



# Oregon Department of Justice

Ellen F. Rosenblum, Attorney General  
Frederick M. Boss, Deputy Attorney General

## Division of Child Support

1162 Court St NE  
Salem OR 97301  
Telephone: (503) 947-4388  
FAX: (503) 947-2578  
TTY: (800) 735-2900  
oregonchildsupport.gov

### TESTIMONY ON SENATE BILL 511A For the House Committee on Judiciary May 23, 2017

#### Submitted by:

**Kate Cooper Richardson, Director**  
**Oregon Child Support Program**  
**Division of Child Support**  
**Department of Justice**  
*kate.richardson@doj.state.or.us*

This testimony is submitted in support of Senate Bill 511A.

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

Senate Bill 511A amends ORS 25.125 to create a state debt receivable, after providing notice to the parties and an opportunity to object, for any monies paid in error to any recipient by the Department of Justice. Current law creates a receivable for overpayments when the payment was transmitted to a parent receiving support (obligee) or to another agency. This legislation would provide for a state debt based on an erroneous payment to other potential recipients, such as a parent paying support (obligor), a caretaker, or a child attending school.

This legislation also would remove the current requirement for the Department of Justice to report all overpayment debts as “delinquent,” regardless of whether they are being repaid, and it would clarify that an account is delinquent if no payment is received within 90 days. This change would ensure that overpayment debts being repaid directly to DOJ are not inappropriately identified as delinquent unless more than 90 days have elapsed without a payment.

Oregon Child Support Program personnel, the Department of Revenue, and the Office of Administrative Hearings would all benefit from the clarity provided by this legislation, potentially saving staff time and resources. Additionally, the Department of Administrative Services (which has authority to oversee collection of receivables) and the Legislative Fiscal Office (which monitors the amounts and collection activities for delinquent accounts) would benefit from the Program’s continued collection of all debts owed to the Department of Justice, and from the accurate reporting of delinquent accounts.

### **Key Points of Legislation**

- Expands types of payments that meet the criteria of an overpayment.
- Broadens types of parties against whom the state can collect.
- Identifies an overpayment as an account receivable against which the Department of Justice can collect.

### **Fiscal Impact**

None.

### **Fiscal Benefits**

Potential reduction of state staff time and resources.

### **Recommended Action**

The Oregon Department of Justice recommends committee approval of Senate Bill 511A because it will enable collection against overpayments regardless of who was overpaid and will prevent inappropriate delinquency reporting.