



# Oregon Department of Justice

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## Division of Child Support

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### **TESTIMONY ON SENATE BILL 1561 For the Senate Judiciary Committee February 3, 2016**

#### **Submitted by:**

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This testimony is presented to provide technical feedback regarding Senate Bill 1561.

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

This bill relates to proceedings involving the award of custody of or parenting time for a child to certain non-parents. The proposed legislation revises ORS 109.119 to require a court to consider and authorizes court to order those non-parents to contribute to the financial support of the child.

#### **Technical Considerations**

The DOJ Division of Child Support is neutral regarding the policy this bill advances. In its current form, however, the proposed legislation has the potential to have a large impact on the Oregon Child Support Program.

It is not immediately apparent whether the bill seeks to impose on a non-parent the duty to provide for the needs of the child during periods the child is with the non-parent or to authorize a court to establish a monetary amount that the non-parent is required to pay a parent. The latter would be problematic for the Oregon Child Support Program.

If the bill is attempting to create a duty for a non-parent to pay child support, according to both state and federal law that support must be calculated in accordance with child support guidelines. In Oregon, those guidelines are promulgated by the DOJ Division of Child Support and are maintained at OAR 137-050-0700 to 137-050-0765. Those guidelines are based in part on the policy embodied in ORS 416.405, which provides in part:

It is the public policy of this state that dependent children shall be maintained, as much as possible, from the resources of both of the parents, thereby relieving or avoiding, at least in part, the burden often borne by single parents or by the general citizenry through public assistance programs.

Consequently, the child support guidelines are based on a two-parent model and apportion the support obligation between the two parents based on their respective incomes. The guidelines are not designed to consider the resources of a non-parent.

Revising the guidelines to allow such consideration would be a significant undertaking with a commensurate fiscal impact. That undertaking in the next few years also would be inconsistent with the present effort of the DOJ Division of Child Support to stabilize its current child support system while a new child support automated system is being designed, built, and implemented.