

A-Engrossed

Senate Bill 812

Ordered by the Senate April 29
Including Senate Amendments dated April 29

Sponsored by COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs Department of Justice to study and make recommendations on provisions of state law related to child support. Requires department to submit report on findings to Legislative Assembly by January 1, 2023.] Modifies eligibility requirements for exception to income withholding for child support obligations.

1 A BILL FOR AN ACT

2 Relating to child support; amending ORS 25.396.

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

4 **SECTION 1.** ORS 25.396 is amended to read:

5 25.396. (1) When a court or the administrator enters or modifies a support order, the court or
6 administrator may grant an exception to income withholding required under ORS 25.378 if the court
7 or administrator makes a written finding that there is good cause not to require income withholding.
8 Good cause exists when there is proof of timely payment of previously ordered support and when
9 initiating or continuing income withholding would not be in the best interests of the child.

10 (2) The court or administrator may grant an exception to income withholding required under
11 ORS 25.378 if:

12 (a) The obligor and obligee at any time agree in writing to an alternative payment method;

13 (b) When money is owed to the state under the support order, the state agrees in writing to the
14 alternative payment method;

15 (c) The obligor has paid in full all arrears accrued under the support order; **and**

16 [(d) *The obligor has complied with the terms of any previous exception granted under this section;*
17 *and]*

18 [(e)] **(d)** The court or administrator accepts the alternative payment method.

19 (3) Notwithstanding subsection (1) of this section, when child support is currently assigned to
20 the state and the child is in the custody of the Oregon Youth Authority or the Department of Hu-
21 man Services, the state or the obligor may request and the court or administrator may grant an
22 exception from income withholding if:

23 (a) The order to withhold is a barrier to reunification of the family or rehabilitation of the youth
24 or is prejudicial to the obligor's ability to provide for another child to whom a duty of support is
25 owed; and

26 (b) The state and the obligor agree in writing to an alternative payment method.

27 (4) Exceptions to income withholding described in this section may be granted by the adminis-

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 trator or the court, except that when support enforcement services are being provided under ORS
2 25.080 the only permissible alternative payment methods are an electronic funds transfer to the
3 Department of Justice or another method permitted under rules adopted under this section.

4 (5) A party may appeal the administrator's decision granting or denying an exception under this
5 section to the circuit court in accordance with ORS 183.484.

6 (6) Income withholding may be terminated only if the conditions set forth in this section are
7 met.

8 (7) The Department of Justice shall adopt rules and establish procedures to implement this sec-
9 tion.

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