

D R A F T

SUMMARY

Eliminates fees, court costs and fines associated with juvenile delinquency matters. Provides for appointment of court-appointed counsel at state expense in all juvenile delinquency matters. Removes parental support obligation for youths, youth offenders or young persons in state custody. Applies retroactively, rendering as satisfied judgments with outstanding balances and waiving accrued interest, fees and collection expenses on those balances.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to monetary obligations arising out of juvenile delinquency matters;
3 creating new provisions; amending ORS 1.188, 1.202, 18.005, 18.205, 18.375,
4 18.385, 18.398, 21.135, 25.020, 25.080, 25.089, 25.091, 25.100, 25.240, 25.247,
5 25.280, 25.287, 25.321, 25.511, 25.527, 25.720, 87.450, 107.085, 107.106, 107.135,
6 107.431, 108.110, 109.015, 109.100, 109.103, 109.165, 125.025, 151.216, 151.219,
7 151.225, 153.111, 153.657, 163A.030, 163A.035, 163A.130, 163A.135, 339.065,
8 339.095, 339.990, 418.034, 418.475, 419A.211, 419A.256, 419B.400, 419B.552,
9 419C.020, 419C.200, 419C.206, 419C.230, 419C.245, 419C.303, 419C.315,
10 419C.323, 419C.380, 419C.446, 419C.473, 419C.475, 419C.535, 419C.540,
11 419C.570, 419C.573, 419C.575, 419C.610, 420.065, 420.525, 420A.206, 471.430,
12 471.432 and 813.030 and section 1, chapter 89, Oregon Laws 2012, and
13 ORCP 78 C; repealing ORS 419C.203, 419C.449, 419C.459, 419C.590,
14 419C.592, 419C.595, 419C.597 and 419C.600; and prescribing an effective
15 date.

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

VACATING ORDERS DIRECTING PAYMENTS OF FEES

17
18
NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) Prior to issuing the citation described in subsection (3) of this section
2 to the parent or guardian of a student not regularly attending full-time
3 school, a school district superintendent or education service district super-
4 intendent shall:

5 (a) Provide a parent or guardian of the student and the student with
6 written notification that:

7 (A) States that the student is required to attend regularly a full-time
8 school;

9 *[(B) Explains that the failure to send the student and maintain the student*
10 *in regular attendance is a Class C violation;]*

11 *[(C)] (B)* States that the superintendent may issue a citation;

12 *[(D)] (C)* Requires the parent or guardian of the student and the student
13 to attend a conference with a designated official;

14 *[(E)] (D)* States that the parent or guardian has the right to request:

15 (i) For a student who does not have an individualized education program,
16 an evaluation to determine if the student should have an individualized ed-
17 ucation program; or

18 (ii) For a student who has an individualized education program, a review
19 of the individualized education program; and

20 *[(F)] (E)* Is written in the native language of the parent or guardian of
21 the student.

22 (b) Schedule the conference described in paragraph *[(a)(D)] (a)(C)* of this
23 subsection. A conference may not be scheduled until after any evaluations
24 or reviews described in paragraph *[(a)(E)] (a)(D)* of this subsection have been
25 completed.

26 (3) Notwithstanding ORS 1.525 or any provision of ORS chapter 153, the
27 State Board of Education by rule shall establish the citation form to be used
28 by superintendents in citing violations established under ORS 339.990. Not-
29 withstanding ORS 153.045, each of the parts of the citation shall contain the
30 information required by the state board.

31 **SECTION 4.** ORS 153.111 is amended to read:

1 153.111. (1) Upon entry of a conviction for a traffic offense, the court shall
2 forward to the Department of Transportation an abstract of conviction in the
3 manner required by ORS 810.375, and a copy of the judgment, if required,
4 under the provisions of ORS 810.375.

5 (2) Upon entry of a conviction for violation of any provision of the
6 wildlife laws or commercial fishing laws, or any rule promulgated pursuant
7 to those laws, the court that enters the judgment of conviction shall forward
8 to the Department of State Police an abstract of conviction.

9 *[(3) Upon entry of a conviction for a compulsory school attendance violation*
10 *under ORS 339.095, the court shall forward to the Department of Education*
11 *an abstract of conviction.]*

12 *[(4)]* (3) Upon entry of a conviction for violation of a weights and meas-
13 ures law subject to penalty under ORS 618.991, the court shall forward to the
14 State Department of Agriculture an abstract of conviction.

15 *[(5)]* (4) Upon entry of a conviction of a boating offense, as defined in
16 ORS 830.005, the court shall forward to the State Marine Board an abstract
17 of conviction.

18 *[(6)]* (5) A court may destroy any abstract not required to be forwarded
19 to an agency under the provisions of this section.

20

21 **FINES, FEES AND COSTS; COURT-APPOINTED COUNSEL**

22

23 **SECTION 5. Section 6 of this 2021 Act is added to and made a part**
24 **of ORS chapter 419C.**

25 **SECTION 6. (1) A court may not assess any fee or fine under ORS**
26 **137.533, 137.540, 409.220, 809.267 or 813.240 arising out of the actions of**
27 **a person who:**

28 **(a) Was under 18 years of age at the time of the act or is subject**
29 **to juvenile court probation; and**

30 **(b) Was not waived to circuit court for prosecution as an adult**
31 **under ORS 419C.340.**

1 **(2) The fees and fines described in subsection (1) of this section may**
2 **not be assessed against the child, youth, youth offender, young person**
3 **or, if the fee or cost would be assessed after the person attains the age**
4 **of 18, the person, or against the parent or guardian of the child, youth,**
5 **youth offender, young person or person.**

6 **SECTION 6a.** ORS 1.188 is amended to read:

7 1.188. (1) As used in this section, “offense” means:

8 (a) A violation of a parking ordinance; or

9 (b) A traffic offense as defined in ORS 801.555 (2).

10 (2) Notwithstanding ORS 137.143, the presiding judge of the judicial dis-
11 trict in which a county is located may order that the circuit court for the
12 county impose a surcharge in the amount of \$5 on each fine assessed for an
13 offense in the county if:

14 (a) The county has received funds, or has legislative authorization to re-
15 ceive funds, for a county courthouse from the proceeds of bonds issued pur-
16 suant to Article XI-Q of the Oregon Constitution deposited in the Oregon
17 Courthouse Capital Construction and Improvement Fund established in sec-
18 tion 64, chapter 723, Oregon Laws 2013;

19 (b) Debt service is owed on any Article XI-Q bonds issued related to the
20 county courthouse;

21 (c) Debt service is owed on any bonds issued under ORS 271.390 or ORS
22 chapter 287A to finance capital costs of the courthouse project for which
23 bonds are or will be issued under section 8, chapter 705, Oregon Laws 2013,
24 in the county imposing the surcharge;

25 (d) The board of county commissioners has requested that the presiding
26 judge of the judicial district in which the county is located order the impo-
27 sition of a surcharge and has identified the purposes for which the surcharge
28 funds would be used; and

29 (e) The Chief Justice of the Supreme Court has approved the surcharge.

30 (3) The circuit court for the county may not impose a surcharge under
31 this section unless, before July 1 of the calendar year preceding the imposi-

1 tion of the surcharge, the court submits to the State Court Administrator a
2 copy of the order imposing the surcharge. The court may begin imposing the
3 surcharge on fines for offenses occurring on and after January 1 of the cal-
4 endar year following submission of the order to the State Court Adminis-
5 trator.

6 (4) Except as provided in ORS 153.640 and 221.315, the surcharge shall be
7 levied fully if any fine is imposed.

8 (5) The surcharge shall be collected by the circuit court for the county
9 and paid to the county for deposit in the account established under ORS
10 1.189 and used solely for:

11 (a) Payment of capital costs of the courthouse project for which bonds
12 are or will be issued under section 8, chapter 705, Oregon Laws 2013, in the
13 county imposing the surcharge; or

14 (b) Payment of debt service and related expenses and funding of debt
15 service reserves, if any, for bonds issued under ORS 271.390 or ORS chapter
16 287A to finance capital costs of the courthouse project for which bonds are
17 or will be issued under section 8, chapter 705, Oregon Laws 2013, in the
18 county imposing the surcharge.

19 **(6) The circuit court for the county may not impose a surcharge**
20 **under this section against a youth, youth offender or young person,**
21 **or against the parent or guardian of a youth, youth offender or young**
22 **person, if the surcharge would be imposed due to the actions of the**
23 **youth, youth offender or young person.**

24 **SECTION 7.** ORS 1.202 is amended to read:

25 1.202. (1) All circuit courts and appellate courts of this state, and all
26 commissions, departments and divisions in the judicial branch of state gov-
27 ernment, shall add a fee of not less than \$50 and not more than \$200 to any
28 judgment that includes a monetary obligation that the court or judicial
29 branch is charged with collecting. The fee shall cover the cost of establishing
30 and administering an account for the debtor and shall be added without
31 further notice to the debtor or further order of the court. The fee shall be

1 added only if the court gives the defendant a period of time in which to pay
2 the obligation after the financial obligation is imposed. Fees under this
3 subsection shall be deposited in the General Fund.

4 (2) All circuit courts and appellate courts of this state, and all commis-
5 sions, departments and divisions in the judicial branch of state government,
6 that use private collection agencies, the Department of Revenue or an offset
7 of federal tax refunds pursuant to an agreement entered into under ORS 1.196
8 shall add a fee to any judgment referred for collection that includes a mon-
9 etary obligation that the state court or the commission, department or divi-
10 sion is charged with collecting. A fee to cover the costs of collecting
11 judgments referred to the private collection agency, the Department of Rev-
12 enue, the United States Financial Management Service or the Internal Rev-
13 enue Service shall be added to the monetary obligation without further
14 notice to the debtor or further order of the court. The fee may not exceed
15 the actual costs of collecting the judgment.

16 **(3) The fees described in subsections (1) and (2) of this section may**
17 **not be added to any order or judgment arising from the actions of a**
18 **person who:**

19 **(a) Was under 18 years of age at the time of the act or is subject**
20 **to juvenile court probation; and**

21 **(b) Was not waived to circuit court for prosecution as an adult**
22 **under ORS 419C.340.**

23 [(3)] (4) The Chief Justice of the Supreme Court may authorize courts to
24 waive or suspend the fees required to be added to judgments under this sec-
25 tion. Except to the extent authorized by the Chief Justice, a court may not
26 waive or suspend the fees required to be added to judgments under this sec-
27 tion.

28 **SECTION 8.** ORS 21.135 is amended to read:

29 21.135. (1) Unless a specific fee is provided by subsection (3) of this sec-
30 tion or other law for a proceeding, a circuit court shall collect a filing fee
31 of \$281 when a complaint or other document is filed for the purpose of

1 commencing an action or other civil proceeding and when an answer or other
2 first appearance is filed in the proceeding.

3 (2) **Except as provided in subsection (4) of this section**, the filing fee
4 established by subsection (1) of this section applies to:

5 (a) Proceedings in which only equitable remedies are sought.

6 (b) Appeals from a conviction of a violation in justice or municipal courts
7 as provided in ORS 21.285.

8 (c) Interpleader actions.

9 (d) Actions relating to a trust.

10 (e) Proceedings for judicial review of an agency order.

11 (f) Declaratory judgment actions.

12 (g) Any other action or proceeding that is statutorily made subject to the
13 fee established by this section and any other civil proceeding for which a
14 specific filing fee is not provided.

15 (3)(a) The circuit court shall collect a filing fee of \$263 in adoption cases
16 under ORS chapter 109, excluding readoptions under ORS 109.385, when a
17 petition is filed for the purpose of commencing an adoption proceeding or
18 when any other document or other first appearance is filed in the proceeding.
19 The fee shall include the cost of issuing one or more certificates of adoption
20 under ORS 109.410.

21 (b) When separate petitions for adoption of multiple minor children are
22 concurrently filed under ORS 109.309 by the same petitioner, one filing fee
23 shall be charged for the first petition filed and the filing fees for concur-
24 rently filed petitions shall not be charged.

25 (4) **The filing fee established under subsection (1) of this section**
26 **does not apply to:**

27 (a) **Expunction proceedings under ORS 419A.262;**

28 (b) **Petitions under ORS 163A.130 or 163A.135 for an order relieving**
29 **the person from the duty to report as a sex offender if the person is**
30 **required to report under ORS 163A.025; or**

31 (c) **Any juvenile delinquency proceeding arising under ORS chapter**

1 **419B or 419C.**

2 **SECTION 9.** ORS 151.216 is amended to read:

3 151.216. (1) The Public Defense Services Commission shall:

4 (a) Establish and maintain a public defense system that ensures the pro-
5 vision of public defense services in the most cost-efficient manner consistent
6 with the Oregon Constitution, the United States Constitution and Oregon
7 and national standards of justice.

8 (b) Establish an office of public defense services and appoint a public
9 defense services executive director who serves at the pleasure of the com-
10 mission.

11 (c) Submit the budget of the commission and the office of public defense
12 services to the Legislative Assembly after the budget is submitted to the
13 commission by the director and approved by the commission. The Chief Jus-
14 tice of the Supreme Court and the chairperson of the commission shall
15 present the budget to the Legislative Assembly.

16 (d) Review and approve any public defense services contract negotiated
17 by the director before the contract can become effective.

18 (e) Adopt a compensation plan, classification system and personnel plan
19 for the office of public defense services that are commensurate with other
20 state agencies.

21 (f) Adopt policies, procedures, standards and guidelines regarding:

22 (A) The determination of financial eligibility of persons entitled to be
23 represented by appointed counsel at state expense;

24 (B) The appointment of counsel, **including the appointment of counsel**
25 **at state expense regardless of financial eligibility in juvenile delin-**
26 **quency matters;**

27 (C) The fair compensation of counsel appointed to represent a person [*fi-*
28 *nancially*] eligible for appointed counsel at state expense;

29 (D) Appointed counsel compensation disputes;

30 (E) Any other costs associated with the representation of a person by
31 appointed counsel in the state courts that are required to be paid by the

1 state under ORS 34.355, 135.055, 138.500, 138.590, 161.346, 161.348, 161.365,
2 419A.211, 419B.201, 419B.208, 419B.518, 419B.908, 419C.206, 419C.209, 419C.408,
3 419C.535, 426.100, 426.135, 426.250, 426.307, 427.265, 427.295, 436.265 or 436.315
4 or any other provision of law that expressly provides for payment of such
5 compensation, costs or expenses by the commission;

6 (F) Professional qualifications for counsel appointed to represent public
7 defense clients;

8 (G) Performance for legal representation;

9 (H) The contracting of public defense services;

10 (I) Contracting with expert witnesses to allow contracting with out-of-
11 state expert witnesses only if in-state expert witnesses are not available or
12 are more expensive than out-of-state expert witnesses; and

13 (J) Any other matters necessary to carry out the duties of the commission.

14 (g) Establish a peer review system for the approval of nonroutine fees and
15 expenses incurred in cases involving aggravated murder and the crimes listed
16 in ORS 137.700 and 137.707. The review shall be conducted by a panel of at-
17 torneys who practice in the area of criminal defense.

18 (h) Establish a complaint process that allows district attorneys, criminal
19 defense counsel and the public to file complaints concerning the payment
20 from public funds of nonroutine fees and expenses incurred in cases.

21 (i) Reimburse the State Court Administrator from funds deposited in the
22 Public Defense Services Account established by ORS 151.225 for the costs of
23 personnel and other costs associated with location of eligibility verification
24 and screening personnel pursuant to ORS 151.489 by the State Court Ad-
25 ministrator.

26 (2) Policies, procedures, standards and guidelines adopted by the commis-
27 sion supersede any conflicting rules, policies or procedures of the Public
28 Defender Committee, State Court Administrator, circuit courts, the Court of
29 Appeals, the Supreme Court and the Psychiatric Security Review Board re-
30 lated to the exercise of the commission's administrative responsibilities un-
31 der this section and transferred duties, functions and powers as they occur.

1 (3) The commission may accept gifts, grants or contributions from any
2 source, whether public or private. However, the commission may not accept
3 a gift, grant or contribution if acceptance would create a conflict of interest.
4 Moneys accepted under this subsection shall be deposited in the Public De-
5 fense Services Account established by ORS 151.225 and expended for the
6 purposes for which given or granted.

7 (4) The commission may not:

8 (a) Make any decision regarding the handling of any individual case;

9 (b) Have access to any case file; or

10 (c) Interfere with the director or any member of the staff of the director
11 in carrying out professional duties involving the legal representation of
12 public defense clients.

13 **SECTION 10.** ORS 151.219 is amended to read:

14 151.219. (1) The public defense services executive director shall:

15 (a) Recommend to the Public Defense Services Commission how to estab-
16 lish and maintain, in a cost-effective manner, the delivery of legal services
17 to persons entitled to, and, **where applicable**, financially eligible for, ap-
18 pointed counsel at state expense under Oregon statutes, the Oregon Consti-
19 tution, the United States Constitution and consistent with Oregon and
20 national standards of justice.

21 (b) Implement and ensure compliance with contracts, policies, procedures,
22 standards and guidelines adopted by the commission or required by statute.

23 (c) Prepare and submit to the commission for its approval the biennial
24 budget of the commission and the office of public defense services.

25 (d) Negotiate contracts, as appropriate, for providing legal services to
26 persons [*financially*] eligible for appointed counsel at state expense. No con-
27 tract so negotiated is binding or enforceable until the contract has been re-
28 viewed and approved by the commission as provided in ORS 151.216.

29 (e) Employ personnel or contract for services as necessary to carry out
30 the responsibilities of the director and the office of public defense services.

31 (f) Supervise the personnel, operation and activities of the office of public

1 defense services.

2 (g) Provide services, facilities and materials necessary for the perform-
3 ance of the duties, functions and powers of the Public Defense Services
4 Commission.

5 (h) Pay the expenses of the commission and the office of public defense
6 services.

7 (i) Prepare and submit to the commission an annual report of the activ-
8 ities of the office of public defense services.

9 (j) Prepare and submit to the Legislative Assembly a biennial report on
10 the activities of the office of public defense services.

11 (k) Provide for legal representation, advice and consultation for the
12 commission, its members, the director and staff of the office of public defense
13 services who require such services or who are named as defendants in
14 lawsuits arising from their duties, functions and responsibilities. If requested
15 by the director, the Attorney General may also provide for legal represen-
16 tation, advice and consultation for the commission, its members, the director
17 and staff of the office of public defense services in litigation.

18 (2) The director may designate persons as representatives of the director
19 for the purposes of determining and paying bills submitted to the office of
20 public defense services and determining preauthorization for incurring fees
21 and expenses under ORS 135.055.

22 **SECTION 11.** ORS 419A.211 is amended to read:

23 419A.211. (1) If the child, ward, youth, youth offender, parent or guardian
24 is determined to be entitled to, and, **except as provided in subsection (4)**
25 **of this section,** financially eligible for, appointment of counsel at state ex-
26 pense in an appeal as provided in ORS 419A.200 and 419A.208, the court,
27 upon request of the person or upon its own motion, shall appoint suitable
28 counsel to represent the person. Counsel appointed by the court shall be paid
29 compensation determined by the public defense services executive director
30 as provided in ORS 135.055 if the circuit court is the appellate court or as
31 provided in ORS 138.500 if the Court of Appeals or the Supreme Court is the

1 appellate court. The court may not substitute one appointed counsel for an-
2 other except pursuant to the policies, procedures, standards and guidelines
3 of the Public Defense Services Commission.

4 (2)(a) When the court appoints counsel to represent the child[,] **or** ward,
5 [*youth or youth offender,*] it may order the parent, if able, or guardian of the
6 estate, if the estate is able, to pay to the Public Defense Services Account
7 established by ORS 151.225, through the clerk of the court, in full or in part
8 the administrative costs of determining the ability of the parents or estate
9 to pay for legal services and the costs of the legal and other services that
10 are related to the provision of appointed counsel.

11 (b) The test of the parent's or estate's ability to pay costs under para-
12 graph (a) of this subsection is the same test as applied to appointment of
13 counsel for defendants under ORS 151.216. If counsel is provided at state
14 expense, the court shall apply this test in accordance with the guidelines
15 adopted by the Public Defense Services Commission under ORS 151.485.

16 (c) If counsel is provided at state expense, the court shall determine the
17 amount the parents or estate is required to pay for the costs of administra-
18 tive, legal and other services related to the provision of appointed counsel
19 in the same manner as this amount is determined under ORS 151.487.

20 (d) The court's order of payment is enforceable in the same manner as an
21 order of support under ORS 419B.408 [*and 419C.600*].

22 (3) When the court appoints counsel [*and the child, ward, youth, youth*
23 *offender, parent or guardian has been determined to be entitled to, and finan-*
24 *cially eligible for, appointed counsel*] **under this section** at state expense, the
25 compensation for counsel and costs and expenses necessary to the appeal
26 shall be determined and paid as provided in ORS 135.055 if the circuit court
27 is the appellate court or as provided in ORS 138.500 if the Court of Appeals
28 or the Supreme Court is the appellate court.

29 **(4) Notwithstanding subsection (1) of this section, a youth or youth**
30 **offender, or the parent or guardian of the youth or youth offender, is**
31 **entitled to court-appointed counsel at state expense under this section**

1 **regardless of the financial circumstances of the youth or youth**
2 **offender or the parent or guardian of the youth or youth offender. In**
3 **addition, the court may not order the youth's or youth offender's**
4 **parent or guardian to pay any part of the administrative costs of de-**
5 **termining the entitlement of the youth, youth offender, parent or**
6 **guardian to court-appointed counsel at state expense nor any of the**
7 **costs of the legal and other services that are related to the provision**
8 **of appointed counsel.**

9 **SECTION 12.** ORS 419C.020 is amended to read:

10 419C.020. (1) At the first appearance by the parents or guardian of a youth
11 before the court, the court shall inform the parents or guardian verbally and
12 provide a standard notice describing:

13 *[(a) The obligation of the parents or guardian to pay for compensation and*
14 *reasonable expenses for counsel for the youth, support of the youth while the*
15 *youth is in the custody of a state-financed or state-supported residence and any*
16 *other obligations to pay money that may arise as a result of the youth being*
17 *within the jurisdiction of the court;]*

18 *[(b) The assignment of support rights under ORS 419C.597;]*

19 **(a) The youth's right to court-appointed counsel at state expense;**

20 *[(c)]* **(b) The right of the parents or guardian to appeal a decision on ju-**
21 **risdiction or disposition made by the court; [and]**

22 *[(d)]* **(c) The time for filing an appeal of a decision by the court[.];**

23 **(d) That neither the youth nor the youth's parents or guardian may**
24 **be asked or ordered to pay administrative costs associated with the**
25 **youth's involvement with the court, probation, detention or Oregon**
26 **Youth Authority services, including but not limited to applications for**
27 **court-appointed counsel, court-appointed counsel attorney fees and**
28 **costs associated with legal representation, collection referral fees,**
29 **transaction assessments, copy fees, fees for applications for**
30 **expunction of records, juvenile sex offender reporting fees, electronic**
31 **payment fees or fees for checks that are returned for insufficient**

1 **funds; and**

2 **(e) The court's obligation to consider assessment of restitution, in-**
3 **cluding establishing a payment schedule and finding satisfaction of a**
4 **restitution judgment, under ORS 419C.450.**

5 (2) The [*Oregon Youth Authority*] **Judicial Department** shall prepare and
6 provide the standard notice required under subsection (1) of this section.

7 (3) The court shall place a notation in the record of the case of the date
8 that the parents or guardian were provided information under this section.

9 **SECTION 13.** ORS 419C.200 is amended to read:

10 419C.200. (1)(a) When a petition is filed under ORS 419C.005, the court:

11 (A) Shall appoint counsel to represent the youth at all stages of the pro-
12 ceeding if the offense alleged in the petition is classified as a crime.

13 (B) Shall appoint counsel for the youth at any proceeding concerning an
14 order of probation.

15 (C) Notwithstanding subparagraph (A) or (B) of this paragraph, shall ap-
16 point counsel for the youth in any case in which the youth would be entitled
17 to appointed counsel if the youth were an adult charged with the same of-
18 fense.

19 (D) May appoint counsel for the youth in any other proceeding under ORS
20 419C.005.

21 *[(b) Appointment of counsel under this subsection requires the court's de-*
22 *termination that the youth or the youth's parents or guardians are without*
23 *sufficient financial means to employ suitable counsel possessing the skills and*
24 *experience commensurate with the nature of the petition and the complexity of*
25 *the case under the policies, procedures, standards and guidelines of the Public*
26 *Defense Services Commission.]*

27 *[(c)]* **(b)** The court may not substitute one appointed counsel for another
28 except pursuant to the policies, procedures, standards and guidelines of the
29 Public Defense Services Commission.

30 (2)(a) A court may not accept a waiver of counsel by a youth except under
31 the following circumstances:

1 (A) The youth is at least 16 years of age;

2 (B) The youth has met with and been advised regarding the right to
3 counsel by counsel who has been appointed by the court or retained on be-
4 half of the youth;

5 (C) A written waiver, signed by both the youth and the youth's counsel,
6 is filed with the court; and

7 (D) A hearing is held on the record where the youth's counsel appears
8 and the court, after consulting with the youth, finds the waiver was know-
9 ingly, intelligently and voluntarily made and not unduly influenced by the
10 interests of others, including the interests of the youth's parents or guardi-
11 ans.

12 (b) This subsection does not apply to a youth entering into a formal ac-
13 countability agreement under ORS 419C.230.

14 (3) Upon presentation of the order of appointment under this section by
15 the counsel for the youth, any agency, hospital, school organization, division
16 or department of the state, doctor, nurse or other health care provider, psy-
17 chologist, psychiatrist, police department or mental health clinic shall permit
18 the counsel to inspect and copy any records of the youth or youths involved
19 in the case, without the consent of the youth or youths or parents. This
20 subsection does not apply to records of a police agency relating to an ongo-
21 ing investigation prior to charging.

22 **SECTION 14.** ORS 419C.206 is amended to read:

23 419C.206. When the court appoints counsel for [*the youth and the youth*
24 *is determined to be entitled to, and financially eligible for, appointment of*
25 *counsel at state expense and the parent or guardian is without sufficient fi-*
26 *nancial means to employ counsel*] **a youth**, the compensation for counsel and
27 reasonable fees and expenses of investigation, preparation and presentation
28 paid or incurred shall be determined and paid as provided in ORS 135.055.

29 **SECTION 15.** ORS 419C.245 is amended to read:

30 419C.245. (1) The juvenile department counselor shall inform, in writing,
31 a youth and the youth's parents or guardians of the youth's right to counsel

1 and to appointed counsel at state expense[, *if the youth is determined to be*
2 *financially eligible under the policies, procedures, standards and guidelines*
3 *of the Public Defense Services Commission*]. The right to counsel shall attach
4 prior to the youth's entering into a formal accountability agreement.

5 (2) The youth may waive the right to counsel prior to the youth's entering
6 into a formal accountability agreement, provided that:

7 (a) The youth's juvenile department counselor has advised the youth of
8 the youth's right to counsel, in writing; and

9 (b) The waiver is in writing, signed by the youth and presented to the
10 youth's juvenile department counselor.

11 **SECTION 16.** ORS 419C.303 is amended to read:

12 419C.303. (1) The summons **issued under ORS 419C.300** shall be signed
13 by a counselor or some other person acting under the direction of the court
14 and shall contain the name of the court, the title of the proceeding and, ex-
15 cept for a published summons, a brief statement of the substance of the facts
16 required by ORS 419C.255 (1)(b).

17 (2) The summons shall also include a notice that [*the parent or other*
18 *person legally obligated to support the youth may be required to pay, at some*
19 *future date, for all or a portion of the support of the youth, including the cost*
20 *of out-of-home placement, depending upon the ability of the parent to pay sup-*
21 *port*]:

22 (a) **Neither the youth or the parent or guardian of the estate is re-**
23 **sponsible for any administrative fees in connection with a delinquency**
24 **proceeding, including but not limited to fees for court-appointed**
25 **counsel, applications for expunction of records, juvenile sex offender**
26 **reporting, electronic payments or checks that are returned for insuf-**
27 **ficient funds; and**

28 (b) **The youth may be required to pay, at some future date,**
29 **restitution that the court is required to consider imposing under ORS**
30 **419C.450.**

31 **SECTION 17.** ORS 419C.315 is amended to read:

1 419C.315. The court may authorize payment of travel expenses of any
2 party summoned. Except as provided in this section, responsibility for the
3 payment of the cost of service of summons or other process on any party,
4 and for payment of travel expenses so authorized, shall be borne by the party
5 issuing the summons or requesting the court to issue the summons. When the
6 Oregon Youth Authority issues the summons or requests the court to issue
7 the summons, responsibility for such payment shall be borne by the county.
8 **When the court-appointed counsel for a youth, youth offender or**
9 **young person issues the summons or requests the court to issue the**
10 **summons, responsibility for the fees and costs associated with that**
11 **summons shall be paid pursuant to ORS 135.055.**

12 **SECTION 18.** ORS 419C.380 is amended to read:

13 419C.380. (1) An evaluation ordered under ORS 419C.378 must be con-
14 ducted by a psychiatrist, a licensed psychologist or a regulated social
15 worker. If an evaluation is requested, the party at whose request the evalu-
16 ation was ordered shall notify the court and other parties of the date, time
17 and location of the evaluation and the name of the evaluator chosen by the
18 party. A party or the court may submit written information to the evaluator
19 for consideration. When written information that has not been provided to
20 the court or an opposing party is submitted to the evaluator, the party sub-
21 mitting the written information to the evaluator shall provide the written
22 information to the court and the opposing party.

23 *[(2)(a) Upon motion of the youth, or upon the court's own motion, a court*
24 *shall determine whether the youth is financially eligible under the policies,*
25 *procedures, standards and guidelines of the Public Defense Services Commis-*
26 *sion.]*

27 *[(b) If a county court or justice court determines that the youth is finan-*
28 *cially eligible, the]*

29 **(2)(a) A county court or justice** court shall order the county to pay the
30 fees and costs described in subsection (3) of this section from funds available
31 for that purpose.

1 [(c)] **(b)** *[If a circuit court determines that the youth is financially eligible,*
2 *the]* **A circuit** court shall order the public defense services executive director
3 to pay the fees and costs described in subsection (3) of this section from
4 funds available for that purpose.

5 [(3) *If a court determines that a youth is financially eligible under sub-*
6 *section (2) of this section, the court shall order that]*

7 **(3) Pursuant to subsection (2) of this section, the county or the**
8 **public defense services executive director shall pay:**

9 (a) A reasonable fee *[be paid]* to a psychiatrist, licensed psychologist or
10 regulated social worker in private practice who conducts the evaluation; and

11 (b) All costs, including transportation of the youth, *[be paid]* if the eval-
12 uation is conducted by a psychiatrist, licensed psychologist or regulated so-
13 cial worker employed by the Department of Human Services or is conducted
14 by a community mental health program or community developmental disa-
15 bilities program established under ORS 430.610 to 430.695.

16 [(4) *If an evaluation is ordered under ORS 419C.378 at the request of or*
17 *with the acquiescence of a youth, and the youth is determined not to be fi-*
18 *nancially eligible under subsection (2) of this section, the evaluation shall be*
19 *performed at the youth's expense.]*

20 [(5)] **(4)** If an evaluation is ordered under ORS 419C.378 *[at the request of*
21 *the district attorney or juvenile department]*, the county shall pay for the ex-
22 pense of the evaluation.

23 [(6)] **(5)** After a motion is made by the court or the youth under ORS
24 419C.378 (3), the state shall have the right to seek an independent evaluation
25 at its own expense.

26 [(7)] **(6)** A youth may not be removed from the youth's current placement
27 for the purpose of an evaluation performed under this section unless the
28 youth has been placed in a detention facility as defined in ORS 419A.004 or
29 a youth correction facility as defined in ORS 420.005.

30 **SECTION 19.** ORS 419C.535 is amended to read:

31 419C.535. (1) *[If the juvenile panel of the Psychiatric Security Review Board*

1 *determines that a young person about whom a hearing under ORS 419C.532*
2 *is being held is financially eligible,]* The juvenile panel **of the Psychiatric**
3 **Security Review Board** shall appoint suitable counsel to represent *[the]* a
4 young person **about whom a hearing under ORS 419C.532 is being held.**
5 Counsel appointed must be an attorney who satisfies the professional quali-
6 fication standards established by the Public Defense Services Commission
7 under ORS 151.216. The public defense services executive director shall de-
8 termine and allow fair compensation for counsel appointed under this sub-
9 section and the reasonable expenses of the young person in respect to the
10 hearing. Compensation payable to appointed counsel may not be less than the
11 applicable compensation level established under ORS 151.216. The public de-
12 fense services executive director shall pay compensation and expenses al-
13 lowed from funds available for that purpose.

14 *[(2) When the juvenile panel appoints counsel to represent the young person,*
15 *the juvenile panel may order the young person, if able, parent, if able, or*
16 *guardian of the estate, if the estate is able, to pay to the Public Defense Ser-*
17 *vices Account established by ORS 151.225, through the clerk of the court, in*
18 *full or in part, the administrative costs of determining the ability of the young*
19 *person, parent or estate to pay for legal services and the costs of the legal and*
20 *other services that are related to the provision of appointed counsel. The juve-*
21 *nile panel's order of payment may be entered in the County Clerk Lien Record*
22 *and enforced as provided in ORS 205.126.]*

23 *[(3) The test of the young person's, parent's or estate's ability to pay costs*
24 *under subsection (2) of this section is the same test as applied to appointment*
25 *of counsel for defendants under ORS 135.050 or under the rules adopted under*
26 *ORS 151.216. If counsel is provided at state expense, the juvenile panel shall*
27 *apply this test in accordance with the guidelines adopted by the Public Defense*
28 *Services Commission under ORS 151.485.]*

29 *[(4) If counsel is provided at state expense, the juvenile panel shall deter-*
30 *mine the amount the young person, parent or estate is required to pay for the*
31 *costs of administrative, legal and other services related to the provision of ap-*

1 *pointed counsel in the same manner as this amount is determined under ORS*
2 *151.487.]*

3 **(2) The juvenile panel may not order the young person, parent or**
4 **guardian of the estate to pay any part of the administrative costs of**
5 **appointing counsel for the young person or to pay for the costs of legal**
6 **and other services that are related to the provision of appointed**
7 **counsel.**

8 [(5)] **(3)** The Attorney General may represent the state at contested
9 hearings before the juvenile panel unless the district attorney of the county
10 in which the young person was adjudicated elects to represent the state. The
11 district attorney of the county in which the young person was adjudicated
12 shall cooperate with the Attorney General in securing the material necessary
13 for presenting a contested hearing before the juvenile panel. If the district
14 attorney elects to represent the state, the district attorney shall give timely
15 written notice to the Attorney General, the juvenile panel and the attorney
16 representing the young person.

17

18 **ACCOUNTABILITY AGREEMENTS; PROBATION; DISCHARGE**

19

20 **SECTION 20.** ORS 419C.230 is amended to read:

21 419C.230. (1) A formal accountability agreement may be entered into when
22 a youth has been referred to a county juvenile department, and a juvenile
23 department counselor has probable cause to believe that the youth may be
24 found to be within the jurisdiction of the juvenile court for one or more acts
25 specified in ORS 419C.005.

26 (2) Notwithstanding subsection (1) of this section, unless authorized by
27 the district attorney, a formal accountability agreement may not be entered
28 into when the youth:

29 (a) Is alleged to have committed an act that if committed by an adult
30 would constitute:

31 (A) A felony sex offense under ORS 163.355, 163.365, 163.375, 163.385,

1 163.395, 163.405, 163.408, 163.411, 163.425 or 163.427; or

2 (B) An offense involving the use or possession of a firearm, as defined in
3 ORS 166.210, or destructive device, as described in ORS 166.382; or

4 (b) Is being referred to the county juvenile department for a second or
5 subsequent time for commission of an act that if committed by an adult
6 would constitute a felony.

7 (3) The juvenile department must consult the victim before entering into
8 a formal accountability agreement if:

9 (a) The victim has requested consultation in plea negotiations; and

10 (b) The formal accountability agreement involves an alleged act that if
11 committed by an adult would constitute a violent felony.

12 **(4) The juvenile department may not require the youth or youth's**
13 **parent or guardian to pay any fee, cost or surcharge as a requirement**
14 **of a formal accountability agreement.**

15 **SECTION 20a.** ORS 420A.206 is amended to read:

16 420A.206. (1)(a) If, after the hearing required by ORS 420A.203, the court
17 determines that conditional release is the appropriate disposition, the court
18 shall direct the Department of Corrections to prepare a proposed release
19 plan. The Department of Corrections shall submit the release plan to the
20 court no later than 45 days after receipt of the court's direction to prepare
21 the plan. The Department of Corrections shall incorporate any conditions
22 recommended by the court and shall consider any recommendations made by
23 the Oregon Youth Authority. The release plan submitted to the court must
24 include:

25 (A) A description of support services and program opportunities available
26 to the person;

27 (B) The recommended conditions of the release and supervision;

28 (C) The level of supervision required;

29 (D) Conditions or requirements that provide for the safety of the victim,
30 the victim's family and the community;

31 (E) For persons whose sentences include a requirement to make

1 restitution or to pay compensatory fines or attorney fees [*and who have not*
2 *yet made full payment*], a payment schedule **if the restitution, fines or fees**
3 **have not been paid in full or otherwise satisfied**;

4 (F) Any conditions reasonably necessary to further the reform and reha-
5 bilitation of the person and to ensure compliance with the other conditions
6 imposed; and

7 (G) Any special conditions necessary because of the person's individual
8 circumstances.

9 (b) If the court does not approve the proposed release plan, the court shall
10 return the plan to the Department of Corrections with recommended modifi-
11 cations and additions. The Department of Corrections shall submit a revised
12 plan to the court no later than 15 days after receipt of the court's recom-
13 mended modifications and additions.

14 (c) If the court does not approve the revised plan, the court shall make
15 any changes that the court deems appropriate and prepare the final release
16 plan. The final release plan must require, in addition to any other conditions,
17 that the person:

18 (A) Comply with the conditions of post-release supervision;

19 (B) Be under the supervision of the Department of Corrections and its
20 representatives and follow the direction and counsel of the Department of
21 Corrections and its representatives;

22 (C) Answer all reasonable inquiries of the court or the supervisory au-
23 thority of the Department of Corrections;

24 (D) Report to the supervision officer as directed by the court or the su-
25 pervisory authority of the Department of Corrections;

26 (E) Not own, possess or be in control of any dangerous weapon or deadly
27 weapon, as those terms are defined in ORS 161.015, or any dangerous animal;

28 (F) Respect and obey all municipal, county, state and federal laws;

29 (G) Participate in a victim impact treatment program; and

30 (H) Pay any restitution, compensatory fine or attorney fees ordered **that**
31 **have not been paid in full or otherwise satisfied** and regularly perform

1 any community service ordered.

2 (2) When the court has approved a final release plan, the court shall enter
3 an order conditionally releasing the person. The order of conditional release
4 shall:

5 (a) State the conditions of release;

6 (b) Require the person to comply fully with all of the conditions of re-
7 lease;

8 (c) Confirm that the person has been given a copy of the conditions of
9 release;

10 (d) Continue the person's commitment to the legal custody of the De-
11 partment of Corrections;

12 (e) Provide that the Department of Corrections or its designee shall su-
13 pervise the person;

14 (f) Provide that the period of supervision is the entire remainder of the
15 sentence of imprisonment imposed, taking into account any reduction in the
16 sentence under ORS 421.121 or any other statute, unless the conditional re-
17 lease is revoked or suspended; and

18 (g) Require that the Department of Corrections or its designee submit a
19 report to the court no later than 90 days after the person is conditionally
20 released and at least every 180 days thereafter informing the court of the
21 person's circumstances and progress on conditional release.

22 (3)(a) A person conditionally released under this section remains within
23 the jurisdiction of the sentencing court for the period of the conditional re-
24 lease.

25 (b) At any time after the entry of an order of conditional release, the
26 court, on its own motion or on motion of the Department of Corrections,
27 may amend the conditional release order to modify the conditions of the
28 person's release and supervision, providing that the modifications are con-
29 sistent with the requirements for conditions of release in subsections (1) and
30 (2) of this section. Before entering an amended order under this paragraph,
31 the court shall provide the Department of Corrections and the person with

1 a reasonable amount of time to comment on the proposed modifications. The
2 court shall serve the Department of Corrections and the person with a copy
3 of the amended order at least 15 days before the order takes effect.

4 (c) The Department of Corrections and the supervisory authority may
5 adjust the level of the person's supervision as is appropriate to the person's
6 progress and conduct in the community.

7 (4)(a) If an officer of the Department of Corrections or the supervisory
8 authority or a law enforcement officer has reasonable grounds to believe that
9 a person released under this section has violated a condition of the release,
10 the officer may take the person into custody and detain the person pending
11 a hearing on the alleged violation as provided in paragraph (c) of this sub-
12 section. No later than 24 hours after a person is taken into custody under
13 this subsection, the Department of Corrections or the supervisory authority
14 shall file a notice and affidavit with the court as provided in paragraph (b)
15 of this subsection and serve a copy of the notice and affidavit on the person.

16 (b) When a notice and affidavit is filed under paragraph (a) of this sub-
17 section and if the court finds that the notice and affidavit state reasonable
18 grounds to believe the person has violated a condition of the release, the
19 court shall issue an order that the person appear and show cause why the
20 conditional release should not be revoked or suspended as a sanction for the
21 alleged violation. When a court issues an order under this paragraph, the
22 court shall:

23 (A) Serve a copy of the order to show cause on the person and the district
24 attorney; and

25 (B) Provide the person with written notice containing the following in-
26 formation:

27 (i) The time, place and purpose of the hearing;

28 (ii) That the person has the right to have adverse witnesses present at the
29 hearing for purpose of confrontation and cross-examination unless the court
30 determines that good cause exists for not permitting confrontation;

31 (iii) That the person has the right to subpoena witnesses and present

1 documentary evidence and testimony of witnesses;

2 (iv) That the person has the right to be represented by counsel and, if
3 financially eligible, to have counsel appointed at state expense as provided
4 in paragraph (d) of this subsection; and

5 (v) The possible sanction authorized if the court determines that the per-
6 son has violated the conditions of release.

7 (c) The court shall hold the hearing no more than 15 days after issuing
8 the order to appear and show cause. The court may order the person to be
9 detained pending the hearing and disposition.

10 (d) In a hearing under this subsection:

11 (A) The person has the right to be represented by counsel and, if finan-
12 cially eligible, to have counsel appointed at state expense if the court de-
13 termines, after request, that the request is based on a timely and colorable
14 claim that:

15 (i) The person has not committed the alleged violation of the release
16 conditions;

17 (ii) Even if the violation is a matter of public record or is uncontested,
18 there are substantial reasons that justify or mitigate the violation and make
19 revocation inappropriate and the reasons are complex or otherwise difficult
20 to develop or present; or

21 (iii) The person, in doubtful cases, appears to be incapable of speaking
22 effectively on the person's own behalf;

23 (B) The Department of Corrections or the supervisory authority has the
24 burden of proving the alleged violation by a preponderance of the evidence;

25 (C) The state is a party and is represented by the district attorney;

26 (D) The standards for the introduction and admissibility of evidence in
27 contested case hearings under ORS 183.450 (1) and (2) apply in the hearing;

28 (E) If the court finds that the person has violated the conditions of re-
29 lease and that subsection (5) of this section does not apply, the person has
30 the burden of establishing good cause why the conditional release should not
31 be revoked or suspended; and

1 (F) At the conclusion of the hearing, the court shall enter an order con-
2 taining findings of fact and, if the court finds that the person violated a
3 condition of release, stating what sanctions are imposed.

4 (e) Except as provided in subsection (5) of this section, when the court
5 finds that the person has violated a condition of release, the court shall im-
6 pose one or more of the following sanctions:

7 (A) Adjustments to the level of supervision;

8 (B) Modifications of the conditions of release;

9 (C) Any appropriate available local sanctions including, but not limited
10 to, community service work, house arrest, electronic surveillance, restitution
11 centers, work release centers or day centers;

12 (D) Suspension of conditional release for up to 180 days; or

13 (E) Revocation of conditional release.

14 (5) At the conclusion of the hearing, the court shall revoke the person's
15 conditional release and order the person committed to the physical custody
16 of the Department of Corrections to be confined for the entire remainder of
17 the sentence of imprisonment imposed, taking into account any reduction in
18 the sentence under ORS 421.121 or any other statute, if the court finds that:

19 (a) The person has been convicted of a new criminal offense;

20 (b) The person has violated the condition prohibiting ownership, pos-
21 session or control of a dangerous weapon or deadly weapon, as those terms
22 are defined in ORS 161.015, or a dangerous animal; or

23 (c) The person's conditional release has been suspended twice under this
24 section within the past 18 months.

25 (6)(a) The state, the Department of Corrections or the person may appeal
26 from an order of conditional release under this section. The appellate court's
27 review is limited to claims that the court failed to comply with the require-
28 ments of law in ordering the conditional release.

29 (b) The state, the Department of Corrections or the person may appeal
30 from an order of the court entered under subsection (4) or (5) of this section.
31 The appellate court's review is limited to claims that:

1 (A) The disposition is not authorized under this section;

2 (B) The court failed to comply with the requirements of law; and

3 (C) The finding of the court that the person did or did not violate a
4 condition of release is not supported by substantial evidence in the record.

5 **SECTION 21.** ORS 419C.446 is amended to read:

6 419C.446. (1) When a court determines it would be in the best interest and
7 welfare of a youth offender, the court may place the youth offender on pro-
8 bation. The court may direct that the youth offender remain in the legal
9 custody of the youth offender's parents or other person with whom the youth
10 offender is living, or the court may direct that the youth offender be placed
11 in the legal custody of some relative or some person maintaining a foster
12 home approved by the court, or in a child care center or a youth care center
13 authorized to accept the youth offender.

14 (2) The court may specify particular requirements to be observed during
15 the probation consistent with recognized juvenile court practice, including
16 but not limited to restrictions on visitation by the youth offender's parents,
17 restrictions on the youth offender's associates, occupation and activities, re-
18 strictions on and requirements to be observed by the person having the youth
19 offender's legal custody, requirements for visitation by and consultation with
20 a juvenile counselor or other suitable counselor, requirements to make
21 restitution under ORS 419C.450, requirements of a period of detention under
22 ORS 419C.453, [*requirements to pay a fine under ORS 419C.459, requirements*
23 *to pay a supervision fee under ORS 419C.449,*] requirements to perform com-
24 munity service under ORS 419C.462, or service for the victim under ORS
25 419C.465, or requirements to submit to blood or buccal testing under ORS
26 419C.473.

27 (3) If the youth offender is a sex offender, as defined in ORS 163A.005, the
28 juvenile department shall notify the chief of police, if the youth offender is
29 going to reside within a city, and the county sheriff of the county in which
30 the youth offender is going to reside of the youth offender's release on pro-
31 bation and the requirements imposed on the youth offender's probation under

1 subsection (2) of this section.

2 **(4) The court, juvenile department or any other agency may not**
3 **order the youth offender or the youth offender's parent or guardian**
4 **to pay any fee, cost or surcharge as a condition of probation.**

5 **(5) The court, juvenile department or any other agency may not**
6 **order the youth offender or the youth offender's parent or guardian**
7 **to pay any probation supervision fee.**

8 **SECTION 22.** ORS 419C.540 is amended to read:

9 419C.540. (1) The director of a hospital or facility to which a young person
10 was committed under ORS 419C.532 (5) shall apply to the juvenile panel of
11 the Psychiatric Security Review Board for an order of discharge or condi-
12 tional release of the young person if, at any time after the commitment, the
13 director is of the opinion that the young person:

14 (a) No longer has a qualifying mental disorder;

15 (b) Has a qualifying mental disorder other than a serious mental condi-
16 tion but no longer presents a substantial danger to others; or

17 (c) Can be controlled with proper supervision and treatment services if
18 conditionally released.

19 (2) The director shall include in an application under subsection (1) of
20 this section a report setting forth the facts that support the opinion of the
21 director. If the application is for conditional release, the director shall also
22 include a verified conditional release plan. The juvenile panel shall hold a
23 hearing on an application under subsection (1) of this section within 30 days
24 of its receipt. Not less than 10 days prior to the hearing before the juvenile
25 panel, copies of the report must be sent to the Attorney General or other
26 attorney representing the state, if any, the district attorney of the county in
27 which the young person was adjudicated, the young person, the young
28 person's attorney, the young person's parents or guardians, if known, and the
29 person having legal custody of the young person.

30 (3) The attorney representing the state may choose a psychiatrist certi-
31 fied, or eligible to be certified, by the Oregon Medical Board in child psy-

1 chiatry or a licensed psychologist with expertise in child psychology to
2 examine the young person prior to any decision of the juvenile panel on
3 discharge or conditional release. The results of the examination must be in
4 writing and filed with the juvenile panel and must include, but need not be
5 limited to, an opinion as to whether the young person:

6 (a)(A) Has a serious mental condition; or

7 (B) Has a qualifying mental disorder other than a serious mental condi-
8 tion and presents a substantial danger to others; and

9 (b) Could be adequately controlled with treatment services as a condition
10 of release.

11 (4) A young person who has been committed to a hospital or facility under
12 ORS 419C.532 (5) or the young person's parents or guardians acting on the
13 young person's behalf may apply to the juvenile panel for an order of dis-
14 charge or conditional release upon the grounds that the young person:

15 (a) No longer has a qualifying mental disorder;

16 (b) Has a qualifying mental disorder other than a serious mental condi-
17 tion but no longer presents a substantial danger to others; or

18 (c) Can be controlled with proper supervision and treatment services if
19 conditionally released.

20 (5) When an application is made under subsection (4) of this section, the
21 juvenile panel shall require a report from the director of the hospital or fa-
22 cility. The director shall prepare and transmit the report as provided in
23 subsection (2) of this section.

24 (6) At a hearing on an application under subsection (4) of this section:

25 (a) The applicant has the burden of proving the young person's fitness for
26 discharge or conditional release; or

27 (b) If more than two years have passed since the state had the burden of
28 proving the young person's lack of fitness for discharge or conditional re-
29 lease, the state has the burden of proving the young person's lack of fitness
30 for discharge or conditional release.

31 (7) A person may not file an application for discharge or conditional re-

1 lease under subsection (4) of this section:

2 (a) Sooner than 90 days after the initial juvenile panel hearing concerning
3 the young person.

4 (b) If another application for discharge or conditional release of the
5 young person was filed during the immediately preceding 90 days.

6 (8) The juvenile panel shall hold a hearing on an application under sub-
7 section (4) of this section within 30 days after the application is filed.

8 **(9) The juvenile panel and the director of a hospital or facility to**
9 **which a young person was committed under ORS 419C.532 (5) may not**
10 **assess any fees or costs against the young person or the young**
11 **person's parent or guardian, including but not limited to court-**
12 **appointed attorney fees, examinations fees and costs and supervision**
13 **expenses.**

14 **SECTION 23.** ORS 419C.570 is amended to read:

15 419C.570. (1)(a) A parent or legal guardian of a youth offender, if the
16 parent or guardian was served with summons under ORS 419C.300, 419C.303
17 and 419C.306 prior to the adjudication or at least 10 days prior to disposition,
18 is subject to the jurisdiction of the court for purposes of this section. The
19 court may:

20 (A) Order the parent or guardian to assist the court in any reasonable
21 manner in providing appropriate education or counseling for the youth
22 offender; **or**

23 *[(B) If the youth offender is within the jurisdiction of the court for having*
24 *committed an act that if committed by an adult would constitute a violation*
25 *of ORS 166.250, 166.370 or 166.382, require the parent or guardian to pay or*
26 *cause to be paid all or part of the reasonable costs of any mental health as-*
27 *essment or screening ordered by the court under ORS 419C.109 (3);]*

28 *[(C)]* **(B)** If the court orders probation, require the parent or guardian to
29 enter into a contract with the juvenile department in regard to the super-
30 vision and implementation of the youth offender's probation.*.[; or]*

31 *[(D) If the court orders probation, require the parent or guardian to pay*

1 *all or a portion of the supervision fee if a supervision fee is imposed under*
2 *ORS 419C.446 (2).]*

3 (b) In all cases in which a youth offender is placed on probation, the ju-
4 venile department and the parent or guardian shall develop a plan for
5 supervision of the youth offender. The plan must be reasonably calculated
6 to provide the supervision necessary to prevent further acts of delinquency
7 given the individual circumstances of the youth offender. The court shall
8 review and ratify the plan and make the plan a part of the probation order.

9 [(2) *The court may require the parent or guardian to pay a specific sum not*
10 *to exceed \$1,000 for a violation by the parent or guardian of the court's order*
11 *or the contract under subsection (1)(a) of this section.]*

12 [(3)] (2) The court may not revoke a youth offender's probation solely
13 because of a failure of the youth offender's parent or guardian to comply
14 with an order or a contract under subsection (1)(a) of this section.

15 **SECTION 24.** ORS 420.525 is amended to read:

16 420.525. The costs of the hearings held under ORS 179.473, 419B.328,
17 419B.331, 419B.334, 419B.337, 419B.343, 419B.346, 419B.349, 419C.446, 419C.450,
18 419C.478, 419C.481, 419C.486, 419C.489, 419C.492, 419C.498 and 420.500 to
19 420.525 and the fees for physicians and other qualified persons appointed
20 under ORS 179.473, 419B.328, 419B.331, 419B.334, 419B.337, 419B.343, 419B.346,
21 419B.349, 419C.446, 419C.450, 419C.478, 419C.481, 419C.486, 419C.489, 419C.492,
22 419C.498 and 420.500 to 420.525 shall be charged to the county of the youth's
23 residence prior to the initial commitment of the youth to a youth correction
24 facility or to the county of the adult's residence prior to the initial com-
25 mitment of the adult in custody to a penal or correctional institution. At-
26 torney fees may also be charged to that county [*if the youth or adult in*
27 *custody has no separate estate or if the parents of the youth refuse or are un-*
28 *able to provide an attorney].*

29

30

BLOOD TESTING

31

1 **SECTION 25.** ORS 419C.473 is amended to read:

2 419C.473. (1) Whenever a youth offender has been found to be within the
3 jurisdiction of the court under ORS 419C.005 for having committed an act
4 that if done by an adult would constitute a felony listed in subsection (2)
5 of this section, the court shall order the youth offender to submit to the
6 obtaining of a blood or buccal sample in the manner provided by ORS
7 137.076. The court shall further order that as soon as practicable after the
8 entry of the dispositional order, the law enforcement agency attending upon
9 the court shall cause a blood or buccal sample to be obtained and transmit-
10 ted in accordance with ORS 137.076. [*The court may also order the youth*
11 *offender to reimburse the appropriate agency for the cost of obtaining and*
12 *transmitting the blood or buccal sample.*]

13 (2) The felonies to which subsection (1) of this section applies are:

14 (a) Rape, sodomy, unlawful sexual penetration, sexual abuse in the first
15 or second degree, public indecency, incest or using a child in a display of
16 sexually explicit conduct, as those offenses are defined in ORS 163.355 to
17 163.427, 163.465 (1)(d), 163.525 and 163.670;

18 (b) Burglary in the second degree, as defined in ORS 164.215, when com-
19 mitted with intent to commit any offense listed in paragraph (a) of this
20 subsection;

21 (c) Promoting or compelling prostitution, as defined in ORS 167.012 and
22 167.017;

23 (d) Burglary in the first degree, as defined in ORS 164.225;

24 (e) Assault in the first degree, as defined in ORS 163.185;

25 (f) Conspiracy or attempt to commit any Class A or Class B felony listed
26 in paragraphs (a) to (e) of this subsection; or

27 (g) Murder or aggravated murder.

28 (3) No order for the obtaining and transmitting of a blood or buccal
29 sample is required to be entered if:

30 (a) The Department of State Police notifies the court or the law enforce-
31 ment agency attending upon the court that it has previously received an

1 adequate blood or buccal sample taken from the youth offender in accordance
2 with this section, ORS 137.076 or 161.325 (4); or

3 (b) The court determines that obtaining a sample would create a sub-
4 stantial and unreasonable risk to the health of the youth offender.

5 (4) Notwithstanding any other provision of law, blood and buccal samples
6 and other physical evidence and criminal identification information obtained
7 under authority of this section or as a result of analysis conducted pursuant
8 to ORS 181A.155 may be maintained, stored, destroyed and released to au-
9 thorized persons or agencies under the conditions established in ORS
10 181A.155 and rules adopted by the Department of State Police under the au-
11 thority of that section.

12 **(5) The court may not order the youth offender or the parent or**
13 **guardian of the youth offender to pay for or to reimburse any agency**
14 **for the cost of obtaining or transmitting a blood or buccal sample**
15 **under this section.**

16 **SECTION 26.** ORS 419C.475 is amended to read:

17 419C.475. (1) Whenever a youth offender has been found to be within the
18 jurisdiction of the court under ORS 419C.005 (1) for having committed an act
19 from which it appears that the transmission of body fluids from one person
20 to another as described in ORS 135.139 may have been involved or a sexual
21 act may have occurred, the court shall order the youth offender to submit
22 to blood-borne infection testing as provided in ORS 135.139 if the victim, or
23 parent or guardian of the victim, requests the court to make such an order.

24 (2) The court may [*also*] **not** order the youth offender or the parent or
25 guardian of the youth offender to **pay for or** reimburse [*the appropriate*] **any**
26 agency for the cost of the test.

27

28

FEES FOR COURT RECORDS

29

30 **SECTION 27.** ORS 419A.256 is amended to read:

31 419A.256. (1)(a) Once prepared and filed with the court, a transcript of a

1 juvenile court proceeding is part of the record of the case maintained by the
2 clerk of the court under ORS 419A.255 (1) and is subject to the provisions
3 of ORS 419A.255 governing access and disclosure.

4 (b) Notwithstanding ORS 419A.255, if a transcript, audio recording or
5 video recording has been prepared in any proceeding under ORS chapter
6 419C, the victim may obtain a copy by paying the actual cost of preparation.

7 *[(2) If the court finds that the child, ward, youth, youth offender or parent
8 or guardian of the child, ward, youth or youth offender is without financial
9 means to purchase all or a necessary part of the transcript of the evidence or
10 proceedings, the court shall order, upon motion, the transcript or part of the
11 transcript to be furnished. The transcript or part of the transcript furnished
12 under this subsection must be paid for in the same manner as furnished
13 transcripts are paid for in criminal cases.]*

14 **(2) Upon request, the court shall provide a copy of the transcript
15 of the evidence or proceeding at no cost to the child, ward, youth,
16 youth offender or young person or the parent or guardian of the child,
17 ward, youth, youth offender or young person.**

18 (3) The official audio, video or other recording of a juvenile court pro-
19 ceeding shall be withheld from public inspection but is open to inspection
20 by the persons described in ORS 419A.255 (1)(b)(A) to (Q).

21 (4) With a finding of good cause and subject to any conditions the court
22 finds appropriate, the court may provide a copy of the audio or video re-
23 cording of a juvenile court proceeding to persons described in ORS 419A.255
24 (1)(b)(A), (I), (J) and (M) to (Q).

25

26 **PARENTING PROGRAM; TREATMENT**

27

28 **SECTION 28.** ORS 419C.573 is amended to read:

29 419C.573. (1)(a) The court may order the parent or guardian to participate
30 in any educational or counseling programs as are reasonably directed toward
31 improvement of parenting skills and the ability of the parent to supervise the

1 youth offender if the court finds:

2 (A) That a deficiency in parenting skills has significantly contributed to
3 the circumstances bringing the youth offender within the jurisdiction of the
4 court; and

5 (B) That participation would be consistent with the best interests of the
6 youth offender.

7 (b) The programs may include, but need not be limited to, parenting
8 classes.

9 (c) The court may order such participation with the youth offender or
10 separately.

11 *[(2) As an alternative to a contempt proceeding, the court may require a
12 parent or guardian to pay a specific sum not to exceed \$1,000 for a violation
13 by the parent or guardian of an order under subsection (1) of this section.]*

14 *[(3)]* (2) The court may not revoke a youth offender's probation solely
15 because of a failure of the youth offender's parent or guardian to comply
16 with an order under subsection (1) of this section.

17 **SECTION 29.** ORS 419C.575 is amended to read:

18 419C.575. If the court finds that the parent's or guardian's addiction to
19 or habitual use of alcohol, cannabis or controlled substances has signif-
20 icantly contributed to the circumstances bringing the youth offender within
21 the jurisdiction of the court, the court may conduct a special hearing to de-
22 termine if the court should order the parent or guardian to participate in
23 treatment *[and pay the costs thereof]*. Notice of this hearing shall be by spe-
24 cial petition and summons to be filed by the court and served upon the par-
25 ent or guardian. The court shall appoint counsel to represent the parent or
26 guardian *[if the parent or guardian is eligible under ORS 135.050]* **at state**
27 **expense**. If, at this hearing, the court finds it is in the best interest of the
28 youth offender for the parent or guardian to be directly involved in treat-
29 ment, the judge may order the parent or guardian to participate in treatment.
30 The dispositional order shall be in writing and shall contain appropriate
31 findings of fact and conclusions of law. **The court may not impose any**

1 **fees or costs for court-appointed counsel, evaluation or treatment or-**
2 **dered under this section.** The judge shall state with particularity, both
3 orally and in the written order of the disposition, the precise terms of the
4 disposition.

5 **SECTION 30.** ORS 471.430 is amended to read:

6 471.430. (1) A person under 21 years of age may not attempt to purchase,
7 purchase or acquire alcoholic beverages. Except when such minor is in a
8 private residence accompanied by the parent or guardian of the minor and
9 with such parent's or guardian's consent, a person under 21 years of age may
10 not have personal possession of alcoholic beverages.

11 (2) For the purposes of this section, personal possession of alcoholic
12 beverages includes the acceptance or consumption of a bottle of such
13 beverages, or any portion thereof or a drink of such beverages. However, this
14 section does not prohibit the acceptance or consumption by any person of
15 sacramental wine as part of a religious rite or service.

16 (3) Except as authorized by rule or as necessitated in an emergency, a
17 person under 21 years of age may not enter or attempt to enter any portion
18 of a licensed premises that is posted or otherwise identified as being pro-
19 hibited to the use of minors.

20 (4)(a) Except as provided in paragraph (b) of this subsection, a person who
21 violates subsection (1) or (3) of this section commits a Class B violation.

22 (b) A person commits a Class A violation if the person violates subsection
23 (1) of this section by reason of personal possession of alcoholic beverages
24 while the person is operating a motor vehicle as defined in ORS 801.360.

25 **(c) Notwithstanding ORS 153.018, if a person who violates subsection**
26 **(1) or (3) of this section was under 18 years of age at the time of the**
27 **violation, the court may not impose any fine for the violation.**

28 (5) In addition to and not in lieu of any other penalty established by law:

29 (a) The court may order a person who violates subsection (1) of this sec-
30 tion through misrepresentation of age to perform community service; and

31 (b) The court shall order, when a person violates subsection (1) of this

1 section, that the person's driving privileges and right to apply for driving
2 privileges be suspended pursuant to ORS 809.260 and 809.280. The court no-
3 tification made to the Department of Transportation under this paragraph
4 may include a recommendation that the person be granted a hardship permit
5 under ORS 807.240 if the person is otherwise eligible for the permit.

6 (6) If a person cited under this section is at least 13 years of age but less
7 than 21 years of age at the time the person is found in default under ORS
8 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of
9 any other penalty established by law, the court shall issue notice under ORS
10 809.220 to the department for the department to suspend the person's driving
11 privileges under ORS 809.280 (4).

12 (7) In addition to and not in lieu of any penalty established by law, the
13 court may order a person who violates this section to undergo assessment
14 and treatment as provided in ORS 471.432. The court shall order a person to
15 undergo assessment and treatment as provided in ORS 471.432 if the person
16 has previously been found to have violated this section.

17 (8) The prohibitions of this section do not apply to a person under 21
18 years of age who is acting under the direction of the Oregon Liquor Control
19 Commission or under the direction of state or local law enforcement agencies
20 for the purpose of investigating possible violations of laws prohibiting sales
21 of alcoholic beverages to persons who are under 21 years of age.

22 (9) The prohibitions of this section do not apply to a person under 21
23 years of age who is acting under the direction of a licensee for the purpose
24 of investigating possible violations by employees of the licensee of laws
25 prohibiting sales of alcoholic beverages to persons who are under 21 years
26 of age.

27 (10)(a) A person under 21 years of age is not in violation of, and is im-
28 mune from prosecution under, this section if:

29 (A) The person contacted emergency medical services or a law enforce-
30 ment agency in order to obtain medical assistance for another person who
31 was in need of medical assistance due to alcohol consumption and the evi-

1 dence of the violation was obtained as a result of the person's having con-
2 tacted emergency medical services or a law enforcement agency; or

3 (B) The person was in need of medical assistance due to alcohol con-
4 sumption and the evidence of the violation was obtained as a result of the
5 person's having sought or obtained the medical assistance.

6 (b) Paragraph (a) of this subsection does not exclude the use of evidence
7 obtained as a result of a person's having sought medical assistance in pro-
8 ceedings for crimes or offenses other than a violation of this section.

9 **SECTION 31.** ORS 471.432 is amended to read:

10 471.432. (1) When a person is ordered to undergo assessment and treat-
11 ment as provided in ORS 471.430, the court shall require the person to do
12 all of the following:

13 [(1)] (a) Pay to the court the fee described under ORS 813.030 in addition
14 to any fine imposed under ORS 471.430.

15 [(2)] (b) Complete an examination by an agency or organization desig-
16 nated by the court to determine whether the person has a problem condition
17 involving alcohol as described in ORS 813.040. The designated agencies or
18 organizations must meet minimum standards established under ORS 430.357
19 to perform the diagnostic assessment and treatment of problem drinking and
20 alcoholism and must be certified by the Director of the Oregon Health Au-
21 thority.

22 [(3)] (c) Complete a treatment program, paid at the expense of the person
23 convicted, as follows:

24 [(a)] (A) If the examination required under this section shows that the
25 person has a problem condition involving alcohol, a program for rehabili-
26 tation for alcoholism approved by the director.

27 [(b)] (B) If the examination required by this section shows that the person
28 does not have a problem condition involving alcohol, an alcohol information
29 program approved by the director.

30 (2) **If the person ordered to undergo assessment and treatment is a**
31 **minor, the Oregon Health Authority shall make the examination un-**

1 **der subsection (1)(b) of this section and the programs under subsection**
2 **(1)(c) of this section available at no cost to the minor or the minor's**
3 **parent or guardian.**

4 **SECTION 32.** ORS 813.030 is amended to read:

5 813.030. (1) The fee required by ORS 471.432 and 813.020 (1) shall be in the
6 amount of \$255, except that the court may waive all or part of the fee in
7 cases involving indigent defendants. The court may make provision for pay-
8 ment of the fee on an installment basis. A circuit court shall deposit the fee
9 in the Criminal Fine Account. If the fee is collected in a municipal or justice
10 court, the fee shall be forwarded by the court to the Department of Revenue
11 for deposit in the Criminal Fine Account.

12 **(2) The court may not order the fee under ORS 471.432 in any case**
13 **where the person who is required to undergo assessment and treat-**
14 **ment is a minor.**

15
16 **SEX OFFENDER REGISTRY FEES**
17

18 **SECTION 33.** ORS 163A.030 is amended to read:

19 163A.030. (1)(a) Except as provided in subsection (6) of this section, the
20 juvenile court shall hold a hearing on the issue of reporting as a sex offender
21 by a person who has been found to be within the jurisdiction of the juvenile
22 court under ORS 419C.005, or found by the juvenile court to be responsible
23 except for insanity under ORS 419C.411, for having committed an act that if
24 committed by an adult would constitute a felony sex crime if:

25 (A) The person was adjudicated on or after August 12, 2015; or

26 (B) The person was adjudicated before August 12, 2015, and was still un-
27 der the jurisdiction of the juvenile court or the Psychiatric Security Review
28 Board on April 4, 2016.

29 (b) Unless the court continues the hearing described in this section for
30 good cause, the hearing must be held:

31 (A) During the six-month period before the termination of juvenile court

1 jurisdiction over the person; or

2 (B) During the six-month period after the court receives the notice de-
3 scribed in subsection (2) of this section from the Psychiatric Security Review
4 Board, if the person was placed under the jurisdiction of the board.

5 (c) The court shall notify the person of the person's right to a hearing
6 under this section upon finding the person within the jurisdiction of the ju-
7 venile court under ORS 419C.005.

8 (2)(a) The county or state agency responsible for supervising the person
9 shall notify the person and the juvenile court when the agency determines
10 that termination of jurisdiction is likely to occur within six months.

11 (b) If the Psychiatric Security Review Board discharges a person prior to
12 the end of the board's jurisdiction over the person, the board shall notify the
13 juvenile court within three business days after the discharge date.

14 (3) Upon receipt of the notice described in subsection (2) of this section,
15 the court shall:

16 (a) Appoint an attorney for the person as described in subsection (4) of
17 this section;

18 (b) Set an initial hearing date; and

19 (c) Notify the parties and the juvenile department or the Psychiatric Se-
20 curity Review Board, if the department or board is supervising or has juris-
21 diction over the person, of the hearing at least 60 days before the hearing
22 date.

23 (4)(a) A person who is the subject of a hearing under this section has the
24 right to be represented by a suitable attorney possessing skills and experi-
25 ence commensurate with the nature and complexity of the case, to consult
26 with the attorney prior to the hearing and[, *if financially eligible,*] to have
27 a suitable attorney appointed at state expense.

28 (b) In order to comply with the right to counsel under paragraph (a) of
29 this subsection, the court may:

30 (A) Continue the appointment of the attorney appointed under ORS
31 419C.200 at the time of disposition;

1 (B) Set a date prior to the hearing under this section in order to reap-
2 point the attorney appointed under ORS 419C.200; or

3 (C) Appoint or reappoint an attorney at any time in response to a request
4 by the person who is the subject of a hearing under this section.

5 (5)(a) The district attorney shall notify the victim prior to the hearing
6 of the right to appear and the right to be heard under ORS 419C.273.

7 (b) If the person is under the jurisdiction of the Psychiatric Security Re-
8 view Board, the board shall notify the following of the hearing:

9 (A) The mental health agency providing services to the person, if any;

10 (B) The person's board defense attorney; and

11 (C) The assistant attorney general representing the state at board
12 hearings.

13 (6)(a) A person may waive the right to the hearing described in this sec-
14 tion only after receiving the notice described in subsection (2)(a) of this
15 section and after consultation with the person's attorney. If the court finds
16 that the person has knowingly waived the right to a hearing, the court shall
17 enter an order requiring the person to report as a sex offender under ORS
18 163A.025.

19 (b) If a person fails to appear at a hearing described in this section, the
20 court may enter an order requiring the person to report as a sex offender
21 under ORS 163A.025.

22 (7) At the hearing described in subsection (1) of this section:

23 (a) The district attorney, the victim, the person and the juvenile depart-
24 ment or a representative of the Oregon Youth Authority shall have an op-
25 portunity to be heard.

26 (b) The person who is the subject of the hearing has the burden of proving
27 by clear and convincing evidence that the person is rehabilitated and does
28 not pose a threat to the safety of the public. If the court finds that the per-
29 son has not met the burden of proof, the court shall enter an order requiring
30 the person to report as a sex offender under ORS 163A.025.

31 (8) In determining whether the person has met the burden of proof, the

1 juvenile court may consider but need not be limited to considering:

2 (a) The extent and impact of any physical or emotional injury to the
3 victim;

4 (b) The nature of the act that subjected the person to the duty of report-
5 ing as a sex offender;

6 (c) Whether the person used or threatened to use force in committing the
7 act;

8 (d) Whether the act was premeditated;

9 (e) Whether the person took advantage of a position of authority or trust
10 in committing the act;

11 (f) The age of any victim at the time of the act, the age difference between
12 any victim and the person and the number of victims;

13 (g) The vulnerability of the victim;

14 (h) Other acts committed by the person that would be crimes if committed
15 by an adult and criminal activities engaged in by the person before and after
16 the adjudication;

17 (i) Statements, documents and recommendations by or on behalf of the
18 victim or the parents of the victim;

19 (j) The person's willingness to accept personal responsibility for the act
20 and personal accountability for the consequences of the act;

21 (k) The person's ability and efforts to pay the victim's expenses for
22 counseling and other trauma-related expenses or other efforts to mitigate the
23 effects of the act;

24 (L) Whether the person has participated in and satisfactorily completed
25 a sex offender treatment program or any other intervention, and if so the
26 juvenile court may also consider:

27 (A) The availability, duration and extent of the treatment activities;

28 (B) Reports and recommendations from the providers of the treatment;

29 (C) The person's compliance with court, board or supervision require-
30 ments regarding treatment; and

31 (D) The quality and thoroughness of the treatment program;

1 (m) The person's academic and employment history;

2 (n) The person's use of drugs or alcohol before and after the adjudication;

3 (o) The person's history of public or private indecency;

4 (p) The person's compliance with and success in completing the terms of
5 supervision;

6 (q) The results of psychological examinations of the person;

7 (r) The protection afforded the public by records of sex offender registra-
8 tion; and

9 (s) Any other relevant factors.

10 (9) In a hearing under this section, the juvenile court may receive testi-
11 mony, reports and other evidence, without regard to whether the evidence
12 is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585, if the evidence
13 is relevant evidence related to the determination and findings required under
14 this section. As used in this subsection, "relevant evidence" has the meaning
15 given that term in ORS 40.150.

16 (10)(a) In a hearing under this section, the Oregon Youth Authority or
17 the juvenile department, if either agency is supervising the person, or the
18 Psychiatric Security Review Board, if the board has jurisdiction over the
19 person, shall file with the juvenile court the following records and materials
20 in the possession of the agency or board at least 45 days prior to the hearing
21 unless good cause is shown:

22 (A) Evaluations and treatment records concerning the person conducted
23 by a clinician or program operating under the standards of practice for the
24 evaluation and treatment of juvenile sex offenders adopted by the Sexual
25 Offense Treatment Board under ORS 675.400, and recommendations contained
26 therein regarding the need for the person to register in order to protect the
27 public from future sex crimes;

28 (B) All examination preparation material and examination records from
29 polygraph examinations conducted by or for the treatment provider, juvenile
30 department or Oregon Youth Authority; and

31 (C) The Psychiatric Security Review Board exhibit file.

1 (b) Any records and materials filed with the court under this subsection
2 shall be made available to the parties in accordance with ORS 419A.255.

3 (11)(a) When the juvenile court enters an order described in subsection
4 (6)(a) or (7)(b) of this section, the court shall ensure that the person com-
5 pletes a form that documents the person's obligation to report under ORS
6 163A.025. No later than three business days after the person completes the
7 form required by this subsection, the court shall ensure that the form is sent
8 to the Department of State Police.

9 (b) If the court enters an order under this section, no later than three
10 business days after entry of the order, the court shall ensure that the order
11 is sent to the Department of State Police.

12 (12) Notwithstanding ORS 419C.005 (4)(c), (d) and (e), the juvenile court
13 retains jurisdiction over a person for purposes of this section.

14 (13) As used in this section, "parties" means the person, the state as re-
15 presented by the district attorney or the juvenile department, and the Oregon
16 Youth Authority or other child care agency, if the person is temporarily
17 committed to the authority or agency.

18 **SECTION 34.** ORS 163A.035 is amended to read:

19 163A.035. (1) Agencies registering offenders under ORS 163A.010, 163A.015,
20 163A.020 and 163A.025 shall use forms and procedures adopted by the De-
21 partment of State Police by administrative rule. The department shall in-
22 clude places on the form to list all the names used by the offender and the
23 address of the offender. No later than three working days after registration,
24 the agency or official completing the form shall forward the registration in-
25 formation to the department in the manner prescribed by the department.

26 (2) The department shall enter into the Law Enforcement Data System the
27 sex offender information obtained from the sex offender registration forms.
28 If a conviction or adjudication that gave rise to the registration obligation
29 is reversed or vacated or if the registrant is pardoned, the department shall
30 remove from the Law Enforcement Data System the sex offender information
31 obtained from the form.

1 (3) The Law Enforcement Data System may send sex offender information
2 to the National Crime Information Center as part of the national sex
3 offender registry in accordance with appropriate state and federal proce-
4 dures.

5 (4) If the person is no longer under supervision, the department shall
6 verify the residence address of a person determined to be a sexually violent
7 dangerous offender as defined in ORS 137.765 every 90 days by mailing a
8 verification form to the person at the person's last reported residence ad-
9 dress. No later than 10 days after receiving the form, the person shall sign
10 and return the form to the department.

11 (5) The department shall assess a person who is required to report under
12 ORS 163A.010, 163A.015[,] **or** 163A.020 [*or 163A.025*] and who is not under
13 supervision a fee of \$70 each year. Moneys received by the department under
14 this subsection are continuously appropriated to the department for the
15 purpose of carrying out the department's duties under ORS 163A.005 to
16 163A.235.

17 **SECTION 35.** ORS 163A.130 is amended to read:

18 163A.130. (1) A person required to report as a sex offender under ORS
19 163A.025 (1)(a), (b) or (c), or required to report as a sex offender under the
20 laws of another state as a result of an adjudication in an Oregon juvenile
21 court, may file a petition for an order relieving the person of the obligation
22 to report. [*The person must pay the filing fee established under ORS 21.135.*]

23 If the person resides:

24 (a) In this state and is required to report under ORS 163A.025 (2) or (3),
25 the petition must be filed in the juvenile court in which the person was ad-
26 judicated for the act that requires reporting.

27 (b) In another state and is required to report under ORS 163A.025 (4), the
28 petition must be filed in the juvenile court in the county in which the person
29 attends school or works.

30 (c) In another state and is required to report under the laws of the other
31 state, the petition must be filed in the juvenile court in which the person

1 was adjudicated for the act that requires reporting.

2 (2) If the act giving rise to the obligation to report would constitute:

3 (a) A Class A or Class B felony sex crime if committed by an adult, the
4 petition may be filed no sooner than two years after the termination of ju-
5 venile court jurisdiction over the person or, if the person is placed under the
6 jurisdiction of the Psychiatric Security Review Board, no sooner than two
7 years after the person is discharged from the jurisdiction of the board.

8 (b) A Class C felony sex crime if committed by an adult, the petition may
9 be filed no sooner than 30 days before the termination of juvenile court ju-
10 risdiction over the person or, if the person is placed under the jurisdiction
11 of the Psychiatric Security Review Board, no sooner than 30 days before the
12 person is discharged from the jurisdiction of the board.

13 (3)(a) The juvenile court in which a petition under this section is filed
14 may transfer the matter to the juvenile court of the county that last super-
15 vised the person if the court determines that the convenience of the parties,
16 the victim and witnesses require the transfer.

17 (b) The juvenile court has exclusive original jurisdiction in any proceed-
18 ing under this section.

19 (c) The person, the district attorney and the juvenile department are
20 parties to a hearing on a petition filed under this section.

21 (4) The person filing the petition has the burden of proving by clear and
22 convincing evidence that the person is rehabilitated and does not pose a
23 threat to the safety of the public. In determining whether the person has
24 met the burden of proof, the juvenile court may consider but need not be
25 limited to considering:

26 (a) The extent and impact of any physical or emotional injury to the
27 victim;

28 (b) The nature of the act that subjected the person to the obligation of
29 reporting as a sex offender;

30 (c) Whether the person used or threatened to use force in committing the
31 act;

- 1 (d) Whether the act was premeditated;
- 2 (e) Whether the person took advantage of a position of authority or trust
3 in committing the act;
- 4 (f) The age of any victim at the time of the act, the age difference between
5 any victim and the person and the number of victims;
- 6 (g) The vulnerability of the victim;
- 7 (h) Other acts committed by the person that would be crimes if committed
8 by an adult and criminal activities engaged in by the person before and after
9 the adjudication;
- 10 (i) Statements, documents and recommendations by or on behalf of the
11 victim or the parents of the victim;
- 12 (j) The person's willingness to accept personal responsibility for the act
13 and personal accountability for the consequences of the act;
- 14 (k) The person's ability and efforts to pay the victim's expenses for
15 counseling and other trauma-related expenses or other efforts to mitigate the
16 effects of the act;
- 17 (L) Whether the person has participated in and satisfactorily completed
18 a sex offender treatment program or any other intervention, and if so the
19 juvenile court may also consider:
 - 20 (A) The availability, duration and extent of the treatment activities;
 - 21 (B) Reports and recommendations from the providers of the treatment;
 - 22 (C) The person's compliance with court, board or supervision require-
23 ments regarding treatment; and
 - 24 (D) The quality and thoroughness of the treatment program;
- 25 (m) The person's academic and employment history;
- 26 (n) The person's use of drugs or alcohol before and after the adjudication;
- 27 (o) The person's history of public or private indecency;
- 28 (p) The person's compliance with and success in completing the terms of
29 supervision;
- 30 (q) The results of psychological examinations of the person;
- 31 (r) The protection afforded the public by the continued existence of the

1 records; and

2 (s) Any other relevant factors.

3 (5) In a hearing under this section, the juvenile court may receive testi-
4 mony, reports and other evidence without regard to whether the evidence is
5 admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is
6 relevant to the determination and findings required under this section. As
7 used in this subsection, “relevant evidence” has the meaning given that term
8 in ORS 40.150.

9 (6) When a petition is filed under this section, the state has the right to
10 have a psychosexual evaluation of the person conducted. The state shall file
11 notice with the juvenile court of its intention to have the person evaluated.
12 If the person objects to the evaluator chosen by the state, the juvenile court
13 for good cause shown may direct the state to select a different evaluator.

14 (7) As soon as practicable after a petition has been filed under this sec-
15 tion, the district attorney or juvenile department shall make a reasonable
16 effort to notify the victim of the crime that the person has filed a petition
17 seeking relief under this section and, if the victim has requested, to inform
18 the victim of the date, time and place of a hearing on the petition in advance
19 of the hearing.

20 (8)(a) When a petition filed under this section is filed:

21 (A) While the person is under the jurisdiction of the juvenile court or the
22 Psychiatric Security Review Board or less than three years after the date the
23 jurisdiction is terminated, the court shall hold a hearing no sooner than 60
24 days and no later than 120 days after the date of filing.

25 (B) Three years or more after the date the juvenile court or board juris-
26 diction is terminated, the court shall hold a hearing no sooner than 90 days
27 and no later than 150 days after the date of filing.

28 (b) Notwithstanding paragraph (a) of this subsection, upon a showing of
29 good cause, the court may extend the period of time in which a hearing on
30 the petition must be held.

31 (9)(a) When the person proves by clear and convincing evidence that the

1 person is rehabilitated and does not pose a threat to the safety of the public,
2 the court shall grant the petition.

3 (b) Notwithstanding paragraph (a) of this subsection, the court may not
4 grant a petition filed under this section before the date the juvenile court
5 or board jurisdiction over the person is terminated.

6 (10) When a juvenile court enters an order relieving a person of the re-
7 quirement to report under ORS 163A.025, the person shall send a certified
8 copy of the juvenile court order to the Department of State Police.

9 (11) If a person commits an act for which the person could be waived
10 under ORS 419C.349 (1)(a) and the person is 15, 16 or 17 years of age at the
11 time the act is committed, the state and the person may stipulate that the
12 person may not petition for relief under this section as part of an agreement
13 that the state not file a motion requesting waiver under ORS 419C.349 (1)(a).

14 (12) When a petition is filed under subsection (2)(b) of this section before
15 the termination of juvenile court or board jurisdiction, *[if the person, or the*
16 *parent or guardian of the person if the person is less than 18 years of age,*
17 *requests counsel and is without sufficient financial means to employ suitable*
18 *counsel to represent the person, for purposes of the petition described in this*
19 *section,]* the court shall appoint suitable counsel to represent the person **for**
20 **purposes of the petition described in this section if the appointment**
21 **of counsel is requested by the person or, if the person is under 18 years**
22 **of age, by the parent or guardian of the person.** Appointment of counsel
23 under this subsection is subject to ORS 419C.200, *[419C.203,]* 419C.206 and
24 419C.209.

25 **SECTION 36.** ORS 163A.135 is amended to read:

26 163A.135. (1) Except as provided in subsection (7) of this section, a person
27 required to report under ORS 163A.025 (1)(d) may file a petition in the ju-
28 venile court for an order relieving the person of the duty to report. *[The*
29 *person must pay the filing fee established under ORS 21.135.]* If the person
30 resides:

31 (a) In this state and is required to report under ORS 163A.025 (2) or (3),

1 the petition must be filed in the juvenile court of the county in which the
2 person resides.

3 (b) In another state and is required to report under ORS 163A.025 (4), the
4 petition must be filed in the juvenile court of the county in which the person
5 attends school or works.

6 (2) If the act giving rise to the obligation to report would constitute:

7 (a) A Class A or Class B felony sex crime if committed in this state by
8 an adult, the petition may be filed no sooner than two years after the ter-
9 mination of the other United States court's jurisdiction over the person.

10 (b) A Class C felony sex crime if committed in this state by an adult, the
11 petition may be filed no sooner than 30 days before the termination of the
12 other United States court's jurisdiction over the person.

13 (3) The person filing the petition must submit with the petition all re-
14 leases and waivers necessary to allow the district attorney for the county in
15 which the petition is filed to obtain the following documents from the ju-
16 risdiction in which the person was adjudicated for the act for which report-
17 ing is required:

18 (a) The juvenile court petition;

19 (b) The dispositional report to the court;

20 (c) The order of adjudication or jurisdiction;

21 (d) Any other relevant court documents;

22 (e) The police report relating to the act for which reporting is required;

23 (f) The order terminating jurisdiction for the act for which reporting is
24 required; and

25 (g) The evaluation and treatment records or reports of the person that
26 are related to the act for which reporting is required.

27 (4) A person filing a petition under this section has the burden of proving
28 by clear and convincing evidence that the person is rehabilitated and does
29 not pose a threat to the safety of the public.

30 (5) Unless the court finds good cause for a continuance, the court shall
31 hold a hearing on the petition no sooner than 90 days and no later than 150

1 days after the date the petition is filed.

2 (6) If a person who files a petition under this section is required to report
3 as a sex offender for having committed an act that if committed in this state
4 could have subjected the person to waiver under ORS 419C.349 (1)(a), the
5 court may not grant the petition notwithstanding the fact that the person
6 has met the burden of proof established in subsection (4) of this section un-
7 less the court determines that to do so is in the interest of public safety.

8 (7) This section does not apply to a person who is required to register as
9 a sex offender for life in the jurisdiction in which the offense occurred.

10 (8) In a hearing under this section, the court may receive testimony, re-
11 ports and other evidence without regard to whether the evidence is admissi-
12 ble under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant
13 to the determination and findings required under this section. As used in this
14 subsection, “relevant evidence” has the meaning given that term in ORS
15 40.150.

16 (9) If the court is satisfied by clear and convincing evidence that the
17 person is rehabilitated and that the person does not pose a threat to the
18 safety of the public, the court shall enter an order relieving the person of
19 the duty to report. When the court enters an order under this subsection, the
20 person shall send a certified copy of the court order to the Department of
21 State Police.

22

23

UNITARY ASSESSMENT

24

25 **SECTION 36a.** Section 1, chapter 89, Oregon Laws 2012, is amended to
26 read:

27 **Sec. 1.** (1) ORS 153.633 applies only to offenses that are committed on or
28 after January 1, 2012.

29 (2) The repeal of ORS 137.290 by section 118, chapter 597, Oregon Laws
30 2011, applies [*only to offenses*] **to an offense only if the offense was com-**
31 **mitted on or after January 1, 2012, or, if the offense was committed be-**

1 **fore January 1, 2012, if the offense arises from the actions of a person**
2 **who was under 18 years of age at the time of the offense and who was**
3 **not waived to circuit court for prosecution as an adult under ORS**
4 **419C.340.** Except as provided in this section, any offense committed before
5 January 1, 2012, shall continue to be governed by ORS 137.290 as in effect
6 immediately before January 1, 2012, and all amounts collected as a unitary
7 assessment for offenses committed before January 1, 2012, shall be deposited
8 in the Criminal Fine Account.

9
10 **REPEALED STATUTES**

11
12 **SECTION 37. ORS 419C.203, 419C.449, 419C.459, 419C.590, 419C.592,**
13 **419C.595, 419C.597 and 419C.600 are repealed.**

14
15 **CONFORMING AMENDMENTS**

16
17 **SECTION 38.** ORS 18.005 is amended to read:

18 18.005. As used in this chapter:

19 (1) "Action" means any proceeding commenced in a court in which the
20 court may render a judgment.

21 (2) "Child support award" means a money award or agency order that
22 requires the payment of child support and that is entered under ORS 25.501
23 to 25.556, 108.010 to 108.550, 416.310 to 416.340, 416.510 to 416.990[,] **or**
24 419B.400 [*or 419C.590*] or ORS chapter 25, 107, 109 or 110.

25 (3) "Civil action" means any action that is not a criminal action.

26 (4) "Court administrator" means a trial court administrator in a circuit
27 court that has a trial court administrator and the clerk of the court in all
28 other courts.

29 (5) "Criminal action" has the meaning given in ORS 131.005.

30 (6) "Execution" means enforcement of the money award portion of a
31 judgment or enforcement of a judgment requiring delivery of the possession

1 or sale of specific real or personal property, by means of writs of execution,
2 writs of garnishment and other statutory or common law writs or remedies
3 that may be available under the law.

4 (7) “General judgment” means the judgment entered by a court that de-
5 cides all requests for relief in the action except:

6 (a) A request for relief previously decided by a limited judgment; and

7 (b) A request for relief that may be decided by a supplemental judgment.

8 (8) “Judgment” means the concluding decision of a court on one or more
9 requests for relief in one or more actions, as reflected in a judgment docu-
10 ment.

11 (9) “Judgment document” means a writing in the form provided by ORS
12 18.038 that incorporates a court’s judgment.

13 (10) “Judgment lien” means:

14 (a) The effect of a judgment on real property as described in ORS 18.150
15 (2) and (3) for the county in which the judgment is entered, and as described
16 in ORS 18.152 (2) and (3) for a county in which the judgment is recorded
17 under ORS 18.152; and

18 (b) A support arrearage lien attaching to real property under ORS 18.150
19 (3) or 18.152 (3).

20 (11) “Judgment remedy” means:

21 (a) The ability of a judgment creditor to enforce a judgment through ex-
22 ecution; and

23 (b) Any judgment lien arising under ORS 18.150 or 18.152.

24 (12) “Legal authority” means:

25 (a) A statute;

26 (b) An Oregon Rule of Civil Procedure;

27 (c) A rule or order of the Chief Justice of the Supreme Court adopted
28 under ORS 18.028; and

29 (d) All controlling appellate court decisions in effect December 31, 2003.

30 (13) “Limited judgment” means:

31 (a) A judgment entered under ORCP 67 B or 67 G;

1 (b) A judgment entered before the conclusion of an action in a circuit
2 court for the partition of real property, defining the rights of the parties to
3 the action and directing sale or partition;

4 (c) An interlocutory judgment foreclosing an interest in real property; and

5 (d) A judgment rendered before entry of a general judgment in an action
6 that disposes of at least one but fewer than all requests for relief in the
7 action and that is rendered pursuant to a legal authority that specifically
8 authorizes that disposition by limited judgment.

9 (14) “Money award” means a judgment or portion of a judgment that re-
10 quires the payment of money.

11 (15) “Person” includes a public body as defined in ORS 174.109.

12 (16) “Request for relief” means a claim, a charge in a criminal action or
13 any other request for a determination of the rights and liabilities of one or
14 more parties in an action that a legal authority allows the court to decide
15 by a judgment.

16 (17) “Supplemental judgment” means a judgment that may be rendered
17 after a general judgment pursuant to a legal authority.

18 (18) “Support arrearage lien” means a lien that attaches to real property
19 under the provisions of ORS 18.150 (3) or 18.152 (3).

20 (19) “Support award” means a money award or agency order that requires
21 the payment of child or spousal support.

22 **SECTION 39.** ORS 18.205 is amended to read:

23 18.205. (1) A judgment creditor may assign all or part of the creditor’s
24 rights under a judgment. An assignment of judgment document must be
25 signed by the judgment creditor, by the judgment creditor’s agent or by an
26 attorney who represents the judgment creditor. Signature by the judgment
27 creditor’s agent is not subject to the requirement of ORS 9.320 that a party
28 that is not a natural person appear by an attorney in all cases. The signature
29 must be acknowledged by a notary public. The document may be:

30 (a) Filed with the court administrator for the court in which the judgment
31 was entered, and upon such filing shall be entered in the register and in the

1 judgment lien record; or

2 (b) Recorded in any County Clerk Lien Record in which the judgment was
3 recorded under ORS 18.152.

4 (2) Upon filing or recording under this section, an assignment of judgment
5 document operates to assign the judgment creditor's rights under the judg-
6 ment to the extent reflected in the document.

7 (3) If this or another state is assigned or subrogated to the support rights
8 of a person under ORS 412.024, 418.032[,] **or** 419B.406 [*or 419C.597*] or similar
9 statutes of another state, an assignment of judgment document bearing the
10 signature of the Administrator of the Division of Child Support of the De-
11 partment of Justice or the authorized representative of the administrator
12 may be filed or recorded in the same manner as an assignment of judgment
13 document under subsection (1) of this section and shall have the same effect
14 as an assignment of judgment document signed by the judgment creditor.

15 (4) This section does not apply to justice courts, municipal courts or
16 county courts performing judicial functions.

17 **SECTION 40.** ORS 18.375 is amended to read:

18 18.375. As used in this section and ORS 18.385:

19 (1) "Disposable earnings" means that part of the earnings of an individual
20 remaining after the deduction from those earnings of any amounts required
21 to be withheld by law.

22 (2) "Earnings" means compensation paid or payable for personal services,
23 whether denominated as wages, salary, commission, bonus or otherwise, and
24 includes periodic payments pursuant to a pension or retirement program.

25 (3) "Employer" means any entity or individual who engages a person to
26 perform work or services for which compensation is given in periodic pay-
27 ments or otherwise, even though the relationship of the person so engaged
28 to the employer may be as an independent contractor for other purposes.

29 (4) "Garnishment" means any legal or equitable procedure through which
30 the earnings of an individual are required to be withheld for payment of a
31 debt. "Garnishment" does not include the procedure authorized by ORS

1 25.372 to 25.427[,] **or** 419B.408 [*or 419C.600*] or ORS chapter 110.

2 **SECTION 41.** ORS 18.385 is amended to read:

3 18.385. (1) Except as provided in this section, 75 percent of the disposable
4 earnings of an individual are exempt from execution.

5 (2) The disposable earnings of an individual are exempt from execution
6 to the extent that payment under a garnishment would result in net dispos-
7 able earnings for an individual of less than the following amounts:

8 (a) \$254 for any period of one week or less;

9 (b) \$509 for any two-week period;

10 (c) \$545 for any half-month period;

11 (d) \$1,090 for any one-month period; and

12 (e) For any other period longer than one week, \$254 multiplied by that
13 fraction produced by dividing the number of days for which the earnings are
14 paid by seven. The amount calculated under this paragraph must be rounded
15 to the nearest dollar.

16 (3) If an individual is paid for a period shorter than one week, the ex-
17 emption calculated under subsection (2) of this section may not exceed \$254
18 for any one-week period.

19 (4) An employer shall deduct from the amount of disposable earnings de-
20 termined to be nonexempt under subsections (1) to (3) of this section any
21 amounts withheld from the individual's earnings for the same period of time
22 under an order issued pursuant to ORS 25.378[,] **or** 419B.408 [*or 419C.600*] or
23 ORS chapter 110. The employer shall make payment under a garnishment
24 only of those amounts remaining after the deduction is made.

25 (5) Subsections (1) to (4) of this section do not apply to:

26 (a) Any order of a court of bankruptcy.

27 (b) Any debt due for federal tax.

28 (6) Subsections (2) to (4) of this section do not apply to any debt due for
29 state tax. Subsection (1) of this section does not apply to a debt due for state
30 tax if a state agency issues a special notice of garnishment under ORS 18.855
31 (6).

1 (7) A court may not make, execute or enforce any order or process in vi-
2 olation of this section.

3 (8) Any waiver by an individual of the provisions of this section is void.

4 (9) An employer may not discharge any individual because the individual
5 has had earnings garnished.

6 **SECTION 42.** ORS 18.398 is amended to read:

7 18.398. (1) It is the policy of this state:

8 (a) To afford protection to the debtor and the debtor's family homestead
9 through the homestead exemption;

10 (b) To maintain dependent children from the financial resources of both
11 parents of those children;

12 (c) That the homestead exemption should not be permitted to serve as a
13 shield for a debtor's evasion of child support obligations;

14 (d) That the burden for that support should not be shifted in all cases to
15 the present family of the debtor through the sale of the family residence; and

16 (e) That to accommodate these policies, the court should have the dis-
17 cretion to decline to allow all or part of a claimed homestead exemption in
18 cases involving child support as provided in this section.

19 (2) Notwithstanding ORS 18.395 to 18.422, a court in its discretion may
20 decline to allow a homestead exemption in whole or part in any proceeding
21 under ORS 18.912 if the proceeding is based on a judgment for child support
22 that arises out of an order or judgment under ORS 24.115, 25.501 to 25.556,
23 107.095, 107.105, 107.135, 108.120, 109.100, 109.103, 109.155, 109.165[,] **or**
24 419B.400 [*or 419C.590*] or ORS chapter 110 or 125.

25 (3) In exercising the discretion granted under subsection (1) of this sec-
26 tion, the court shall consider:

27 (a) The financial resources of both parties;

28 (b) The number of dependents of each of the parties;

29 (c) The ages, health and conditions of parties and their dependents;

30 (d) The child support payment history of the judgment debtor on the
31 judgment which is the subject of the petition; and

1 (e) Other collection attempts by the judgment creditor on the judgment
2 which is the subject of the petition.

3 (4) This section shall not apply to any proceeding under ORS 18.912
4 brought by or on the behalf of the state or any agency of the state.

5 **SECTION 43.** ORS 25.020 is amended to read:

6 25.020. (1) Support payments for or on behalf of any person that are or-
7 dered, registered or filed under ORS 25.501 to 25.556 or this chapter or ORS
8 chapter 107, 108, 109, 110, 419B or 419C, unless otherwise authorized by ORS
9 25.030, shall be made to the Department of Justice as the state disbursement
10 unit:

11 (a) During periods for which support is assigned under ORS 412.024,
12 418.032[,] **or** 419B.406 [*or 419C.597*];

13 (b) As provided by rules adopted under ORS 180.345, when public assist-
14 ance is provided to a person who receives or has a right to receive support
15 payments on the person's own behalf or on behalf of another person;

16 (c) After the assignment of support terminates for as long as amounts
17 assigned remain owing;

18 (d) For any period during which support enforcement services are pro-
19 vided under ORS 25.080;

20 (e) When ordered by the court under ORS 419B.400;

21 (f) When a support order that is entered or modified on or after January
22 1, 1994, includes a provision requiring the obligor to pay support by income
23 withholding; or

24 (g) When ordered by the court under any other applicable provision of
25 law.

26 (2)(a) The Department of Justice shall disburse payments, after lawful
27 deduction of fees and in accordance with applicable statutes and rules, to
28 those persons and entities that are lawfully entitled to receive such pay-
29 ments.

30 (b) During a period for which support is assigned under ORS 412.024, for
31 an obligee described in subsection (1)(b) of this section, the department shall

1 disburse to the obligee, from child support collected each month, \$50 for each
2 child up to a maximum of \$200 per family.

3 (3)(a) When the administrator is providing support enforcement services
4 under ORS 25.080, the obligee may enter into an agreement with a collection
5 agency, as defined in ORS 697.005, for assistance in collecting child support
6 payments.

7 (b) The collection agency:

8 (A) May provide investigative and location services to the obligee and
9 disclose relevant information from those services to the administrator for
10 purposes of providing support enforcement services under ORS 25.080;

11 (B) May not charge interest or a fee for its services exceeding 29 percent
12 of each support payment received unless the collection agency, if allowed by
13 the terms of the agreement between the collection agency and the obligee,
14 hires an attorney to perform legal services on behalf of the obligee;

15 (C) May not initiate, without written authorization from the administra-
16 tor, any enforcement action relating to support payments on which support
17 enforcement services are provided by the administrator under ORS 25.080;
18 and

19 (D) Shall include in the agreement with the obligee a notice printed in
20 type size equal to at least 12-point type that provides information on the fees,
21 penalties, termination and duration of the agreement.

22 (c) The administrator may use information disclosed by the collection
23 agency to provide support enforcement services under ORS 25.080.

24 (4) The Department of Justice may immediately transmit to the obligee
25 payments received from any obligor without waiting for payment or clear-
26 ance of the check or instrument received if the obligor has not previously
27 tendered any payment by a check or instrument that was not paid or was
28 dishonored.

29 (5) The Department of Justice shall notify each obligor and obligee by
30 mail when support payments shall be made to the department and when the
31 obligation to make payments in this manner shall cease.

1 (6)(a) The administrator shall provide information about a child support
2 account directly to a party to the support order regardless of whether the
3 party is represented by an attorney. As used in this subsection, “information
4 about a child support account” means the:

5 (A) Date of issuance of the support order.

6 (B) Amount of the support order.

7 (C) Dates and amounts of payments.

8 (D) Dates and amounts of disbursements.

9 (E) Payee of any disbursements.

10 (F) Amount of any arrearage.

11 (G) Source of any collection, to the extent allowed by federal law.

12 (b) Nothing in this subsection limits the information the administrator
13 may provide by law to a party who is not represented by an attorney.

14 (7) Any pleading for the entry or modification of a support order must
15 contain a statement that payment of support under a new or modified order
16 will be by income withholding unless an exception to payment by income
17 withholding is granted under ORS 25.396.

18 (8)(a) Except as provided in paragraphs (d) and (e) of this subsection, a
19 judgment or order establishing parentage or including a provision concerning
20 support must contain:

21 (A) The residence, mailing or contact address, final four digits of the So-
22 cial Security number, telephone number and final four digits of the driver
23 license number of each party;

24 (B) The name, address and telephone number of all employers of each
25 party;

26 (C) The names and dates of birth of the joint children of the parties; and

27 (D) Any other information required by rule adopted by the Chief Justice
28 of the Supreme Court under ORS 1.002.

29 (b) The judgment or order shall also include notice that the obligor and
30 obligee:

31 (A) Must inform the court and the administrator in writing of any change

1 in the information required by this subsection within 10 days after the
2 change; and

3 (B) May request that the administrator review the amount of support or-
4 dered after three years, or such shorter cycle as determined by rule of the
5 Department of Justice, or at any time upon a substantial change of circum-
6 stances.

7 (c) The administrator may require of the parties any additional informa-
8 tion that is necessary for the provision of support enforcement services under
9 ORS 25.080.

10 (d)(A) Upon a finding, which may be made ex parte, that the health, safety
11 or liberty of a party or child would unreasonably be put at risk by the dis-
12 closure of information specified in this subsection or by the disclosure of
13 other information concerning a child or party to a parentage or support
14 proceeding or if an existing order so requires, a court or administrator or
15 administrative law judge, when the proceeding is administrative, shall order
16 that the information not be contained in any document provided to another
17 party or otherwise disclosed to a party other than the state.

18 (B) The Department of Justice shall adopt rules providing for similar
19 confidentiality for information described in subparagraph (A) of this para-
20 graph that is maintained by an entity providing support enforcement services
21 under ORS 25.080.

22 (e) The Chief Justice of the Supreme Court may, in consultation with the
23 Department of Justice, adopt rules under ORS 1.002 to designate information
24 specified in this subsection as confidential and require that the information
25 be submitted through an alternate procedure to ensure that the information
26 is exempt from public disclosure under ORS 192.355.

27 (9)(a) Except as otherwise provided in paragraph (b) of this subsection,
28 in any subsequent child support enforcement action, the court or adminis-
29 trator, upon a showing of diligent effort made to locate the obligor or
30 obligee, may deem due process requirements to be met by mailing notice to
31 the last-known residential, mailing or employer address or contact address

1 as provided in ORS 25.085.

2 (b) Service of an order directing an obligor to appear in a contempt pro-
3 ceeding is subject to ORS 33.015 to 33.155.

4 (10) Subject to ORS 25.030, this section, to the extent it imposes any duty
5 or function upon the Department of Justice, shall be deemed to supersede
6 any provisions of ORS 25.501 to 25.556 and ORS chapters 107, 108, 109, 110,
7 419A, 419B and 419C that would otherwise impose the same duties or func-
8 tions upon the county clerk or the Department of Human Services.

9 (11) Except as provided for in subsections (12), (13) and (14) of this sec-
10 tion, credit may not be given for payments not made to the Department of
11 Justice as required under subsection (1) of this section.

12 (12)(a) The Department of Justice shall give credit for payments not made
13 to the department:

14 (A) When payments are not assigned to this or another state and the
15 party to whom unpaid support is owed and the obligor agree in writing that
16 specific payments were made and should be credited;

17 (B) When payments are assigned to another state and that state verifies
18 that payments not paid to the department were received by the other state;
19 or

20 (C) As provided by rule adopted under ORS 180.345.

21 (b) The credit under this subsection may not exceed the current unpaid
22 balance of support owed to the party that has agreed in writing that pay-
23 ments were made and should be credited.

24 (13) An obligor may apply to the Department of Justice for credit for
25 payments made other than to the Department of Justice. If the party to
26 whom unpaid support is owed does not provide the agreement or verification
27 required by subsection (12) of this section, credit may be given pursuant to
28 order of an administrative law judge assigned from the Office of Adminis-
29 trative Hearings after notice and opportunity to object and be heard are
30 given to both the obligor and the party to whom unpaid support is owed.
31 Notice shall be served upon the party to whom unpaid support is owed as

1 provided by ORS 25.085. Notice to the obligor may be by regular mail at the
2 address provided in the application for credit. A hearing conducted under
3 this subsection is a contested case hearing and ORS 183.413 to 183.470 apply.
4 Any party may seek a hearing de novo in the circuit court.

5 (14) Nothing in this section precludes the Department of Justice from
6 giving credit for payments not made to the department when there has been
7 a judicially determined credit or satisfaction or when there has been a sat-
8 isfaction of support executed by the person to whom support is owed.

9 (15) The Department of Justice shall adopt rules that:

10 (a) Direct how support payments that are made through or credited by the
11 department are to be applied and, if applicable, disbursed; and

12 (b) Are consistent with federal regulations.

13 **SECTION 44.** ORS 25.080 is amended to read:

14 25.080. (1) The following entity is primarily responsible for providing the
15 support enforcement services described in subsection (4) of this section when
16 an application as described in ORS 25.084 is made, or when an assignment
17 of support rights is made to the state:

18 (a) The Division of Child Support of the Department of Justice:

19 (A) If support rights are, or were within the past five months, assigned
20 to this or another state; or

21 (B) In any case where arrearage under a support order is assigned or
22 owed to or the right to recover back support or state debt is held by this
23 state or another state.

24 (b) Except as provided in subsection (6) of this section, the district at-
25 torney in cases other than those described in paragraph (a) of this subsection
26 if an application as described in ORS 25.084 is made by the obligee, by the
27 obligor, by a person having physical custody of a minor child or by a child
28 attending school, as defined in ORS 107.108.

29 (2) The provisions of this section apply to support enforcement services
30 for any order or judgment that is or could be entered under ORS 25.501 to
31 25.556[,] **or** 419B.400 [*or 419C.590*] or ORS chapter 107, 108, 109 or 110. The

1 entity specified in subsection (1) of this section shall provide the support
2 enforcement services on behalf of the State of Oregon and not on behalf of
3 any other party or on behalf of a parent. The Department of Justice shall
4 adopt rules addressing the provision of support enforcement services when
5 the purposes of the state in providing those services may be contradictory
6 in individual cases.

7 (3) Notwithstanding the division of responsibility for providing support
8 enforcement services between the Division of Child Support and the district
9 attorney as described in subsection (1) of this section, provision of support
10 enforcement services may not be challenged on the basis that the entity
11 providing the services in a particular case is not the entity responsible for
12 the case under subsection (1) of this section.

13 (4) When responsible for providing support enforcement services and there
14 is sufficient evidence available to support the action to be taken, the entity
15 described in subsection (1) of this section:

16 (a) Shall establish and enforce any child support obligation;

17 (b) Shall establish paternity;

18 (c) Shall enforce spousal support when the obligee is living with the
19 obligor's child for whom support enforcement services are being provided and
20 those services are funded in part by federal moneys;

21 (d) May enforce any other order or judgment for spousal support;

22 (e) Shall, on behalf of the state, initiate and respond to child support
23 modification proceedings based upon a substantial change of circumstances;

24 (f) Shall, on behalf of the state, initiate and respond to child support
25 modification proceedings based upon a modification conducted under ORS
26 25.287 concerning existing child support orders;

27 (g) Shall establish and enforce obligations to provide medical insurance
28 coverage for dependent children;

29 (h) Shall ensure compliance with the provisions of 42 U.S.C. 651 to 669
30 and 45 C.F.R. Chapter III as authorized by state law;

31 (i) Shall carry out the policy of the State of Oregon regarding child sup-

1 port obligations as expressed in ORS 25.502; and

2 (j) Shall ensure that child support orders are in compliance with the for-
3 mula established by this chapter.

4 (5) In any proceeding under subsection (4) of this section, the parties are
5 those described in ORS 25.503.

6 (6) The district attorney of any county and the department may provide
7 by agreement for assumption by the Division of Child Support of the func-
8 tions of the district attorney under subsection (1) of this section or for re-
9 distribution between the district attorney and the Division of Child Support
10 of all or any portion of the duties, responsibilities and functions set forth in
11 subsections (1) and (4) of this section.

12 (7) All county governing bodies and all district attorneys shall enter into
13 child support cooperative agreements with the department. The following
14 apply to this subsection:

15 (a) The agreements shall contain appropriate terms and conditions suffi-
16 cient for the state to comply with all child support enforcement service re-
17 quirements under federal law; and

18 (b) If this state loses any federal funds due to the failure of a county
19 governing body or district attorney to either enter into an agreement under
20 this subsection or to provide sufficient support enforcement service, the
21 county shall be liable to the department for, and the liability shall be limited
22 to, the amount of money the state determines it lost because of the failure.
23 The state shall offset the loss from any moneys the state is holding for or
24 owes the county or from any moneys the state would pay to the county for
25 any purpose.

26 (8) The Department of Justice shall enter into an agreement with the
27 Oregon District Attorneys Association to establish a position or positions to
28 act as a liaison between the Division of Child Support and those district
29 attorneys who provide support enforcement services under this section. The
30 department shall fund the position or positions. The Oregon District Attor-
31 neys Association shall administer the liaison position or positions under the

1 agreement. The liaison shall work to:

2 (a) Enhance the participation and interaction of the district attorneys in
3 the development and implementation of Child Support Program policies and
4 services; and

5 (b) Increase the effectiveness of child support enforcement services pro-
6 vided by the district attorneys.

7 (9) The district attorney or the Division of Child Support, whichever is
8 appropriate, shall provide the services specified in subsections (1) and (4) of
9 this section to any applicant, but may in their discretion, upon a determi-
10 nation and notice to the applicant that the prospect of successful recovery
11 from the obligor of a portion of the delinquency or future payments is re-
12 mote, require payment to the district attorney or the Division of Child Sup-
13 port of an application fee, in accordance with an application fee schedule
14 established by rule by the department. If service performed results in the
15 district attorney or the Division of Child Support recovering any support
16 enforcement fees, the fees shall be paid to the applicant in an amount equal
17 to the amount of the application fee.

18 (10) An obligee may request the Division of Child Support or a district
19 attorney to cease all collection efforts if it is anticipated that physical or
20 emotional harm will be caused to the parent or caretaker relative or the
21 child for whom support was to have been paid. The department, by rule, shall
22 set out the circumstances under which such requests shall be honored.

23 **SECTION 45.** ORS 25.089 is amended to read:

24 25.089. (1) As used in this section, “child support judgment” means the
25 terms of a judgment or order of a court, or an order that has been filed under
26 ORS 25.529, that provide for past or current child support, including medical
27 support as defined in ORS 25.321. “Child support judgment” does not include
28 any term of a judgment or order that deals with matters other than child
29 support.

30 (2)(a) A child support judgment originating under ORS 25.529 has all the
31 force, effect and attributes of a circuit court judgment. The judgment lien

1 created by a child support judgment originating under ORS 25.529 applies to
2 all arrearages owed under the underlying order from the date the adminis-
3 trator or administrative law judge entered, filed or registered the underlying
4 order under ORS 25.501 to 25.556 or ORS chapter 110.

5 (b) Until the underlying order is filed under ORS 25.529, the order may
6 not be enforced against and has no lien effect on real property.

7 (c) No action to enforce a child support judgment originating under ORS
8 25.529 may be taken while the child support judgment is stayed under ORS
9 25.513, except as permitted in the order granting the stay.

10 (3) In any judicial or administrative proceeding in which child support
11 may be awarded under this chapter or ORS chapter 107, 108, 109 or 110 or
12 ORS 25.501 to 25.556, 125.025[,] **or** 419B.400 [*or* 419C.590], if a child support
13 judgment already exists with regard to the same obligor and child:

14 (a) A court may only enforce the existing child support judgment, modify
15 the existing child support judgment as specifically authorized by law or set
16 aside the existing child support judgment under subsection (6) of this section
17 or under the provisions of ORCP 71. If the court sets aside the existing child
18 support judgment, the court may issue a new child support judgment.

19 (b) The administrator or administrative law judge may only enforce the
20 existing child support judgment, modify the existing child support judgment
21 as specifically authorized by law or, with regard to an existing child support
22 judgment originating under ORS 25.501, move to set aside the existing child
23 support judgment under subsection (6) of this section or for the reasons set
24 out in ORCP 71.

25 (4) If the administrator or administrative law judge finds that there exist
26 two or more child support judgments involving the same obligor and child
27 and the same period of time, the administrator or administrative law judge
28 shall apply the provisions of ORS 25.531.

29 (5)(a) If the court finds that there exist two or more child support judg-
30 ments involving the same obligor and child and the same period of time, and
31 each judgment was issued in this state, the court shall apply the provisions

1 of ORS 25.091 to determine the controlling terms of the child support judg-
2 ments and to issue a governing child support judgment as defined in ORS
3 25.091.

4 (b) If the court finds that there exist two or more child support judgments
5 involving the same obligor and child and the same period of time, and one
6 or more of the judgments was issued by a tribunal of another state, the court
7 shall apply the provisions of ORS chapter 110 to determine which judgment
8 is the controlling child support order.

9 (6) Subject to the provisions of subsection (3) of this section, a court may
10 modify or set aside a child support judgment issued in this state when:

11 (a) The child support judgment was issued without prior notice to the
12 issuing court, administrator or administrative law judge that:

13 (A) There was pending in this state or any other jurisdiction any type of
14 support proceeding involving the child; or

15 (B) There existed in this state or any other jurisdiction another child
16 support judgment involving the child; or

17 (b) The child support judgment was issued after another child support
18 judgment, and the later judgment did not enforce, modify or set aside the
19 earlier judgment in accordance with this section.

20 (7) When modifying a child support judgment, the court, administrator or
21 administrative law judge shall specify in the modification judgment the ef-
22 fects of the modification on the child support judgment being modified.

23 **SECTION 46.** ORS 25.091 is amended to read:

24 25.091. (1) As used in this section:

25 (a) “Child support judgment” has the meaning given that term in ORS
26 25.089.

27 (b) “Governing child support judgment” means a child support judgment
28 issued in this state that addresses child support, including medical support
29 as defined in ORS 25.321, and is entitled to exclusive prospective enforcement
30 or modification with respect to any earlier child support judgment issued in
31 this state.

1 (2) Notwithstanding any other provision of this section or ORS 25.089,
2 when two or more child support judgments exist involving the same obligor
3 and child and one or more of the judgments was issued by a tribunal of an-
4 other state, the court shall apply the provisions of ORS chapter 110 before
5 enforcing or modifying a judgment under this section or ORS 25.089.

6 (3) When two or more child support judgments exist involving the same
7 obligor and child and the same period, any party to one or more of the child
8 support judgments or the administrator, under ORS 25.531, may file a peti-
9 tion with the court for a governing child support judgment under this sec-
10 tion. When a matter involving a child is before the court and the court finds
11 that two or more child support judgments exist involving the same obligor
12 and child and the same period, the court on its own motion, and after notice
13 to all affected parties, may determine the controlling terms of the child
14 support judgments and issue a governing child support judgment under this
15 section.

16 (4)(a) Except as provided in paragraph (b) of this subsection, when two
17 or more child support judgments exist involving the same obligor and child
18 and the same period, and each judgment was issued in this state, there is a
19 presumption that the terms of the last-issued child support judgment are the
20 controlling terms and terminate contrary terms of each earlier-issued child
21 support judgment.

22 (b) If the earlier-issued child support judgment requires provision of a
23 specific type of child support and the last-issued child support judgment is
24 silent with respect to that type of child support, the requirement of the
25 earlier-issued child support judgment continues in effect.

26 (5) A party may rebut the presumption in subsection (4) of this section
27 by showing that:

28 (a) The last-issued child support judgment should be set aside under the
29 provisions of ORCP 71;

30 (b) The last-issued child support judgment was issued without prior notice
31 to the issuing court, administrator or administrative law judge that:

1 (A) There was pending in this state or any other jurisdiction any type of
2 support proceeding involving the child; or

3 (B) There existed in this state or any other jurisdiction another child
4 support judgment involving the child; or

5 (c) The last-issued child support judgment was issued after an earlier
6 child support judgment and did not enforce, modify or set aside the earlier
7 child support judgment in accordance with ORS 25.089.

8 (6) When a court finds that two or more child support judgments exist
9 involving the same obligor and child and the same period, and each child
10 support judgment was issued in this state, the court shall set the matter for
11 hearing to determine the controlling terms of the child support judgments.
12 When the child support judgments were issued in different counties of this
13 state, the court may designate an auxiliary court under ORS 25.100.

14 (7) Following a review of each child support judgment and any other ev-
15 idence admitted by the court:

16 (a) The court shall apply the presumption in subsection (4) of this section,
17 unless the presumption is rebutted, and shall determine the controlling terms
18 of the child support judgments; and

19 (b) Notwithstanding ORS 25.089 (3), the court shall issue a governing
20 child support judgment addressing child support, including medical support
21 as defined in ORS 25.321, for the benefit of the child.

22 (8) The governing child support judgment must include:

23 (a) A reference to each child support judgment considered and a copy of
24 the judgment;

25 (b) A determination of which terms regarding child support, including
26 medical support as defined in ORS 25.321, are controlling and which child
27 support judgment or judgments contain those terms;

28 (c) An affirmation, termination or modification of the terms regarding
29 child support, including medical support as defined in ORS 25.321, in each
30 of the child support judgments;

31 (d) Except as provided in subsection (9) of this section, a reconciliation

1 of any child support arrears or credits under all of the child support judg-
2 ments; and

3 (e) The effective date of each controlling term and the termination date
4 of each noncontrolling term in each of the child support judgments. In de-
5 termining these dates, the court may apply the following:

6 (A) A controlling term is effective on the date specified in the child sup-
7 port judgment containing that term or, if no date is specified, on the date
8 the child support judgment was entered as described in ORS 18.075.

9 (B) A noncontrolling term is terminated on the date the governing child
10 support judgment is entered as described in ORS 18.075.

11 (9) The court may order the parties, in a separate proceeding under ORS
12 25.167 or 25.540, to reconcile any child support arrears or credits under all
13 of the child support judgments.

14 (10) When the governing child support judgment is entered as described
15 in ORS 18.075, the noncontrolling terms of each earlier child support judg-
16 ment are terminated. However, subject to subsection (11) of this section, the
17 entry of the governing child support judgment does not affect any child
18 support payment arrearage or any liability related to medical support, as
19 defined in ORS 25.321, that has accrued under a child support judgment be-
20 fore the governing child support judgment is entered.

21 (11) For purposes of reconciling any child support arrears or credits under
22 all of the child support judgments, amounts collected and credited for a
23 particular period under one child support judgment must be credited against
24 the amounts accruing or accrued for the same period under any other child
25 support judgment.

26 (12) Not sooner than 30 days and not later than 60 days after entry of the
27 governing child support judgment, a party named by the court, or the
28 petitioner if the court names no other party, shall file a copy of the gov-
29 erning child support judgment with each court or the administrator that is-
30 sued an earlier child support judgment. A party who fails to file a copy of
31 the governing child support judgment as required by this subsection is sub-

1 ject to monetary sanctions, including but not limited to attorney fees, costs
2 and disbursements. A failure to file does not affect the validity or
3 enforceability of the governing child support judgment.

4 (13) This section applies to any judicial proceeding in which child support
5 may be awarded or modified under this chapter or ORS chapter 107, 108 or
6 109 or ORS 25.501 to 25.556, 125.025, 419B.400, 419B.923[, 419C.590] or
7 419C.610.

8 **SECTION 47.** ORS 25.100 is amended to read:

9 25.100. (1) With respect to any order or judgment entered pursuant to ORS
10 25.501 to 25.556, 107.095, 107.105, 108.120, 109.155[,] **or** 419B.400 [*or 419C.590*]
11 or ORS chapter 110, if a party seeking modification or enforcement of an
12 order or judgment for the payment of money files a certificate to the effect
13 that a party is presently in another county of this state, the court may, upon
14 motion of the party, enter an order designating the circuit court of any
15 county in this state in which the obligee or obligor resides, or in which
16 property of the obligor is located, as an auxiliary court for purposes of the
17 order or judgment.

18 (2) The clerk of the circuit court in which the original order or judgment
19 was entered shall notify the auxiliary court of the order designating the
20 auxiliary court.

21 **SECTION 48.** ORS 25.240 is amended to read:

22 25.240. Notwithstanding any other law, when a court or the administrator
23 has the authority under ORS chapter 107, 108, 109 or 110 or ORS 25.501 to
24 25.556[,] **or** 419B.400 to 419B.406 [*or 419C.590, 419C.592 and 419C.597*] to re-
25 quire a parent without legal custody to pay support for a minor child, the
26 court or administrator may require a parent with legal custody to pay sup-
27 port for the child as long as that parent does not have physical custody of
28 the child or is not providing the child with the necessities of life, including
29 but not limited to lodging, food and clothing.

30 **SECTION 49.** ORS 25.247 is amended to read:

31 25.247. (1) An obligor who is incarcerated for a period of 180 or more

1 consecutive days shall be rebuttably presumed unable to pay child support
2 and a child support obligation does not accrue for the duration of the in-
3 carceration unless the presumption is rebutted as provided in this section
4 or as determined by the court.

5 (2) The Department of Justice and the Department of Corrections shall
6 enter into an agreement to conduct data matches to identify the obligors
7 described in subsection (1) of this section.

8 (3) Within 30 days following identification of an obligor described in
9 subsection (1) of this section whose child support obligation has not already
10 been modified due to incarceration, the entity responsible for support
11 enforcement services under ORS 25.080 shall provide notice of the
12 presumption to the obligee and obligor and shall inform all parties to the
13 support order that, unless a party objects as provided in subsection (4) of this
14 section, child support shall cease accruing beginning with the first day of
15 the first month that follows the obligor becoming incarcerated for a period
16 of at least 180 consecutive days and continuing through the support payment
17 due in the last month prior to the reinstatement of the support order as
18 provided in subsection (6) of this section. The entity shall serve the notice
19 on the obligee in the manner provided for the service of summons in a civil
20 action, by certified mail, return receipt requested, or by any other mail ser-
21 vice with delivery confirmation and shall serve the notice on the obligor by
22 first class mail to the obligor's last-known address. The notice shall specify
23 the month in which the obligor became incarcerated and shall contain a
24 statement that the administrator represents the state and that low-cost legal
25 counsel may be available.

26 (4) A party may object to the presumption by sending an objection to the
27 entity that served the notice under subsection (3) of this section within 30
28 days after the date of service of the notice. The objection must describe the
29 resources of the obligor or other evidence that rebuts the presumption of
30 inability to pay child support. The entity receiving the objection shall cause
31 the case to be set for a hearing before a court or an administrative law

1 judge. The court or administrative law judge may consider only whether the
2 presumption has been rebutted.

3 (5) If no objection is made, or if the court or administrative law judge
4 finds that the presumption has not been rebutted, the administrator shall
5 discontinue billing the obligor for the period of time described in subsection
6 (3) of this section and no arrearage shall accrue for the period during which
7 the obligor is not billed. In addition, the entity providing support enforce-
8 ment services shall file with the circuit court in which the support order or
9 judgment has been entered a copy of the notice described in subsection (3)
10 of this section or, if an objection is made and the presumption is not re-
11 butted, a copy of the court's or administrative law judge's order.

12 (6) An order that has been suspended as provided in this section will au-
13 tomatically be reinstated at 50 percent of the previously ordered support
14 amount on the first day of the first month that follows the 120th day after
15 the obligor's release from incarceration.

16 (7)(a) Within 30 days following reinstatement of the order pursuant to
17 subsection (6) of this section, the administrator shall provide notice to all
18 parties to the support order:

19 (A) Specifying the last date on which the obligor was incarcerated;

20 (B) Stating that by operation of law, billing and accrual of support re-
21 sumed on the first day of the first month that follows the 120th day after the
22 obligor's release from incarceration; and

23 (C) Informing the parties that the administrator will review the support
24 order for purposes of modification of the support order as provided in sub-
25 section (8) of this section within 60 days following reinstatement of the or-
26 der.

27 (b) The notice shall include a statement that the administrator represents
28 the state and that low-cost legal counsel may be available.

29 (c) The entity providing support enforcement services shall file a copy of
30 the notice required by paragraph (a) of this subsection with the circuit court
31 in which the support order or judgment has been entered.

1 (8) Within 60 days of the reinstatement under subsection (6) of this sec-
2 tion, the administrator shall review the support order for purposes of modi-
3 fying the support order.

4 (9) An obligor's incarceration for at least 180 consecutive days or an
5 obligor's release from incarceration is considered a substantial change of
6 circumstances for purposes of child support modification proceedings.

7 (10) Proof of incarceration for at least 180 consecutive days is sufficient
8 cause for the administrator, court or administrative law judge to allow a
9 credit and satisfaction against child support arrearages for each month that
10 the obligor was incarcerated or that is within 120 days following the
11 obligor's release from incarceration unless the presumption of inability to
12 pay has been rebutted.

13 (11) Orders modified to zero prior to January 1, 2018, remain in force with
14 reinstatement at the full amount ordered by the court occurring 61 days after
15 release. Such orders are not subject to suspension and reinstatement as pro-
16 vided in this section.

17 (12) The provisions of subsections (1), (9) and (10) of this section apply
18 regardless of whether child support enforcement services are being provided
19 under Title IV-D of the Social Security Act.

20 (13) The Department of Justice shall adopt rules to implement this sec-
21 tion.

22 (14) As used in this section, "support order" means a judgment or ad-
23 ministrative order that creates child support rights and that is entered or
24 issued under ORS 25.501 to 25.556[,] **or** 419B.400 [*or 419C.590*] or this chapter
25 or ORS chapter 107, 108, 109 or 110.

26 **SECTION 50.** ORS 25.280 is amended to read:

27 25.280. In any judicial or administrative proceeding for the establishment
28 or modification of a child support obligation under ORS chapter 107, 108, 109
29 or 110 or ORS 25.501 to 25.556, 419B.400, 419B.923[, *419C.590*] or 419C.610, the
30 amount of support determined by the formula established under ORS 25.275
31 is presumed to be the correct amount of the obligation. This is a rebuttable

1 presumption and a written finding or a specific finding on the record that
2 the application of the formula would be unjust or inappropriate in a partic-
3 ular case is sufficient to rebut the presumption. The following criteria shall
4 be considered in making the finding:

- 5 (1) Evidence of the other available resources of a parent;
- 6 (2) The reasonable necessities of a parent;
- 7 (3) The net income of a parent remaining after withholdings required by
8 law or as a condition of employment;
- 9 (4) A parent's ability to borrow;
- 10 (5) The number and needs of other dependents of a parent;
- 11 (6) The special hardships of a parent including, but not limited to, any
12 medical circumstances of a parent affecting the parent's ability to pay child
13 support;
- 14 (7) The needs of the child;
- 15 (8) The desirability of the custodial parent remaining in the home as a
16 full-time parent and homemaker;
- 17 (9) The tax consequences, if any, to both parents resulting from spousal
18 support awarded and determination of which parent will name the child as
19 a dependent; and
- 20 (10) The financial advantage afforded a parent's household by the income
21 of a spouse or another person with whom the parent lives in a relationship
22 similar to that of a spouse.

23 **SECTION 51.** ORS 25.287 is amended to read:

24 25.287. (1)(a) The entity providing support enforcement services under
25 ORS 25.080 may initiate proceedings to modify a support obligation to ensure
26 that the support obligation is in accordance with the formula established
27 under ORS 25.275.

28 (b) Proceedings under this subsection may occur only after three years
29 have elapsed, or such shorter cycle as determined by rule of the Department
30 of Justice, from the latest of the following:

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

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

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

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

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

12 (e) Upon review, if the administrator determines that a support obligation
13 does not qualify for modification under this section, a party may appeal the
14 administrator's decision under ORS 183.484.

15 (f) If the court, the administrator or an administrative law judge finds
16 that more than three years have elapsed, or such shorter cycle as determined
17 by rule of the department, the court, the administrator or the administrative
18 law judge shall modify the support order to bring the support obligation into
19 substantial compliance with the formula established under ORS 25.275, re-
20 gardless of whether there has been a substantial change in circumstances
21 since the support obligation was last established, modified or reviewed. Pro-
22 ceedings by the administrator or administrative law judge under this sub-
23 section shall be conducted according to the provisions of ORS 25.513 and
24 25.527.

25 (g) The provisions of this subsection apply to any support obligation es-
26 tablished by a support order under this chapter or ORS chapter 107, 108, 109
27 or 110 or ORS 25.501 to 25.556[,] **or** 419B.400 [*or 419C.590*].

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

30 (a) Whether there is pending in this state or any other jurisdiction any
31 type of support proceeding involving the child, including a proceeding

1 brought under ORS 25.501 to 25.556, 107.085, 107.135, 107.431, 108.110, 109.100,
2 109.103, 109.165, 125.025[,] **or** 419B.400 [*or 419C.590*] or ORS chapter 110; and

3 (b) Whether there exists in this state or any other jurisdiction a support
4 order, as defined in ORS 110.503, involving the child, other than the support
5 obligation the entity seeks to modify.

6 (3) The entity providing support enforcement services shall include with
7 the document initiating the proceeding a certificate regarding any pending
8 support proceeding and any existing support order other than the support
9 obligation the entity seeks to modify. The entity providing support enforce-
10 ment services shall use a certificate that is in a form prescribed by the ad-
11 ministrator and shall include information required by the administrator and
12 subsection (2) of this section.

13 (4) The administrator, court or administrative law judge may use the
14 provisions of subsection (1) of this section when a support order was entered
15 in another state and registered in Oregon, the provisions of ORS chapter 110
16 apply and more than three years have elapsed, or such shorter cycle as de-
17 termined by rule of the department.

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

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

23 **SECTION 52.** ORS 25.321 is amended to read:

24 25.321. As used in ORS 25.321 to 25.343:

25 (1) “Cash medical support” means an amount that a parent is ordered to
26 pay to defray the cost of health care coverage provided for a child by the
27 other parent or a public body, or to defray uninsured medical expenses of the
28 child.

29 (2) “Child support order” means a judgment or administrative order that
30 creates child support rights and that is entered or issued under ORS 25.501
31 to 25.556[,] **or** 419B.400 [*or 419C.590*] or this chapter or ORS chapter 107, 108,

1 109 or 110.

2 (3) "Employee health benefit plan" means a health benefit plan that is
3 available to a providing party by reason of the providing party's employment.

4 (4) "Enforcing agency" means the administrator.

5 (5) "Health benefit plan" means any policy or contract of insurance,
6 indemnity, subscription or membership issued by an insurer, including health
7 care coverage provided by a public body, and any self-insured employee ben-
8 efit plan that provides coverage for medical expenses.

9 (6) "Health care coverage" means providing and paying for the medical
10 needs of a child through a policy or contract of insurance, indemnity, sub-
11 scription or membership issued by an insurer, including medical assistance
12 provided by a public body, and any self-insured employee benefit plan that
13 provides coverage for medical expenses.

14 (7) "Medical support" means cash medical support and health care cov-
15 erage.

16 (8) "Medical support clause" means a provision in a child support order
17 that requires one or both of the parents to provide medical support for the
18 child.

19 (9) "Medical support notice" means a notice in the form prescribed under
20 ORS 25.325 (5).

21 (10) "Plan administrator" means:

22 (a) The employer, union or other provider that offers a health benefit
23 plan; or

24 (b) The person to whom, under a written agreement of the parties, the
25 duty of plan administrator is delegated by the employer, union or other
26 provider that offers a health benefit plan.

27 (11) "Providing party" means a party to a child support order who has
28 been ordered by the court or the enforcing agency to provide medical sup-
29 port.

30 (12) "Public body" has the meaning given that term in ORS 174.109.

31 **SECTION 53.** ORS 25.511 is amended to read:

1 25.511. (1)(a) At any time after the state is assigned support rights, a
2 public assistance payment is made, an application for enforcement services
3 under ORS 25.080 is made by an individual who is not a recipient of public
4 assistance or a written request for enforcement of a support obligation is
5 received from the state agency of another state responsible for administering
6 the federal child support enforcement program, the administrator may, if
7 there is no court order or administrative support order, issue a notice and
8 finding of financial responsibility. The notice shall be served upon the parent
9 in the manner prescribed for service of summons in a civil action, by certi-
10 fied mail, return receipt requested, or by any other mail service with delivery
11 confirmation. Notices that involve the establishment of paternity must be
12 served by personal service. All notices may be personally served by the ad-
13 ministrator.

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

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

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

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

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

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

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

27 (A) Whether there is pending in this state or any other jurisdiction any
28 type of support proceeding involving the dependent child, including a pro-
29 ceeding brought under ORS 25.287, 25.527, 107.085, 107.135, 107.431, 108.110,
30 109.100, 109.103, 109.165, 125.025[,] **or** 419B.400 [*or* 419C.590] or ORS chapter
31 110; and

1 (B) Whether there exists in this state or any other jurisdiction a support
2 order, as defined in ORS 110.503, involving the dependent child;

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

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

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

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

25 (j) A reference to ORS 25.501 to 25.556;

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

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

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

31 (3) If the paternity of the dependent child has not been legally estab-

1 lished, the notice and finding of financial responsibility shall also include:

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

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

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

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

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

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

15 (a) If there is sufficient information available concerning the parent's fi-
16 nancial and living situation, the formula provided for in ORS 25.275 and
17 25.280 shall be used; or

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

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

23 (6) If a timely written response setting forth objections and requesting a
24 hearing is received by the appropriate office, a hearing shall be held under
25 ORS 25.513.

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

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

31 (b) The amount of monthly support to be paid, with directions on the

1 manner of payment;

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

3 (d) Whether health care coverage is to be provided for the dependent
4 child;

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

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

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

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

18 **SECTION 54.** ORS 25.527 is amended to read:

19 25.527. (1) Any time support enforcement services are being provided un-
20 der ORS 25.080, the obligor, the obligee, the party holding the support rights
21 or the administrator may move for the existing order to be modified under
22 this section. The motion shall be in writing in a form prescribed by the ad-
23 ministrator, shall set out the reasons for modification and shall state the
24 address of the party requesting modification.

25 (2) The moving 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 the dependent child, including a pro-
28 ceeding brought under ORS 25.287, 25.511, 107.085, 107.135, 107.431, 108.110,
29 109.100, 109.103, 109.165, 125.025[,] **or** 419B.400 [*or 419C.590*] or ORS chapter
30 110; and

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

1 order, as defined in ORS 110.503, involving the dependent child, other than
2 the order the party is moving to modify.

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

8 (4) The moving party shall serve the motion upon the obligor, the obligee,
9 the party holding the support rights and the administrator, as appropriate.
10 The nonrequesting parties must be served in the same manner as provided
11 for service of the notice and finding of financial responsibility under ORS
12 25.511 (1)(a). Notwithstanding ORS 25.085, the requesting party must be
13 served by first class mail to the requesting party's last known address. The
14 nonrequesting parties have 30 days to resolve the matter by stipulated
15 agreement or to serve the moving party by regular mail with a written re-
16 sponse setting forth any objections to the motion and a request for hearing.
17 The hearing shall be conducted under ORS 25.513.

18 (5) When the moving party is other than the administrator and no ob-
19 jections and request for hearing have been served within 30 days, the moving
20 party may submit a true copy of the motion to the administrative law judge
21 as provided in ORS 25.513, except the default may not be construed to be a
22 contested case as defined in ORS chapter 183. Upon proof of service, the
23 administrative law judge shall issue an order granting the relief sought.

24 (6) When the moving party is the administrator and no objections and
25 request for hearing have been served within 30 days, the administrator may
26 enter an order granting the relief sought.

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

30 (8) An administrative order filed in accordance with ORS 25.529 is a final
31 judgment as to any installment or payment of money that has accrued up to

1 the time the nonrequesting party is served with a motion to set aside, alter
2 or modify the judgment. The administrator may not set aside, alter or
3 modify any portion of the judgment that provides for any payment of money
4 for minor children that has accrued before the motion is served. However:

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

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

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

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

18 (11) An obligor's incarceration for a period of at least 180 consecutive
19 days or an obligor's release from incarceration is considered a substantial
20 change of circumstances for purposes of proceedings brought under this sec-
21 tion.

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

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

29 (B) A party to the support order or judgment experiences an
30 employment-related change of income as defined by rule in ORS 25.505.

31 (b) Proceedings under this subsection may be initiated only when there

1 is a period of significant unemployment in Oregon. The Attorney General
2 shall determine when a “period of significant unemployment” exists in
3 Oregon and designate the beginning and ending dates thereof. In making the
4 determination of when a period of significant unemployment exists in
5 Oregon, the Attorney General may consider whether there is in effect an
6 “extended benefit period” as that term is defined in ORS 657.321.

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

10 (d) A party’s employment-related change of income during a period of
11 significant unemployment is considered a substantial change of circum-
12 stances for purposes of proceedings brought under this section.

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

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

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

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

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

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

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

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

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

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

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

4 (g) A party may request a hearing within 14 days of service of the motion.
5 If a hearing is requested, the provisions of ORS 25.513 apply. When there has
6 been no request for hearing, the administrator may enter an order of sus-
7 pension and temporary modification under this subsection. The order must
8 be consistent with the provisions of the motion filed under this subsection
9 and be in substantial compliance with the formula established under ORS
10 25.275.

11 (h) An order of suspension and temporary modification issued under this
12 subsection is temporary and remains in effect for six months from the date
13 the order is filed under ORS 25.529 or until the date specified in the notice
14 provided under paragraph (i) of this subsection informing of the party's re-
15 employment, whichever is earlier, at which time the preexisting support or-
16 der or judgment becomes immediately effective and payable on the first day
17 of the following month unless an order of renewal is issued under paragraph
18 (j) of this subsection.

19 (i) The administrator may issue a notice of reinstatement at any time
20 during which an order of suspension and temporary modification is in effect
21 under this subsection when a party obtains employment and receives income
22 that is sufficient to reinstate support in an amount substantially similar to
23 the amount in the preexisting support order or judgment. The notice shall
24 be served as provided in paragraph (f) of this subsection and must state that,
25 unless a request for hearing is received within 14 days of service of the no-
26 tice, the administrator will enter an order terminating the order of suspen-
27 sion and temporary modification and reinstating the amount of the
28 preexisting support order or judgment effective on a date to be specified in
29 the notice. If a hearing is requested, the provisions of ORS 25.513 apply.
30 When there is no request for hearing, the administrator may enter an order
31 terminating the order of suspension and temporary modification and rein-

1 stating the preexisting support order or judgment effective upon the date
2 specified in the notice.

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

9 **SECTION 55.** ORS 25.720 is amended to read:

10 25.720. (1) Except as provided in ORS 25.125, 412.024, 418.032[,] **or** 419B.406
11 [*or 419C.597*] or subsection (2) of this section, the right to receive child or
12 spousal support payments under ORS 25.501 to 25.556 and ORS chapters 107,
13 108, 109, 110, 419B and 419C is not assignable, and any transaction in vio-
14 lation of this section is void.

15 (2) Notwithstanding the provisions of subsection (1) of this section, the
16 right to receive support payments is assignable as may be appropriate for the
17 protection of a minor or other person for whom a fiduciary has been ap-
18 pointed under ORS chapter 125 or for whom a trust has been established.

19 (3) A person may not solicit or accept the assignment of support rights
20 under subsection (1) of this section.

21 **SECTION 56.** ORS 87.450 is amended to read:

22 87.450. (1) When an attorney claims a lien under ORS 87.445, if the judg-
23 ment is for a sum of money only, the attorney must file a notice of claim
24 of lien with the clerk of the court that entered the judgment within three
25 years after the judgment is entered. The clerk shall enter the notice in the
26 register of the court and in the judgment lien record maintained by the court
27 administrator under ORS 18.075.

28 (2) When an attorney files a notice of claim of lien under subsection (1)
29 of this section, the attorney shall send forthwith a copy of the notice to the
30 client by registered or certified mail sent to the client at the last-known
31 address of the client.

1 (3) A lien under ORS 87.445 on a judgment for a sum of money only re-
2 mains a lien on the judgment until the judgment remedies for the judgment
3 expire under ORS 18.180 to 18.190.

4 (4) For purposes of this section, a “judgment for a sum of money only”
5 does not include a judgment or order for the payment of money for the sup-
6 port of any person under ORS 107.095, 107.105, 108.120, 109.155[,] **or** 419B.400
7 [*or 419C.590*].

8 **SECTION 57.** ORS 107.085 is amended to read:

9 107.085. (1) A suit for marital annulment, dissolution or separation shall
10 be entitled: “IN THE MATTER OF THE MARRIAGE OF (names of parties):
11 PETITION FOR (ultimate relief sought).” The moving party shall be desig-
12 nated as the “Petitioner” and the other party the “Respondent.” Nothing in
13 this section shall preclude both parties from acting as “Copetitioners.”

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

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

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

20 (c) To the extent known:

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

23 (B) Whether there is pending in this state or any other jurisdiction any
24 type of support proceeding involving dependents of the same marriage, in-
25 cluding one brought under this section or ORS 25.501 to 25.556, 108.110,
26 109.100, 125.025[,] **or** 419B.400 [*or 419C.590*] or ORS chapter 110;

27 (C) Whether there exists in this state or any other jurisdiction a support
28 order, as defined in ORS 110.503, involving dependents of the same marriage;
29 and

30 (D) Whether there exists in this state or any other jurisdiction a protec-
31 tive order between the parties as authorized by ORS 30.866, 107.700 to

1 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777, or any
2 other order that restrains one of the parties from contact with the other
3 party or with the parties' minor children; and

4 (d) That the petitioner acknowledges that by filing the petition the
5 petitioner is bound by the terms of the restraining order issued under ORS
6 107.093.

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

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

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

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

26 **SECTION 58.** ORS 107.106 is amended to read:

27 107.106. (1) An order or judgment providing for the custody, parenting
28 time, visitation or support of a child under ORS chapter 25, 107, 108, 109 or
29 110 or ORS 419B.400 [*or 419C.590*] shall include:

30 (a) Provisions addressing the issues of:

31 (A) Payment of uninsured medical expenses of the child;

1 (B) Maintenance of insurance or other security for support; and

2 (C) Medical support for the child under ORS 25.321 to 25.343.

3 (b) A statement in substantially the following form:

4 _____
5 The terms of child support and parenting time (visitation) are designed
6 for the child's benefit and not the parents' benefit. You must pay support
7 even if you are not receiving visitation. You must comply with visitation
8 orders even if you are not receiving child support.

9 Violation of child support orders and visitation orders is punishable by
10 fine, imprisonment or other penalties.

11 Publicly funded help is available to establish, enforce and modify child
12 support orders. Paternity establishment services are also available. Contact
13 your local district attorney or the Department of Justice at (503) 373-7300 for
14 information.

15 Publicly funded help may be available to establish, enforce and modify
16 visitation orders. Forms are available to enforce visitation orders. Contact
17 the domestic relations court clerk or civil court clerk for information.

18 _____
19 (2) The court or administrative law judge shall ensure the creation and
20 filing of an order or judgment that complies with this section.

21 (3) This section does not apply to an action undertaken by the Division
22 of Child Support of the Department of Justice or a district attorney under
23 ORS 25.080.

24 **SECTION 59.** ORS 107.135 is amended to read:

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

30 (a) Set aside, alter or modify any portion of the judgment that provides
31 for the appointment and duties of trustees, for the custody, parenting time,

1 visitation, support and welfare of the minor children and the children at-
2 tending school, as defined in ORS 107.108, including any health or life in-
3 surance provisions, for the support of a party or for life insurance under ORS
4 107.820 or 107.830;

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

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

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

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

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

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

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

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

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

27 (A) Whether there is pending in this state or any other jurisdiction any
28 type of support proceeding involving children of the marriage, including one
29 brought under ORS 25.287, 25.501 to 25.556, 107.431, 109.100, 125.025[,] **or**
30 419B.400 [*or 419C.590*] or ORS chapter 110; and

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

1 order, as defined in ORS 110.503, involving children of the marriage, other
2 than the judgment the party is moving to set 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) An obligee's conviction for the attempted murder or conspiracy to
21 commit the murder of the obligor qualifies as a change in circumstances
22 sufficient for reconsideration of support provisions.

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

1 shall deny the motion if the sole basis of the motion for modification is the
2 termination of voluntarily taken retirement benefits and the obligor previ-
3 ously has been found not to have acted in good faith.

4 (d) The court shall consider the following factors in deciding whether the
5 actions of the obligor were not in “good faith”:

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

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

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

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

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

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

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

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

1 motion is served. However:

2 (a) The court may allow a credit against child support arrearages for pe-
3 riods of time, excluding reasonable parenting time unless otherwise provided
4 by order or judgment, during which the obligor, with the knowledge and
5 consent of the obligee or pursuant to court order, has physical custody of the
6 child; and

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

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

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

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

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

31 (11) In a proceeding under this section to reconsider provisions in a

1 judgment relating to custody or parenting time, the court may consider re-
2 peated and unreasonable denial of, or interference with, parenting time to
3 be a substantial change of circumstances.

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

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

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

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

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

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

31 (b) In a proceeding under subsection (1) of this section, the court may

1 enforce the terms set forth in a stipulated order or judgment signed by the
2 parties, an order or judgment resulting from a settlement on the record or
3 an order or judgment incorporating a settlement agreement:

4 (A) As contract terms using contract remedies;

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

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

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

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

19 **SECTION 60.** ORS 107.431 is amended to read:

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

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

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

30 (c) Service of notice on the Administrator of the Division of Child Sup-
31 port of the Department of Justice when the child support rights of one of the

1 parties or of a child of both of the parties have been assigned to the state.
2 As an alternative to the service of notice on the administrator, service may
3 be made upon the branch office of the division which provides service to the
4 county in which the motion was filed. Service may be accomplished by per-
5 sonal delivery or first class mail; and

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

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

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

13 (A) Whether there is pending in this state or any other jurisdiction any
14 type of support proceeding involving the child, including a proceeding
15 brought under ORS 25.287, 25.501 to 25.556, 107.135, 109.100, 125.025[,] **or**
16 419B.400 [*or 419C.590*] or ORS chapter 110; and

17 (B) Whether there exists in this state or any other jurisdiction a support
18 order, as defined in ORS 110.503, involving the child, other than the judg-
19 ment the party is moving to set aside, alter or modify.

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

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

29 (4) This section does not apply when the child to whom a duty of support
30 is owed is in another state that has enacted the Uniform Child Custody Ju-
31 risdiction Act or the Uniform Child Custody Jurisdiction and Enforcement

1 Act and a court in that state would have subject matter and personal juris-
2 diction under that Act to determine custody and parenting time rights.

3 **SECTION 61.** ORS 108.110 is amended to read:

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

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

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

23 (a) Whether there is pending in this state or any other jurisdiction any
24 type of support proceeding involving children of the marriage, including a
25 proceeding brought under ORS 25.501 to 25.556, 107.085, 109.100, 125.025[,] **or**
26 419B.400 [*or 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 110.503, involving children of the marriage.

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

1 and include information required by court rule and subsection (3) of this
2 section.

3 (5) The provisions of this section apply equally regardless of which spouse
4 is making application for a support order.

5 (6) In any proceeding under this section, the obligee, as that person is
6 defined in ORS 110.503, is a party to the proceeding.

7 **SECTION 62.** ORS 109.015 is amended to read:

8 109.015. If public assistance, as defined in ORS 25.501, is provided for any
9 dependent child, the administrator, as defined in ORS 25.010, may initiate
10 proceedings under ORS chapter 18, 107, 108, 109, 110 or 125 or ORS 25.010 to
11 25.243, 25.378, 25.402, 25.501 to 25.556[,] **or** 419B.400 [*or 419C.590*] to obtain
12 support for the child from one or both parents or from any other person le-
13 gally responsible for the support of the child, including a guardian or
14 conservator. In any proceeding under any statute cited in this section, the
15 obligee is a party.

16 **SECTION 63.** ORS 109.100 is amended to read:

17 109.100. (1) Any minor child or the administrator may, in accordance with
18 ORCP 27 A, apply to the circuit court in the county in which the child re-
19 sides, or in which the natural or adoptive father or mother of the child may
20 be found, for an order upon the child's father or mother, or both, to provide
21 for the child's support. The child or the administrator may apply for the or-
22 der by filing in the county a petition setting forth the facts and circum-
23 stances relied upon for the order. If satisfied that a just cause exists, the
24 court shall direct that the father or mother appear at a time set by the court
25 to show cause why an order of support should not be entered in the matter.

26 (2) The petitioner 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 minor child, including a proceeding
29 brought under ORS 25.287, 25.501 to 25.556, 107.085, 107.135, 107.431, 108.110,
30 109.103, 109.165, 125.025[,] **or** 419B.400 [*or 419C.590*] or ORS chapter 110; and

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

1 order, as defined in ORS 110.503, involving the minor child.

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

7 (4) The judgment of a court under subsection (1) of this section is final
8 as to any installment or payment of money that has accrued up to the time
9 either party makes a motion to set aside, alter or modify the judgment, and
10 the court may not set aside, alter or modify the judgment, or any portion
11 thereof, that provides for any payment of money that has accrued prior to
12 the filing of the motion.

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

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

17 **SECTION 64.** ORS 109.103 is amended to read:

18 109.103. (1) If a child is born to an unmarried person and parentage has
19 been established under ORS 109.065, or if a child is born to a married person
20 by a person other than the birth mother's spouse and parentage between the
21 person and the child has been established under ORS 109.065, either parent
22 may initiate a civil proceeding to determine the custody or support of, or
23 parenting time with, the child. The proceeding shall be brought in the circuit
24 court of the county in which the child resides or is found or in the circuit
25 court of the county in which either parent resides. The parents have the
26 same rights and responsibilities regarding the custody and support of, and
27 parenting time with, their child that married or divorced parents would have,
28 and the provisions of ORS 107.094 to 107.449 that relate to custody, support
29 and parenting time, the provisions of ORS 107.755 to 107.795 that relate to
30 mediation procedures, and the provisions of ORS 107.810, 107.820 and 107.830
31 that relate to life insurance, apply to the proceeding.

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

4 (a) Whether there is pending in this state or any other jurisdiction any
5 type of support proceeding involving the child, including one brought under
6 ORS 25.501 to 25.556, 109.100, 109.165, 125.025[,] **or** 419B.400 [*or 419C.590*] or
7 ORS chapter 110; and

8 (b) Whether there exists in this state or any other jurisdiction a support
9 order, as defined in ORS 110.503, involving the child.

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

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

20 (5)(a) After a petition is filed under this section and upon service of
21 summons and petition upon the respondent as provided in ORCP 7, a re-
22 straining order is issued and in effect against the petitioner and the re-
23 spondent until a final judgment is issued, until the petition is dismissed or
24 until further order of the court, restraining the petitioner and the respondent
25 from:

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

31 (B) Changing beneficiaries or covered parties under any policy of health

1 insurance that one party maintains to provide coverage for a minor child of
2 the parties, or any life insurance policy.

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

6 (c) The restraining order issued under this subsection shall include a no-
7 tice that either party may request a hearing on the restraining order by fil-
8 ing a request for hearing with the court.

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

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

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

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

17 **SECTION 65.** ORS 109.165 is amended to read:

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

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

30 (a) Whether there is pending in this state or any other jurisdiction any
31 type of support proceeding involving the child, including a proceeding

1 brought under ORS 25.287, 25.501 to 25.556, 109.100, 125.025[,] **or** 419B.400
2 [*or 419C.590*] or ORS chapter 110; and

3 (b) Whether there exists in this state or any other jurisdiction a support
4 order, as defined in ORS 110.503, involving the child, other than the judg-
5 ment the party is moving to set aside, alter or modify.

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

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

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

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

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

20 (A) As contract terms using contract remedies;

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

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

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

31 (d) Nothing in paragraph (b) or (c) of this subsection limits a party's

1 ability, in a separate proceeding, to file a motion to modify an order or
2 judgment under subsection (1) of this section or to seek enforcement of an
3 ancillary agreement to the order or judgment.

4 **SECTION 66.** ORS 125.025 is amended to read:

5 125.025. (1) Subject to ORS 125.800 to 125.852 for adults as defined in ORS
6 125.802, a court having jurisdiction over a protective proceeding shall exer-
7 cise continuing authority over the proceeding. Subject to the provisions of
8 ORS 125.800 to 125.852 and this chapter, the court may act upon the petition
9 or motion of any person or upon its own authority at any time and in any
10 manner it deems appropriate to determine the condition and welfare of the
11 respondent or protected person and to inquire into the proper performance
12 of the duties of a fiduciary appointed under the provisions of this chapter.

13 (2) A court having jurisdiction over a protective proceeding in which the
14 respondent or protected person is a minor shall consider and apply all rele-
15 vant provisions of the Indian Child Welfare Act codified at 25 U.S.C. sections
16 1901 et seq.

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

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

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

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

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

29 (e) Surcharge a surety for any loss caused by failure of a fiduciary to
30 perform a fiduciary duty or any other duty imposed by this chapter, includ-
31 ing a surcharge for attorney fees incurred by a respondent or protected per-

1 son by reason of the failure.

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

5 (g) Require the fiduciary to produce any and all records that might pro-
6 vide information about the treatment or condition of the protected person
7 or property of the protected person.

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

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

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

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

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

21 (m) Appoint protected person special advocates pursuant to ORS 125.120.

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

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

25 (A) Whether there is pending in this state or any other jurisdiction any
26 type of support proceeding involving the minor, including a proceeding
27 brought under ORS 25.287, 25.501 to 25.556, 107.085, 107.135, 107.431, 108.110,
28 109.100, 109.103, 109.165[,] **or** 419B.400 [*or 419C.590*] or ORS chapter 110; and

29 (B) Whether there exists in this state or any other jurisdiction a support
30 order, as defined in ORS 110.503, involving the minor.

31 (b) The person shall include with the petition or motion a certificate re-

1 guarding any pending support proceeding and any existing support order. The
2 person shall use a certificate that is in a form established by court rule and
3 include information required by court rule and paragraph (a) of this sub-
4 section.

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

11 (a) Whether there is pending in this state or any other jurisdiction any
12 type of support proceeding involving the minor, including a proceeding
13 brought under ORS 25.287, 25.501 to 25.556, 107.085, 107.135, 107.431, 108.110,
14 109.100, 109.103, 109.165[,] or 419B.400 [or 419C.590] or ORS chapter 110; and

15 (b) Whether there exists in this state or any other jurisdiction a support
16 order, as defined in ORS 110.503, involving the minor.

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

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

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

30 **SECTION 67.** ORS 151.225 is amended to read:

31 151.225. (1) The Public Defense Services Account is established in the

1 State Treasury, separate and distinct from the General Fund. The Public
2 Defense Services Account is continuously appropriated to the Public Defense
3 Services Commission to:

4 (a) Reimburse the actual costs and expenses, including personnel ex-
5 penses, incurred in administration and support of the public defense system;

6 (b) Reimburse the State Court Administrator under ORS 151.216 (1)(i); and

7 (c) Pay other expenses in connection with the legal representation of
8 persons for which the commission is responsible by law, including expenses
9 incurred in the administration of the public defense system.

10 (2) All moneys received by the Judicial Department under ORS 135.050 (8),
11 151.487 (1), 419A.211[,] **or** 419B.198 (1)[, 419C.203 (1) or 419C.535 (2)] shall be
12 deposited in the Public Defense Services Account.

13 (3) All gifts, grants or contributions accepted by the commission under
14 ORS 151.216 shall be deposited in a separate subaccount created in the Public
15 Defense Services Account to be used by the commission for the purpose for
16 which the gift, grant or contribution was given or granted.

17 **SECTION 68.** ORS 153.657 is amended to read:

18 153.657. (1) If a court enters a judgment of conviction for violation of
19 [ORS 339.020 or] the requirements of ORS 339.035, amounts collected under
20 the judgment are payable as follows:

21 (a) One-half of the amount is payable to the school district or the educa-
22 tion service district that employs the person who issued the citation under
23 ORS 339.095; and

24 (b) One-half of the amount is payable as provided in subsection (2) of this
25 section.

26 (2)(a) If a judgment of conviction that is subject to subsection (1) of this
27 section is entered in circuit court, the amount specified in subsection (1)(b)
28 of this section shall be paid to the state.

29 (b) If a judgment of conviction that is subject to subsection (1) of this
30 section is entered in justice court, the amount specified in subsection (1)(b)
31 of this section shall be paid to the county that established the court.

1 (c) If a judgment of conviction that is subject to subsection (1) of this
2 section is entered in municipal court, the amount specified in subsection
3 (1)(b) of this section shall be paid to the city that established the court.

4 **SECTION 69.** ORS 339.065 is amended to read:

5 339.065. (1) In estimating regular attendance for purposes of the compul-
6 sory attendance provisions of ORS 339.005 to 339.030, 339.040 to 339.125,
7 339.137[,] **and** 339.420 [*and 339.990*], the principal or teacher shall consider
8 all unexcused absences. Eight unexcused one-half day absences in any four-
9 week period during which the school is in session shall be considered irreg-
10 ular attendance.

11 (2)(a) An absence may be excused by a principal or teacher if the absence
12 is caused by:

13 (A) The pupil's sickness, including the mental or behavioral health of the
14 pupil;

15 (B) The sickness of some member of the pupil's family; or

16 (C) An emergency.

17 (b) In addition to the reasons identified in paragraph (a) of this sub-
18 section, a principal or teacher:

19 (A) Shall excuse not more than seven days of absences during the school
20 year if the pupil is a dependent of a member of the Armed Forces of the
21 United States who is on active duty or who is called into active duty. For
22 the purpose of this subparagraph, "Armed Forces of the United States" in-
23 cludes:

24 (i) The Army, Navy, Air Force, Marine Corps and Coast Guard of the
25 United States;

26 (ii) Reserve components of the Army, Navy, Air Force, Marine Corps and
27 Coast Guard of the United States; and

28 (iii) The National Guard of the United States and the Oregon National
29 Guard.

30 (B) May excuse absences for other reasons when satisfactory arrange-
31 ments are made in advance of the absence.

1 (3)(a) Any pupil may be excused from attendance by the district school
2 board for a period not to exceed five days in a term of three months or not
3 to exceed 10 days in any term of at least six months. Any such excuse shall
4 be in writing directed to the principal of the school that the pupil attends.

5 (b) When calculating the number of excused absences under this sub-
6 section, any absences excused under subsection (2)(b)(A) of this section shall
7 not be counted.

8 **SECTION 70.** ORS 418.034 is amended to read:

9 418.034. (1) Notwithstanding ORS 169.140 or any other provision of law,
10 within the availability of funds therefor, the Department of Human Services
11 shall be responsible for the costs and expenses associated with the provision
12 of medical care for any child in the care and custody of the Department of
13 Human Services who is held in a juvenile detention facility or in a local
14 correctional facility or lockup as defined in ORS 169.005.

15 (2) Nothing in subsection (1) of this section prevents the Department of
16 Human Services from obtaining reimbursement for such costs and expenses
17 as provided in ORS 419B.400, 419B.402, 419B.404[,] **or** 419B.406[, *419C.590,*
18 *419C.592, 419C.595 or 419C.597*].

19 (3) If funds are not available to pay for medical costs as required by
20 subsection (1) of this section, the Department of Human Services shall apply
21 to the Emergency Board or to the Legislative Assembly for additional nec-
22 essary funds.

23 (4) As used in this section, “medical care” means emergency medical care
24 or medical care for a medical condition that existed prior to the child’s being
25 held in a juvenile detention facility or in a local correctional facility or
26 lockup.

27 **SECTION 71.** ORS 418.475 is amended to read:

28 418.475. (1) Within the limit of moneys appropriated therefor, the De-
29 partment of Human Services may establish or certify independent residence
30 facilities for unmarried persons who:

31 (a) Are at least 16 years of age and not older than 20 years of age;

- 1 (b) Have been placed in at least one substitute care resource;
- 2 (c) Have been determined by the department to possess the skills and level
3 of responsibility required for the transition to adulthood;
- 4 (d) Have received permission from the appropriate juvenile court, if they
5 are wards of the court; and
- 6 (e) Have been determined by the department to be suitable for an inde-
7 pendent living program.

8 (2) Independent residence facilities shall provide independent housing ar-
9 rangements with counseling services and minimal supervision available from
10 at least one counselor. All independent residence facilities having six or
11 more residents shall be licensed by the department under ORS 443.400 to
12 443.455.

13 (3) Each resident shall be required to maintain a department approved
14 independent living plan consisting of education, employment or volunteer
15 activities, or a combination thereof, and shall be required to pay a portion
16 or all of the resident's housing expenses and other support costs. The de-
17 partment may approve an exception to the requirements of this subsection
18 for reasons of temporary loss of employment or of other financial support.

19 (4) The department may make payment grants directly to persons enrolled
20 in an independent living program who, at a minimum, meet the requirements
21 described in subsection (1)(a) to (c) of this section for food, shelter, clothing,
22 transportation and incidental expenses. The payment grants shall be subject
23 to an agreement between the person and the department that establishes a
24 budget of expenses.

25 (5) The department may establish cooperative financial management
26 agreements with a person enrolled in an independent living program and for
27 that purpose may enter into joint bank accounts requiring two signatures for
28 withdrawals. The management agreements or joint accounts may not subject
29 the department or any counselor involved to any liability for debts or other
30 responsibilities of the minor.

31 (6) The department shall make periodic reports to the juvenile court as

1 required by the court regarding any ward of the court who is enrolled in an
2 independent living program.

3 (7) The enrollment of a person in an independent living program in ac-
4 cordance with the provisions of subsection (1) of this section or making
5 payment grants under subsection (4) of this section does not remove or limit
6 in any way the obligation of the parent of the person to pay support as or-
7 dered by a court under the provisions of ORS 419B.400 [*or 419C.590*].

8 **SECTION 72.** ORS 419B.400 is amended to read:

9 419B.400. (1) The court may, after a hearing on the matter, require the
10 parents or other person legally obligated to support a child alleged to be
11 within the jurisdiction of the court under ORS 419B.100 or a ward to pay
12 toward the child or ward's support such amounts at such intervals as the
13 court may direct, even though the child or ward is over 18 years of age as
14 long as the child or ward is a child attending school, as defined in ORS
15 107.108.

16 (2) At least 21 days before the hearing, the court shall notify the Admin-
17 istrator of the Division of Child Support of the Department of Justice, or the
18 branch office providing support services to the county where the hearing will
19 be held, of the hearing. Before the hearing the administrator shall inform the
20 court, 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 child or ward, including a proceed-
23 ing brought under ORS 25.287, 25.501 to 25.556, 107.085, 107.135, 107.431,
24 108.110, 109.100, 109.103, 109.165[,] **or** 125.025 [*or 419C.590*] or ORS chapter
25 110; and

26 (b) Whether there exists in this state or any other jurisdiction a support
27 order, as defined in ORS 110.503, involving the child or ward.

28 (3) The Judicial Department and the Department of Justice may enter into
29 an agreement regarding how the courts give the notice required under sub-
30 section (2) of this section to the Department of Justice and how the Depart-
31 ment of Justice gives the information described in subsection (2)(a) and (b)

1 to the courts.

2 (4) The court, in determining the amount to be paid, shall use the scale
3 and formula provided for in ORS 25.275 and 25.280. Unless otherwise or-
4 dered, the amounts so required to be paid shall be paid to the Department
5 of Justice or the county clerk, whichever is appropriate, for transmission to
6 the person, institution or agency having legal custody of the child or ward.

7 **SECTION 73.** ORS 419B.552 is amended to read:

8 419B.552. (1) A juvenile court, upon the written application of a minor
9 who is domiciled within the jurisdiction of such court, is authorized to enter
10 a judgment of emancipation in the manner provided in ORS 419B.558. A
11 judgment of emancipation shall serve only to:

12 (a) Recognize the minor as an adult for the purposes of contracting and
13 conveying, establishing a residence, suing and being sued, and making a will,
14 and recognize the minor as an adult for purposes of the criminal laws of this
15 state.

16 (b) Terminate as to the parent and child relationship the provisions of
17 ORS 109.010 until the child reaches the age of majority.

18 (c) Terminate as to the parent and child relationship the provisions of
19 ORS 108.045, 109.100, 419B.373, 419B.400, 419B.402, 419B.404, 419B.406,
20 419B.408[,] **and** 419C.550[, 419C.590, 419C.592, 419C.595, 419C.597 and
21 419C.600].

22 (2) A judgment of emancipation shall not affect any age qualification for
23 purchasing alcoholic liquor, the requirements for obtaining a marriage li-
24 cense, nor the minor's status under ORS 109.510.

25 **SECTION 74.** ORS 419C.323 is amended to read:

26 419C.323. (1) If the youth is before the court, the court has jurisdiction
27 to proceed with the case notwithstanding the failure to serve summons upon
28 any person required to be served by [ORS 419C.300, 419C.303 and 419C.306,
29 *except that:*] **ORS 419C.306.**

30 [(1) *No order for support as provided in ORS 419C.590, 419C.592, 419C.595*
31 *and 419C.597 may be entered against a person unless that person is served as*

1 *provided in ORS 419C.309.]*

2 (2) **Notwithstanding subsection (1) of this section**, if it appears to the
3 court that a parent or guardian required to be served by ORS [*419C.300,*
4 *419C.303 and*] 419C.306 was not served as provided in ORS 419C.309, 419C.312
5 and 419C.315, or was served on such short notice that the parent or guardian
6 did not have a reasonable opportunity to appear at the time fixed, the court
7 shall, upon petition by the parent or guardian, reopen the case for full con-
8 sideration.

9 **SECTION 75.** ORS 420.065 is amended to read:

10 420.065. (1) Such agreements shall provide for compensation to be paid for
11 the youth offender's work at the prevailing wages for such work in the
12 community where the youth offender is employed or at a wage rate approved
13 by the superintendent.

14 (2) All sums earned by a youth offender placed in a youth correction fa-
15 cility, other than amounts involuntarily withheld by the employer of the
16 youth offender, shall be paid directly to the superintendent or to the youth
17 offender if so directed by the superintendent. [*Except as otherwise provided*
18 *in ORS 419C.203,*] All moneys received by the superintendent under this
19 section shall be placed in a trust account to be used solely for the benefit
20 of the youth offender.

21 **SECTION 76.** ORCP 78 C is amended to read:

22 C Application. Section B of this rule does not apply to an order or judg-
23 ment for the payment of money, except orders and judgments for the payment
24 of sums ordered pursuant to ORS 107.095 and 107.105 (1)(i), and money for
25 support, maintenance, nurture, education, or attorney fees, in:

26 C(1) Actions for dissolution or annulment of marriage or separation from
27 bed and board.

28 C(2) Proceedings upon support orders entered under ORS chapter 108, 109
29 or 110, or under ORS 416.400 to 416.465[,] **or** 419B.400 [*or 419C.590*].

30

31 **SATISFACTION OF EXISTING JUDGMENTS**

1 of this 2021 Act.

2 **SECTION 79.** (1) Sections 6 and 77 of this 2021 Act, the amendments
3 to statutes and session law by sections 1 to 4, 6a to 36a and 38 to 76
4 of this 2021 Act and the repeal of ORS 419C.203, 419C.449, 419C.459,
5 419C.590, 419C.592, 419C.595, 419C.597 and 419C.600 by section 37 of this
6 2021 Act become operative on January 1, 2022.

7 (2) The Chief Justice of the Supreme Court or State Court Admin-
8 istrator may take any action before the operative date specified in
9 subsection (1) of this section that is necessary for the Chief Justice
10 or the State Court Administrator to exercise, on and after the opera-
11 tive date specified in subsection (1) of this section, all of the duties,
12 functions and powers conferred on the Chief Justice or State Court
13 Administrator by sections 6 and 77 of this 2021 Act, the amendments
14 to statutes and session law by sections 1 to 4, 6a to 36a and 38 to 76
15 of this 2021 Act and the repeal of ORS 419C.203, 419C.449, 419C.459,
16 419C.590, 419C.592, 419C.595, 419C.597 and 419C.600 by section 37 of this
17 2021 Act.

18 **SECTION 80.** The unit captions used in this 2021 Act are provided
19 only for the convenience of the reader and do not become part of the
20 statutory law of this state or express any legislative intent in the
21 enactment of this 2021 Act.

22 **SECTION 81.** This 2021 Act takes effect on the 91st day after the
23 date on which the 2021 regular session of the Eighty-first Legislative
24 Assembly adjourns sine die.

25