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April 7, 2017

To the Senate Committee on Judiciary:

RE: Senate Bill 682

The Support Enforcement Division of the Marion County District Attorney's Office strongly supports Senate Bill 682 and the -2 amendments.

Marion County is one of many counties with an active office that is part of the larger Oregon Child Support Program. The Oregon Child Support Program is charged with modification and enforcement of child support orders. Under Oregon Child Support Guidelines, those child support amounts are based in large part on the parties' documented incomes at the time the order is taken.

The guidelines calculations are generally considered equitable when the parties' earning capacities remain the same. However, child support orders can become an issue when an obligated parent is convicted of a crime and sentenced to prison. The harsh reality is that a parent's ability to earn the same (or perhaps any) income is often significantly and negatively impacted when they become incarcerated.

Under current Oregon law, if an incarcerated parent asks for a modification through the Oregon Child Support Program, they often qualify for a reduction or elimination of their child support order for the time that they are incarcerated. However, for a variety of reasons, many of our customers do nothing or make the request on a delayed basis. This results in the accrual of a high child support debt. Further, a significant criminal history can likewise negatively impact a person's ability to find a job with the same earning capacity that the parent had prior to conviction and incarceration. These challenges create significant disincentives for that parent to reintegrate into society or to reconnect with their family.

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As an example, a parent may have a \$500 per month child support order based on the income earned when that person was an accountant. If the parent is subsequently convicted of a crime, he/she may lose their license and therefore no longer be qualified to continue as an accountant post-conviction. In fact, they may never again be able to earn enough to pay \$500 per month child support. If that person tries to support their family by taking a job at the local gas station, they may only be able to make partial monthly payments of \$200/month. Consequently, unless the support order is modified, debt of \$300/month continues to accrue, creating a disincentive for that person to become employed, or to even re-engage with their children.

Senate Bill 682 attempts to address these issues by providing an enhanced process to suspend child support for an obligated parent who will be incarcerated for at least 180 days. In an effort to prevent unrealistic debt from accruing, the bill changes current law to automatically reinstate child support to fifty percent of the court ordered amount on the 121<sup>st</sup> day after release from incarceration, and provides a timeline for the child support program to review the support calculation to ensure it reflects the parties' current earning capacities. In the example above, it would work like this: if the parent is incarcerated for 180 consecutive days, support would not accrue for the months of incarceration and for 120 days thereafter, unless the presumption of inability to pay is rebutted. The \$500 obligation would be reinstated on the 121<sup>st</sup> day after release at fifty percent or \$250 per month unless the order had already been modified based on the parent's actual new income.

In sum, this bill helps reduce significant unrealistic child support debt from accruing for obligated parents who are incarcerated and helps encourage those parents to pay child support based on their current financial realities, thereby strengthening Oregon families.

For these reasons, our office respectfully requests your support of Senate Bill 682.

Sincerely,



Concetta F. Schwesinger  
Trial Team Leader  
Marion County District Attorney's Office