefits of the respective parties from all sources,
2 including but not limited to:

3 (A) The reasonable opportunity of each party, the obligor and obligee re-
4 spectively, to acquire future income and assets.

5 (B) Retirement benefits available to the obligor and to the obligee.

6 (C) Other benefits to which the obligor is entitled, such as travel benefits,
7 recreational benefits and medical benefits, contrasted with benefits to which
8 the obligee is similarly entitled.

9 (D) Social Security benefits paid to a child, or to a representative payee
10 administering the funds for the child's use and benefit, as a result of the
11 obligor's disability or retirement if the benefits:

12 (i) Were not previously considered in the child support order; or

13 (ii) Were considered in an action initiated before May 12, 2003.

14 (E) Apportioned Veterans' benefits or Survivors' and Dependents' Educa-
15 tional Assistance under 38 U.S.C. chapter 35 paid to a child, or to a repre-
16 sentative payee administering the funds for the child's use and benefit, as a
17 result of the obligor's disability or retirement if the benefits:

18 (i) Were not previously considered in the child support order; or

19 (ii) Were considered in an action initiated before May 12, 2003.

20 (b) If the motion for modification is one made by the obligor to reduce
21 or terminate support, and if the obligee opposes the motion, the court shall
22 not find a change in circumstances sufficient for reconsideration of support
23 provisions, if the motion is based upon a reduction of the obligor's financial
24 status resulting from the obligor's taking voluntary retirement, partial vol-
25 untary retirement or any other voluntary reduction of income or self-imposed
26 curtailment of earning capacity, if it is shown that such action of the obligor
27 was not taken in good faith but was for the primary purpose of avoiding the
28 support obligation. In any subsequent motion for modification, the court
29 shall deny the motion if the sole basis of the motion for modification is the
30 termination of voluntarily taken retirement benefits and the obligor previ-
31 ously has been found not to have acted in good faith.

1 (c) The court shall consider the following factors in deciding whether the
2 actions of the obligor were not in “good faith”:

3 (A) Timing of the voluntary retirement or other reduction in financial
4 status to coincide with court action in which the obligee seeks or is granted
5 an increase in spousal support.

6 (B) Whether all or most of the income producing assets and property were
7 awarded to the obligor, and spousal support in lieu of such property was
8 awarded to the obligee.

9 (C) Extent of the obligor’s dissipation of funds and assets prior to the
10 voluntary retirement or soon after filing for the change of circumstances
11 based on retirement.

12 (D) If earned income is reduced and absent dissipation of funds or large
13 gifts, whether the obligor has funds and assets from which the spousal sup-
14 port could have been paid.

15 (E) Whether the obligor has given gifts of substantial value to others,
16 including a current spouse, to the detriment of the obligor’s ability to meet
17 the preexisting obligation of spousal support.

18 (5) Upon terminating a duty of spousal support, a court shall make spe-
19 cific findings of the basis for the termination and shall include the findings
20 in the judgment.

21 (6) Any modification of child or spousal support granted because of a
22 change of circumstances may be ordered effective retroactive to the date the
23 motion for modification was served or to any date thereafter.

24 (7) The judgment is final as to any installment or payment of money that
25 has accrued up to the time the nonmoving party, other than the state, is
26 served with a motion to set aside, alter or modify the judgment. The court
27 may not set aside, alter or modify any portion of the judgment that provides
28 for any payment of money, either for minor children or for the support of a
29 party, that has accrued before the motion is served. However:

30 (a) The court may allow a credit against child support arrearages for pe-
31 riods of time, excluding reasonable parenting time unless otherwise provided

1 by order or judgment, during which the obligor, with the knowledge and
2 consent of the obligee or pursuant to court order, has physical custody of the
3 child; and

4 (b) The court may allow, as provided in the rules of the Child Support
5 Program, a dollar-for-dollar credit against child support arrearages for any
6 Social Security or Veterans' benefits paid retroactively to the child, or to a
7 representative payee administering the funds for the child's use and benefit,
8 as a result of an obligor's disability or retirement.

9 (8) In a proceeding under subsection (1) of this section, the court may
10 assess against either party a reasonable attorney fee and costs for the benefit
11 of the other party. If a party is found to have acted in bad faith, the court
12 shall order that party to pay a reasonable attorney fee and costs of the de-
13 fending party.

14 (9) Whenever a motion to establish, modify or terminate child support or
15 satisfy or alter support arrearages is filed and the child support rights of one
16 of the parties or of a child of both of the parties have been assigned to the
17 state, a true copy of the motion shall be served by mail or personal delivery
18 on the Administrator of the Division of Child Support of the Department of
19 Justice or on the branch office providing support services to the county in
20 which the motion is filed.

21 (10)(a) Except as provided in ORS 109.701 to 109.834, the courts of Oregon,
22 having once acquired personal and subject matter jurisdiction in a domestic
23 relations action, retain such jurisdiction regardless of any change of
24 domicile.

25 (b) The courts of Oregon, in a proceeding to establish, enforce or modify
26 a child support order, shall recognize the provisions of the federal Full Faith
27 and Credit for Child Support Orders Act (28 U.S.C. 1738B).

28 (11) In a proceeding under this section to reconsider provisions in a
29 judgment relating to custody or parenting time, the court may consider re-
30 peated and unreasonable denial of, or interference with, parenting time to
31 be a substantial change of circumstances.

1 (12) In a proceeding under this section to reconsider provisions in a
2 judgment relating to parenting time, the court may suspend or terminate a
3 parent's parenting time with a child if the court finds that the parent has
4 abused a controlled substance and that the parenting time is not in the best
5 interests of the child. If a court has suspended or terminated a parent's
6 parenting time with a child for reasons described in this subsection, the
7 court may not grant the parent future parenting time until the parent has
8 shown that the reasons for the suspension or termination are resolved and
9 that reinstated parenting time is in the best interests of the child. Nothing
10 in this subsection limits the court's authority under subsection (1)(a) of this
11 section.

12 (13) In a proceeding under this section to reconsider provisions in a
13 judgment relating to custody, temporary placement of the child by the cus-
14 todial parent pursuant to ORS 109.056 (3) with the noncustodial parent as a
15 result of military deployment of the custodial parent is not, by itself, a
16 change of circumstances. Any fact relating to the child and the parties oc-
17 ccurring subsequent to the last custody judgment, other than the custodial
18 parent's temporary placement of the child pursuant to ORS 109.056 (3) with
19 the noncustodial parent, may be considered by the court when making a
20 change of circumstances determination.

21 (14) Within 30 days after service of notice under subsection (1) of this
22 section, the party served shall file a written response with the court.

23 (15)(a) It is the policy of this state:

24 (A) To encourage the settlement of cases brought under this section; and

25 (B) For courts to enforce the terms of settlements described in paragraph
26 (b) of this subsection to the fullest extent possible, except when to do so
27 would violate the law or would clearly contravene public policy.

28 (b) In a proceeding under subsection (1) of this section, the court may
29 enforce the terms set forth in a stipulated order or judgment signed by the
30 parties, an order or judgment resulting from a settlement on the record or
31 an order or judgment incorporating a settlement agreement:

- 1 (A) As contract terms using contract remedies;
- 2 (B) By imposing any remedy available to enforce an order or judgment,
3 including but not limited to contempt; or
- 4 (C) By any combination of the provisions of subparagraphs (A) and (B)
5 of this paragraph.
- 6 (c) A party may seek to enforce an agreement and obtain remedies de-
7 scribed in paragraph (b) of this subsection by filing a motion, serving notice
8 on the other party in the manner provided by ORCP 7 and, if a remedy under
9 paragraph (b)(B) of this subsection is sought, complying with the statutory
10 requirements for that remedy. All claims for relief arising out of the same
11 acts or omissions must be joined in the same proceeding.
- 12 (d) Nothing in paragraph (b) or (c) of this subsection limits a party's
13 ability, in a separate proceeding, to file a motion to modify an order or
14 judgment under subsection (1) of this section or to seek enforcement of an
15 ancillary agreement to the order or judgment.

16 **SECTION 91.** ORS 107.431 is amended to read:

17 107.431. (1) At any time after a judgment of annulment or dissolution of
18 a marriage or a separation is granted, the court may set aside, alter or
19 modify so much of the judgment relating to parenting time with a minor
20 child as it deems just and proper or may terminate or modify that part of the
21 order or judgment requiring payment of money for the support of the minor
22 child with whom parenting time is being denied after:

23 (a) Motion to set aside, alter or modify is made by the parent having
24 parenting time rights;

25 (b) Service of notice on the parent or other person having custody of the
26 minor child is made in the manner provided by law for service of a summons;

27 (c) Service of notice on the Administrator of the Division of Child Sup-
28 port of the Department of Justice when the child support rights of one of the
29 parties or of a child of both of the parties have been assigned to the state.
30 As an alternative to the service of notice on the administrator, service may
31 be made upon the branch office of the division which provides service to the

1 county in which the motion was filed. Service may be accomplished by per-
2 sonal delivery or first class mail; and

3 (d) A showing that the parent or other person having custody of the child
4 or a person acting in that parent or other person's behalf has interfered with
5 or denied without good cause the exercise of the parent's parenting time
6 rights.

7 (2) When a party moves to set aside, alter or modify the child support
8 provisions of the judgment:

9 (a) The party shall state in the motion, to the extent known:

10 (A) Whether there is pending in this state or any other jurisdiction any
11 type of support proceeding involving the child, including a proceeding
12 brought under ORS 25.287, 107.135, 109.100, 125.025, 416.400 to 416.465,
13 419B.400 or 419C.590 or ORS chapter 110; and

14 (B) Whether there exists in this state or any other jurisdiction a support
15 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
16 child, other than the judgment the party is moving to set aside, alter or
17 modify.

18 (b) The party shall include with the motion a certificate regarding any
19 pending support proceeding and any existing support order other than the
20 judgment the party is moving to set aside, alter or modify. The party shall
21 use a certificate that is in a form established by court rule and include in-
22 formation required by court rule and paragraph (a) of this subsection.

23 (3) The court may request the appearance of the administrator in any
24 proceeding under this section in which it finds that the child support rights
25 of one of the parties or of a child of both of the parties have been assigned
26 to the state.

27 (4) This section does not apply when the child to whom a duty of support
28 is owed is in another state that has enacted the Uniform Child Custody Ju-
29 risdiction Act or the Uniform Child Custody Jurisdiction and Enforcement
30 Act and a court in that state would have subject matter and personal juris-
31 diction under that Act to determine custody and parenting time rights.

1 **SECTION 92.** ORS 108.110 is amended to read:

2 108.110. (1) Any married person may apply to the circuit court of the
3 county in which the married person resides or in which the spouse may be
4 found for an order upon the spouse to provide for support of the married
5 person or for the support of minor children and children attending school,
6 or both, and, if the married person initiating the action for support is a
7 woman who is pregnant, her unborn child, or both, if her spouse is the na-
8 tural father of such children, children attending school or unborn child or
9 if her spouse is the adoptive father of such children or children attending
10 school. The married person initiating the action for support may apply for
11 the order by filing in such county a petition setting forth the facts and cir-
12 cumstances upon which the married person relies for such order. If satisfied
13 that a just cause exists, the court shall direct that the married person's
14 spouse appear at a time set by the court to show cause why an order of
15 support should not be entered in the matter. The provisions of ORS 107.108
16 apply to an order entered under this section for the support of a child at-
17 tending school.

18 (2) As used in this section, "child attending school" has the meaning
19 given that term in ORS 107.108.

20 (3) The petitioner shall state in the petition, to the extent known:

21 (a) Whether there is pending in this state or any other jurisdiction any
22 type of support proceeding involving children of the marriage, including a
23 proceeding brought under ORS 107.085, 109.100, 125.025, 416.400 to 416.465,
24 419B.400 or 419C.590 or ORS chapter 110; and

25 (b) Whether there exists in this state or any other jurisdiction a support
26 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving
27 children of the marriage.

28 (4) The petitioner shall include with the petition a certificate regarding
29 any pending support proceeding and any existing support order. The
30 petitioner shall use a certificate that is in a form established by court rule
31 and include information required by court rule and subsection (3) of this

1 section.

2 (5) The provisions of this section apply equally to cases where it is the
3 husband making application for a support order.

4 (6) In any proceeding under this section, the obligee, as that person is
5 defined in [ORS 110.303] **section 3 of this 2015 Act**, is a party to the pro-
6 ceeding.

7 **SECTION 93.** ORS 109.100 is amended to read:

8 109.100. (1) Any minor child or the administrator may, in accordance with
9 ORCP 27 A, apply to the circuit court in the county in which the child re-
10 sides, or in which the natural or adoptive father or mother of the child may
11 be found, for an order upon the child's father or mother, or both, to provide
12 for the child's support. The child or the administrator may apply for the or-
13 der by filing in the county a petition setting forth the facts and circum-
14 stances relied upon for the order. If satisfied that a just cause exists, the
15 court shall direct that the father or mother appear at a time set by the court
16 to show cause why an order of support should not be entered in the matter.

17 (2) The petitioner shall state in the petition, to the extent known:

18 (a) Whether there is pending in this state or any other jurisdiction any
19 type of support proceeding involving the minor child, including a proceeding
20 brought under ORS 25.287, 107.085, 107.135, 107.431, 108.110, 109.103, 109.165,
21 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

22 (b) Whether there exists in this state or any other jurisdiction a support
23 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
24 minor child.

25 (3) The petitioner shall include with the petition a certificate regarding
26 any pending support proceeding and any existing support order. The
27 petitioner shall use a certificate that is in a form established by court rule
28 and include information required by court rule and subsection (2) of this
29 section.

30 (4) The judgment of a court under subsection (1) of this section is final
31 as to any installment or payment of money that has accrued up to the time

1 either party makes a motion to set aside, alter or modify the judgment, and
2 the court may not set aside, alter or modify the judgment, or any portion
3 thereof, that provides for any payment of money that has accrued prior to
4 the filing of the motion.

5 (5) The provisions of ORS 108.120 apply to proceedings under subsection
6 (1) of this section.

7 (6) In any proceeding under this section, both the child's physical and
8 legal custodians are parties to the action.

9 **SECTION 94.** ORS 109.103 is amended to read:

10 109.103. (1) If a child is born to an unmarried woman and paternity has
11 been established under ORS 109.070, or if a child is born to a married woman
12 by a man other than her husband and the man's paternity has been estab-
13 lished under ORS 109.070, either parent may initiate a civil proceeding to
14 determine the custody or support of, or parenting time with, the child. The
15 proceeding shall be brought in the circuit court of the county in which the
16 child resides or is found or in the circuit court of the county in which either
17 parent resides. The parents have the same rights and responsibilities re-
18 garding the custody and support of, and parenting time with, their child that
19 married or divorced parents would have, and the provisions of ORS 107.094
20 to 107.449 that relate to custody, support and parenting time, the provisions
21 of ORS 107.755 to 107.795 that relate to mediation procedures, and the pro-
22 visions of ORS 107.810, 107.820 and 107.830 that relate to life insurance, apply
23 to the proceeding.

24 (2) A parent may initiate the proceeding by filing with the court a peti-
25 tion setting forth the facts and circumstances upon which the parent relies.
26 The parent shall state in the petition, to the extent known:

27 (a) Whether there is pending in this state or any other jurisdiction any
28 type of support proceeding involving the child, including one brought under
29 ORS 109.100, 109.165, 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS
30 chapter 110; and

31 (b) Whether there exists in this state or any other jurisdiction a support

1 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
2 child.

3 (3) The parent shall include with the petition a certificate regarding any
4 pending support proceeding and any existing support order. The parent shall
5 use a certificate that is in a form established by court rule and include in-
6 formation required by court rule and subsection (2) of this section.

7 (4) When a parent initiates a proceeding under this section and the child
8 support rights of one of the parents or of the child have been assigned to the
9 state, the parent initiating the proceeding shall serve, by mail or personal
10 delivery, a copy of the petition on the Administrator of the Division of Child
11 Support or on the branch office providing support services to the county in
12 which the suit is filed.

13 (5)(a) After a petition is filed under this section and upon service of
14 summons and petition upon the respondent as provided in ORCP 7, a re-
15 straining order is issued and in effect against the petitioner and the re-
16 spondent until a final judgment is issued, until the petition is dismissed or
17 until further order of the court, restraining the petitioner and the respondent
18 from:

19 (A) Canceling, modifying, terminating or allowing to lapse for nonpay-
20 ment of premiums any policy of health insurance that one party maintains
21 to provide coverage for the other party or a minor child of the parties, or
22 any life insurance policy that names either of the parties or a minor child
23 of the parties as a beneficiary; and

24 (B) Changing beneficiaries or covered parties under any policy of health
25 insurance that one party maintains to provide coverage for a minor child of
26 the parties, or any life insurance policy.

27 (b) Either party restrained under this subsection may apply to the court
28 for further temporary orders, including modification or revocation of the re-
29 straining order issued under this subsection.

30 (c) The restraining order issued under this subsection shall include a no-
31 tice that either party may request a hearing on the restraining order by fil-

1 ing a request for hearing with the court.

2 (d) A copy of the restraining order issued under this subsection must be
3 attached to the summons.

4 (e) A party who violates a term of a restraining order issued under this
5 subsection is subject to imposition of remedial sanctions under ORS 33.055
6 based on the violation, but is not subject to:

7 (A) Criminal prosecution based on the violation; or

8 (B) Imposition of punitive sanctions under ORS 33.065 based on the vio-
9 lation.

10 **SECTION 95.** ORS 109.165 is amended to read:

11 109.165. (1) Upon motion of either party, the court may set aside, alter
12 or modify any portion of the judgment that provides for the support of the
13 minor child or child attending school, as defined in ORS 107.108. As to any
14 installment or payment of money that has accrued up to the time the non-
15 moving party, other than the state, is served with a motion to set aside, alter
16 or modify the judgment, the judgment is final and the court may not change
17 it. However, the court may allow a credit against child support arrearages
18 for periods of time, excluding reasonable parenting time unless otherwise
19 provided by order or judgment, during which the obligor, with the knowledge
20 and consent of the obligee or pursuant to court order, has physical custody
21 of the child. A child attending school is a party for purposes of this section.

22 (2) The moving party shall state in the motion, to the extent known:

23 (a) Whether there is pending in this state or any other jurisdiction any
24 type of support proceeding involving the child, including a proceeding
25 brought under ORS 25.287, 109.100, 125.025, 416.400 to 416.465, 419B.400 or
26 419C.590 or ORS chapter 110; and

27 (b) Whether there exists in this state or any other jurisdiction a support
28 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
29 child, other than the judgment the party is moving to set aside, alter or
30 modify.

31 (3) The moving party shall include with the motion a certificate regarding

1 any pending support proceeding and any existing support order other than
2 the judgment the party is moving to set aside, alter or modify. The party
3 shall use a certificate that is in a form established by court rule and include
4 information required by court rule and subsection (2) of this section.

5 (4)(a) It is the policy of this state:

6 (A) To encourage the settlement of cases brought under this section; and

7 (B) For courts to enforce the terms of settlements described in paragraph
8 (b) of this subsection to the fullest extent possible, except when to do so
9 would violate the law or would clearly contravene public policy.

10 (b) In a proceeding under subsection (1) of this section, the court may
11 enforce the terms set forth in a stipulated order or judgment signed by the
12 parties, an order or judgment resulting from a settlement on the record or
13 an order or judgment incorporating a settlement agreement:

14 (A) As contract terms using contract remedies;

15 (B) By imposing any remedy available to enforce an order or judgment,
16 including but not limited to contempt; or

17 (C) By any combination of the provisions of subparagraphs (A) and (B)
18 of this paragraph.

19 (c) A party may seek to enforce an agreement and obtain remedies de-
20 scribed in paragraph (b) of this subsection by filing a motion, serving notice
21 on the other party in the manner provided by ORCP 7 and, if a remedy under
22 paragraph (b)(B) of this subsection is sought, complying with the statutory
23 requirements for that remedy. All claims for relief arising out of the same
24 acts or omissions must be joined in the same proceeding.

25 (d) Nothing in paragraph (b) or (c) of this subsection limits a party's
26 ability, in a separate proceeding, to file a motion to modify an order or
27 judgment under subsection (1) of this section or to seek enforcement of an
28 ancillary agreement to the order or judgment.

29 **SECTION 96.** ORS 125.025, as amended by section 3, chapter 39, Oregon
30 Laws 2014, is amended to read:

31 125.025. (1) Subject to ORS 125.800 to 125.852 for adults as defined in ORS

1 125.802, a court having jurisdiction over a protective proceeding shall exer-
2 cise continuing authority over the proceeding. Subject to the provisions of
3 ORS 125.800 to 125.852 and this chapter, the court may act upon the petition
4 or motion of any person or upon its own authority at any time and in any
5 manner it deems appropriate to determine the condition and welfare of the
6 respondent or protected person and to inquire into the proper performance
7 of the duties of a fiduciary appointed under the provisions of this chapter.

8 (2) A court having jurisdiction over a protective proceeding in which the
9 respondent or protected person is a minor shall consider and apply all rele-
10 vant provisions of the Indian Child Welfare Act codified at 25 U.S.C. sections
11 1901 et seq.

12 (3) A court having jurisdiction over a protective proceeding may:

13 (a) Compel the attendance of any person, including respondents, protected
14 persons, fiduciaries and any other person who may have knowledge about the
15 person or estate of a respondent or protected person. The court may require
16 those persons to respond to inquiries and produce documents that are subject
17 to discovery under ORCP 36.

18 (b) Appoint counsel for a respondent or protected person.

19 (c) Appoint investigators, visitors and experts to aid the court in the
20 court's investigation.

21 (d) Exercise jurisdiction over any transaction entered into by a fiduciary
22 to determine if a conflict of interest existed and enter an appropriate judg-
23 ment with respect to the transaction.

24 (e) Surcharge a surety for any loss caused by failure of a fiduciary to
25 perform a fiduciary duty or any other duty imposed by this chapter, includ-
26 ing a surcharge for attorney fees incurred by a respondent or protected per-
27 son by reason of the failure.

28 (f) Require immediate delivery of a protected person or property of the
29 protected person, including records, accounts and documents relating to that
30 property, to the court or to a place it designates.

31 (g) Require the fiduciary to produce any and all records that might pro-

1 vide information about the treatment or condition of the protected person
2 or property of the protected person.

3 (h) Remove a fiduciary whenever that removal is in the best interests of
4 the protected person.

5 (i) Appoint a successor fiduciary when a fiduciary has died, resigned or
6 been removed.

7 (j) Require a respondent or protected person to submit to a physical or
8 mental examination pursuant to ORCP 44.

9 (k) Make provisions for parenting time or visitation or order support for
10 any minor who is a respondent or protected person in a protective proceed-
11 ing.

12 (L) Impose any conditions and limitations upon the fiduciary that the
13 court considers appropriate, including limitations on the duration of the ap-
14 pointment. Any conditions or limitations imposed on the fiduciary must be
15 reflected in the letters of appointment.

16 (m) Appoint protected person special advocates pursuant to section 2,
17 chapter 39, Oregon Laws 2014.

18 (4) When a person files a petition or motion for a support order under
19 subsection (3)(k) of this section:

20 (a) The person shall state in the petition or motion, to the extent known:

21 (A) Whether there is pending in this state or any other jurisdiction any
22 type of support proceeding involving the minor, including a proceeding
23 brought under ORS 25.287, 107.085, 107.135, 107.431, 108.110, 109.100, 109.103,
24 109.165, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

25 (B) Whether there exists in this state or any other jurisdiction a support
26 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
27 minor.

28 (b) The person shall include with the petition or motion a certificate re-
29 garding any pending support proceeding and any existing support order. The
30 person shall use a certificate that is in a form established by court rule and
31 include information required by court rule and paragraph (a) of this sub-

1 section.

2 (5) When the court acts upon its own authority to order support under
3 subsection (3)(k) of this section, at least 21 days before the hearing the court
4 shall notify the Administrator of the Division of Child Support of the De-
5 partment of Justice, or the branch office providing support services to the
6 county where the hearing will be held, of the hearing. Before the hearing the
7 administrator shall inform the court, to the extent known:

8 (a) Whether there is pending in this state or any other jurisdiction any
9 type of support proceeding involving the minor, including a proceeding
10 brought under ORS 25.287, 107.085, 107.135, 107.431, 108.110, 109.100, 109.103,
11 109.165, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

12 (b) Whether there exists in this state or any other jurisdiction a support
13 order, as defined in ORS 110.303, involving the minor.

14 (6) The Judicial Department and the Department of Justice may enter into
15 an agreement regarding how the courts give the notice required under sub-
16 section (5) of this section to the Department of Justice and how the Depart-
17 ment of Justice gives the information described in subsection (5)(a) and (b)
18 to the courts.

19 (7) If the court finds that a conservator should be appointed, the court
20 may exercise all the powers over the estate and affairs of the protected per-
21 son that the protected person could exercise if present and not under disa-
22 bility, except the power to make a will. The court shall exercise those powers
23 for the benefit of the protected person and members of the household of the
24 protected person.

25 (8) The powers of the court in protective proceedings may be exercised
26 by the court directly or through a fiduciary.

27 **SECTION 97.** ORS 416.415 is amended to read:

28 416.415. (1)(a) At any time after the state is assigned support rights, a
29 public assistance payment is made, an application for enforcement services
30 under ORS 25.080 is made by an individual who is not a recipient of public
31 assistance or a written request for enforcement of a support obligation is

1 received from the state agency of another state responsible for administering
2 the federal child support enforcement program, the administrator may, if
3 there is no court order or administrative support order, issue a notice and
4 finding of financial responsibility. The notice shall be served upon the parent
5 in the manner prescribed for service of summons in a civil action, by certi-
6 fied mail, return receipt requested, or by any other mail service with delivery
7 confirmation. Notices that involve the establishment of paternity must be
8 served by personal service. All notices may be personally served by the ad-
9 ministrator.

10 (b) The administrator shall serve the notice and finding issued under this
11 section upon the obligee. Service shall be by regular mail.

12 (2) The administrator shall include in the notice:

13 (a) A statement of the name of the caretaker relative or agency and the
14 name of the dependent child for whom support is to be paid;

15 (b) A statement of the monthly support for which the parent shall be re-
16 sponsible;

17 (c) A statement of the past support for which the parent shall be respon-
18 sible;

19 (d) A statement that the parent may be required to provide health care
20 coverage for the dependent child whenever the coverage is available to the
21 parent at a reasonable cost;

22 (e) To the extent known, a statement of:

23 (A) Whether there is pending in this state or any other jurisdiction any
24 type of support proceeding involving the dependent child, including a pro-
25 ceeding brought under ORS 25.287, 107.085, 107.135, 107.431, 108.110, 109.100,
26 109.103, 109.165, 125.025, 416.425, 419B.400 or 419C.590 or ORS chapter 110;
27 and

28 (B) Whether there exists in this state or any other jurisdiction a support
29 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
30 dependent child;

31 (f) A statement that if the parent or the obligee desires to discuss the

1 amount of support or health care coverage that the parent is required to pay
2 or provide, the parent or the obligee may contact the office that sent the
3 notice and request a negotiation conference. If no agreement is reached on
4 the monthly support to be paid, the administrator may issue a new notice
5 and finding of financial responsibility, which may be sent to the parent and
6 to the obligee by regular mail addressed to the parent's and to the obligee's
7 last-known address, or if applicable, the parent's or the obligee's attorney's
8 last-known address;

9 (g) A statement that if the parent or the obligee objects to all or any part
10 of the notice and finding of financial responsibility, then the parent or the
11 obligee must send to the office issuing the notice, within 30 days of the date
12 of service, a written response that sets forth any objections and requests a
13 hearing;

14 (h) A statement that if such a timely response is received by the appro-
15 priate office, either the parent or the obligee or both shall have the right to
16 a hearing; and that if no timely written response is received, the adminis-
17 trator may enter an order in accordance with the notice and finding of fi-
18 nancial responsibility;

19 (i) A statement that as soon as the order is entered, the property of the
20 parent is subject to collection action, including but not limited to wage
21 withholding, garnishment and liens and execution thereon;

22 (j) A reference to ORS 416.400 to 416.465;

23 (k) A statement that both the parent and the obligee are responsible for
24 notifying the office of any change of address or employment;

25 (L) A statement that if the parent has any questions, the parent should
26 telephone or visit the appropriate office or consult an attorney; and

27 (m) Such other information as the administrator finds appropriate.

28 (3) If the paternity of the dependent child has not been legally estab-
29 lished, the notice and finding of financial responsibility shall also include:

30 (a) An allegation that the person is the parent of the dependent child;

31 (b) The name of the child's other parent;

1 (c) The child's date of birth;

2 (d) The probable time or period of time during which conception took
3 place; and

4 (e) A statement that if the alleged parent or the obligee does not timely
5 send to the office issuing the notice a written response that denies paternity
6 and requests a hearing, then the administrator, without further notice to the
7 alleged parent, or to the obligee, may enter an order that declares and es-
8 tablishes the alleged parent as the legal parent of the child.

9 (4) The statement of monthly future support required under subsection
10 (2)(b) and the statement of past support required under subsection (2)(c) of
11 this section are to be computed as follows:

12 (a) If there is sufficient information available concerning the parent's fi-
13 nancial and living situation, the formula provided for in ORS 25.275 and
14 25.280 shall be used; or

15 (b) If there is insufficient information available to use the formula, an
16 allegation of ability to pay shall be the basis of the statement.

17 (5) The parent or alleged parent and the obligee shall have time to request
18 a hearing as outlined in subsection (2)(g) of this section. The time limits may
19 be extended by the administrator and are nonjurisdictional.

20 (6) If a timely written response setting forth objections and requesting a
21 hearing is received by the appropriate office, a hearing shall be held under
22 ORS 416.427.

23 (7) If no timely written response and request for hearing is received by
24 the appropriate office, the administrator may enter an order in accordance
25 with the notice, and shall include in that order:

26 (a) If the paternity of the dependent child is established by the order, a
27 declaration of that fact;

28 (b) The amount of monthly support to be paid, with directions on the
29 manner of payment;

30 (c) The amount of past support to be ordered against the parent;

31 (d) Whether health care coverage is to be provided for the dependent

1 child;

2 (e) The name of the caretaker relative or agency and the name and
3 birthdate of the dependent child for whom support is to be paid; and

4 (f) A statement that the property of the parent is subject to collection
5 action, including but not limited to wage withholding, garnishment and liens
6 and execution thereon.

7 (8) The parent and the obligee shall be sent a copy of the order by regular
8 mail addressed to the last-known address of each of the parties or if appli-
9 cable, to the last-known address of an attorney of record for a party. The
10 order is final, and action by the administrator to enforce and collect upon
11 the order, including arrearages, may be taken from the date of issuance of
12 the order.

13 (9) The provisions of ORS 107.108 apply to an order entered under this
14 section for the support of a child attending school.

15 **SECTION 98.** ORS 416.419 is amended to read:

16 416.419. (1) Except as otherwise provided in subsection (2) of this section,
17 the administrator may act as the tribunal described in [*ORS 110.304*] **section**
18 **4 of this 2015 Act** in the establishment of paternity or of a child support
19 order, or in the modification or enforcement of a child support order.

20 (2)(a) When a hearing is requested pursuant to ORS 416.427, the tribunal
21 is the Office of Administrative Hearings, except as provided in ORS 416.430.

22 (b) When an order is appealed pursuant to ORS 416.427 (6), the tribunal
23 is a circuit court.

24 **SECTION 99.** ORS 416.425 is amended to read:

25 416.425. (1) Any time support enforcement services are being provided
26 under ORS 25.080, the obligor, the obligee, the party holding the support
27 rights or the administrator may move for the existing order to be modified
28 under this section. The motion shall be in writing in a form prescribed by
29 the administrator, shall set out the reasons for modification and shall state
30 the address of the party requesting modification.

31 (2) The moving party shall state in the motion, to the extent known:

1 (a) Whether there is pending in this state or any other jurisdiction any
2 type of support proceeding involving the dependent child, including a pro-
3 ceeding brought under ORS 25.287, 107.085, 107.135, 107.431, 108.110, 109.100,
4 109.103, 109.165, 125.025, 416.415, 419B.400 or 419C.590 or ORS chapter 110;
5 and

6 (b) Whether there exists in this state or any other jurisdiction a support
7 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
8 dependent child, other than the order the party is moving to modify.

9 (3) The moving party shall include with the motion a certificate regarding
10 any pending support proceeding and any existing support order other than
11 the order the party is moving to modify. The party shall use a certificate that
12 is in a form prescribed by the administrator and include information required
13 by the administrator and subsection (2) of this section.

14 (4) The moving party shall serve the motion upon the obligor, the obligee,
15 the party holding the support rights and the administrator, as appropriate.
16 The nonrequesting parties must be served in the same manner as provided
17 for service of the notice and finding of financial responsibility under ORS
18 416.415 (1)(a). Notwithstanding ORS 25.085, the requesting party must be
19 served by first class mail to the requesting party's last known address. The
20 nonrequesting parties have 30 days to resolve the matter by stipulated
21 agreement or to serve the moving party by regular mail with a written re-
22 sponse setting forth any objections to the motion and a request for hearing.
23 The hearing shall be conducted under ORS 416.427.

24 (5) When the moving party is other than the administrator and no ob-
25 jections and request for hearing have been served within 30 days, the moving
26 party may submit a true copy of the motion to the administrative law judge
27 as provided in ORS 416.427, except the default may not be construed to be
28 a contested case as defined in ORS chapter 183. Upon proof of service, the
29 administrative law judge shall issue an order granting the relief sought.

30 (6) When the moving party is the administrator and no objections and
31 request for hearing have been served within 30 days, the administrator may

1 enter an order granting the relief sought.

2 (7) A motion for modification made under this section does not stay the
3 administrator from enforcing and collecting upon the existing order unless
4 so ordered by the court in which the order is entered.

5 (8) An administrative order filed in accordance with ORS 416.440 is a final
6 judgment as to any installment or payment of money that has accrued up to
7 the time the nonrequesting party is served with a motion to set aside, alter
8 or modify the judgment. The administrator may not set aside, alter or
9 modify any portion of the judgment that provides for any payment of money
10 for minor children that has accrued before the motion is served. However:

11 (a) The administrator may allow a credit against child support arrearages
12 for periods of time, excluding reasonable parenting time unless otherwise
13 provided by order or judgment, during which the obligor, with the knowledge
14 and consent of the obligee or pursuant to court order, has physical custody
15 of the child; and

16 (b) The administrator may allow a credit against child support arrearages
17 for any Social Security or veterans' benefits paid retroactively to the child,
18 or to a representative payee administering the funds for the child's use and
19 benefit, as a result of a parent's disability or retirement.

20 (9) The party requesting modification has the burden of showing a sub-
21 stantial change of circumstances or that a modification is appropriate under
22 the provisions of ORS 25.287.

23 (10) The obligee is a party to all proceedings under this section.

24 (11) An order entered under this section that modifies a support order
25 because of the incarceration of the obligor is effective only during the period
26 of the obligor's incarceration and for 60 days after the obligor's release from
27 incarceration. The previous support order is reinstated by operation of law
28 on the 61st day after the obligor's release from incarceration. An order that
29 modifies a support order because of the obligor's incarceration must contain
30 a notice that the previous order will be reinstated on the 61st day after the
31 obligor's release from incarceration.

1 (12)(a) Notwithstanding subsections (1) to (11) of this section, any time
2 support enforcement services are being provided under ORS 25.080, upon re-
3 quest of a party to a support order or judgment or on the administrator's
4 own motion, the administrator may move to suspend the order or judgment
5 and issue a temporary modification order under this subsection when:

6 (A) There is a period of significant unemployment as that term is de-
7 scribed in paragraph (b) of this subsection; and

8 (B) A party to the support order or judgment experiences an
9 employment-related change of income as defined by rule in ORS 416.455.

10 (b) Proceedings under this subsection may be initiated only when there
11 is a period of significant unemployment in Oregon. The Attorney General
12 shall determine when a "period of significant unemployment" exists in
13 Oregon and designate the beginning and ending dates thereof. In making the
14 determination of when a period of significant unemployment exists in
15 Oregon, the Attorney General may consider whether there is in effect an
16 "extended benefit period" as that term is defined in ORS 657.321.

17 (c) Except as otherwise provided in this subsection, the provisions of
18 subsections (1) to (11) of this section apply to a motion for an order of sus-
19 pension and temporary modification under this subsection.

20 (d) A party's employment-related change of income during a period of
21 significant unemployment is considered a substantial change of circum-
22 stances for purposes of proceedings brought under this section.

23 (e) The motion for an order of suspension and temporary modification
24 must be in writing and must include, but need not be limited to:

25 (A) The amount of the existing support order or judgment;

26 (B) The amount of the obligor's and obligee's income immediately pre-
27 ceding the party's employment-related change of income, if known;

28 (C) The reason for the party's employment-related change of income;

29 (D) How the party's employment-related change of income affects the
30 party's employment status, income and, if applicable, ability to pay support;

31 (E) The obligor's and the obligee's current sources of income, if known;

1 (F) The proposed amount of the temporary modification order;

2 (G) A statement that if a party objects to the motion for an order of
3 suspension and temporary modification, then the party may request a hearing
4 within 14 days of service of the motion as provided in paragraph (g) of this
5 subsection;

6 (H) A statement that the preexisting support order or judgment will be
7 reinstated as provided in paragraph (h) of this subsection; and

8 (I) A statement that a party may request a renewal of the order of sus-
9 pension and temporary modification prior to its expiration as provided in
10 paragraph (j) of this subsection.

11 (f) The administrator shall serve the motion filed under this subsection
12 upon the parties by regular first class mail, facsimile or electronic mail un-
13 less a party signs a form agreeing to accept service of the motion.

14 (g) A party may request a hearing within 14 days of service of the motion.
15 If a hearing is requested, the provisions of ORS 416.427 apply. When there
16 has been no request for hearing, the administrator may enter an order of
17 suspension and temporary modification under this subsection. The order must
18 be consistent with the provisions of the motion filed under this subsection
19 and be in substantial compliance with the formula established under ORS
20 25.275.

21 (h) An order of suspension and temporary modification issued under this
22 subsection is temporary and remains in effect for six months from the date
23 the order is filed under ORS 416.440 or until the date specified in the notice
24 provided under paragraph (i) of this subsection informing of the party's re-
25 employment, whichever is earlier, at which time the preexisting support or-
26 der or judgment becomes immediately effective and payable on the first day
27 of the following month unless an order of renewal is issued under paragraph
28 (j) of this subsection.

29 (i) The administrator may issue a notice of reinstatement at any time
30 during which an order of suspension and temporary modification is in effect
31 under this subsection when a party obtains employment and receives income

1 that is sufficient to reinstate support in an amount substantially similar to
2 the amount in the preexisting support order or judgment. The notice shall
3 be served as provided in paragraph (f) of this subsection and must state that,
4 unless a request for hearing is received within 14 days of service of the no-
5 tice, the administrator will enter an order terminating the order of suspen-
6 sion and temporary modification and reinstating the amount of the
7 preexisting support order or judgment effective on a date to be specified in
8 the notice. If a hearing is requested, the provisions of ORS 416.427 apply.
9 When there is no request for hearing, the administrator may enter an order
10 terminating the order of suspension and temporary modification and rein-
11 stating the preexisting support order or judgment effective upon the date
12 specified in the notice.

13 (j) Prior to expiration of an order of suspension and temporary modifica-
14 tion under this subsection and upon request of a party, the administrator
15 may renew the order of suspension and temporary modification for additional
16 six-month periods or until the party obtains employment as described in
17 paragraph (i) of this subsection, whichever occurs first, if the circumstances
18 under which the order was originally issued continue to exist unchanged.

19 **SECTION 100.** ORS 416.440 is amended to read:

20 416.440. (1) The documents required to be filed for purposes of subsection
21 (2) of this section include all the following:

22 (a) A true copy of any order entered, filed or registered by the adminis-
23 trator or administrative law judge pursuant to ORS 416.400 to 416.465 or ORS
24 chapter 110.

25 (b) A true copy of the return of service, if applicable.

26 (c) A separate statement containing the information required to be con-
27 tained in a judgment under ORS 18.042 (2).

28 (2) The documents described under subsection (1) of this section shall be
29 filed in the office of the clerk of the circuit court in the county in which
30 either the parent or the dependent child resides or in the county where the
31 court order was entered if the administrative order is an order modifying a

1 court order. Upon receipt of the documents, the clerk shall enter the order
2 in the register of the circuit court, shall note in the register that the order
3 creates a lien and shall make the notations required by ORS 18.075 in the
4 judgment lien record maintained under ORS 18.075.

5 (3) Upon entry in the register under subsection (2) of this section, the
6 order shall have all the force, effect and attributes of a judgment of the
7 circuit court, including but not limited to:

8 (a) Creation of a judgment lien under ORS chapter 18; and

9 (b) Ability to be enforced by contempt proceedings and pursuant to ORS
10 18.252 to 18.993.

11 (4) Notwithstanding subsections (2) and (3) of this section, the entry in
12 the register of an order of the administrator or administrative law judge does
13 not preclude any subsequent proceeding or remedy available under ORS
14 416.400 to 416.465.

15 (5) An order filed under this section that modifies a previously filed order
16 or a previously entered judgment may contain provisions that were included
17 in the order or judgment.

18 (6) A court or administrative order of another state may be filed, or if
19 appropriate, registered, pursuant to this section for the purposes of ORS
20 chapter 110. Notwithstanding any other provision of this chapter, an order
21 of another state registered pursuant to [*ORS 110.405, 110.408 and 110.411*]
22 **sections 46 to 49 of this 2015 Act** may not be modified unless the require-
23 ments of [*ORS 110.432*] **sections 54 to 59 of this 2015 Act** are met.

24 **SECTION 101.** ORS 419B.400 is amended to read:

25 419B.400. (1) The court may, after a hearing on the matter, require the
26 parents or other person legally obligated to support a child alleged to be
27 within the jurisdiction of the court under ORS 419B.100 or a ward to pay
28 toward the child or ward's support such amounts at such intervals as the
29 court may direct, even though the child or ward is over 18 years of age as
30 long as the child or ward is a child attending school, as defined in ORS
31 107.108.

1 (2) At least 21 days before the hearing, the court shall notify the Admin-
2 istrator of the Division of Child Support of the Department of Justice, or the
3 branch office providing support services to the county where the hearing will
4 be held, of the hearing. Before the hearing the administrator shall inform the
5 court, to the extent known:

6 (a) Whether there is pending in this state or any other jurisdiction any
7 type of support proceeding involving the child or ward, including a proceed-
8 ing brought under ORS 25.287, 107.085, 107.135, 107.431, 108.110, 109.100,
9 109.103, 109.165, 125.025, 416.400 to 416.465 or 419C.590 or ORS chapter 110;
10 and

11 (b) Whether there exists in this state or any other jurisdiction a support
12 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
13 child or ward.

14 (3) The Judicial Department and the Department of Justice may enter into
15 an agreement regarding how the courts give the notice required under sub-
16 section (2) of this section to the Department of Justice and how the Depart-
17 ment of Justice gives the information described in subsection (2)(a) and (b)
18 to the courts.

19 (4) The court, in determining the amount to be paid, shall use the scale
20 and formula provided for in ORS 25.275 and 25.280. Unless otherwise or-
21 dered, the amounts so required to be paid shall be paid to the Department
22 of Justice or the county clerk, whichever is appropriate, for transmission to
23 the person, institution or agency having legal custody of the child or ward.

24 **SECTION 102.** ORS 419C.590 is amended to read:

25 419C.590. (1) The court may, after a hearing on the matter, require the
26 parents or other person legally obligated to support a youth offender to pay
27 toward the youth offender's support such amounts at such intervals as the
28 court may direct, while the youth offender is within the jurisdiction of the
29 court even though the youth offender is over 18 years of age as long as the
30 youth offender is a child attending school, as defined in ORS 107.108.

31 (2) At least 21 days before the hearing, the court shall notify the Admin-

1 istrator of the Division of Child Support of the Department of Justice, or the
2 branch office providing support services to the county where the hearing will
3 be held, of the hearing. Before the hearing the administrator shall inform the
4 court, to the extent known:

5 (a) Whether there is pending in this state or any other jurisdiction any
6 type of support proceeding involving the youth offender, including a pro-
7 ceeding brought under ORS 25.287, 107.085, 107.135, 107.431, 108.110, 109.100,
8 109.103, 109.165, 125.025, 416.400 to 416.465 or 419B.400 or ORS chapter 110;
9 and

10 (b) Whether there exists in this state or any other jurisdiction a support
11 order, as defined in [ORS 110.303] **section 3 of this 2015 Act**, involving the
12 youth offender.

13 (3) The Judicial Department and the Department of Justice may enter into
14 an agreement regarding how the courts give the notice required under sub-
15 section (2) of this section to the Department of Justice and how the Depart-
16 ment of Justice gives the information described in subsection (2)(a) and (b)
17 to the courts.

18 (4) The court, in determining the amount to be paid, shall use the scale
19 and formula provided for in ORS 25.275 and 25.280. Unless otherwise or-
20 dered, the amounts so required to be paid shall be paid to the Department
21 of Justice or the county clerk, whichever is appropriate, for transmission to
22 the person, institution or agency having legal custody of the youth offender.

23

24

CAPTIONS DISCLAIMER

25

26 **SECTION 103. The unit captions used in this 2015 Act are provided**
27 **only for the convenience of the reader and do not become part of the**
28 **statutory law of this state or express any legislative intent in the**
29 **enactment of this 2015 Act.**

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