

SB 821 STAFF MEASURE SUMMARY

Carrier: Sen. Gelser

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 04/06/21
Action: Do pass.
Vote: 4-3-0-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 3 - Heard, Linthicum, Thatcher
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Amie Fender-Sosa, Counsel
Meeting Dates: 3/29, 4/6

WHAT THE MEASURE DOES:

Creates a process for objecting to the presumption of inability to pay after the suspension of a child support order and requires that if presumption is found to be rebutted by court or administrative law judge, the support order be reinstated at 50 percent of the previously ordered support amount. Removes language providing that 180 consecutive days of incarceration or release from incarceration qualifies for a change in circumstances for child support modification. Makes reinstatement of support after an order has been suspended a substantial change of circumstances for purposes of child support modification proceedings. Modifies requirement that all child support orders be reviewed every three years. Requires review of suspended orders only after the support order has been reinstated.

ISSUES DISCUSSED:

- Child support orders are based on ability to pay
- There is a rebuttable presumption that a parent cannot pay while incarcerated and the child support order is suspended for incarceration period
- No process to rebut the presumption after the order is suspended and while parent is still incarcerated
- Senate Bill 682 (2017)

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Child Support Program is a partnership between the Oregon Department of Justice (DOJ) and 22 county District Attorney offices to provide services and support for Oregon's children. Some of the services provided include: establishing paternity, finding the noncustodial parent, and collecting and processing child support payments.

Senate Bill 821 creates a process for objecting to the presumption of inability to pay after the suspension of a child support order.