

SB 812-1
(LC 1004)
3/2/21 (LAS/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

**PROPOSED AMENDMENTS TO
SENATE BILL 812**

1 In line 2, before the period insert “; amending ORS 25.396”.

2 Delete lines 4 through 7 and insert:

3 **“SECTION 1.** ORS 25.396 is amended to read:

4 “25.396. (1) When a court or the administrator enters or modifies a sup-
5 port order, the court or administrator may grant an exception to income
6 withholding required under ORS 25.378 if the court or administrator makes
7 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 or-
9 dered support and when initiating or continuing income withholding would
10 not be in the best interests of the child.

11 “(2) The court or administrator may grant an exception to income with-
12 holding required under ORS 25.378 if:

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

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

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

19 “[*d*] *The obligor has complied with the terms of any previous exception*
20 *granted under this section; and*]

21 “[*e*] **(d)** The court or administrator accepts the alternative payment

1 method.

2 “(3) Notwithstanding subsection (1) of this section, when child support is
3 currently assigned to the state and the child is in the custody of the Oregon
4 Youth Authority or the Department of Human Services, the state or the
5 obligor may request and the court or administrator may grant an exception
6 from income withholding if:

7 “(a) The order to withhold is a barrier to reunification of the family or
8 rehabilitation of the youth or is prejudicial to the obligor’s ability to provide
9 for another child to whom a duty of support is owed; and

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

12 “(4) Exceptions to income withholding described in this section may be
13 granted by the administrator or the court, except that when support
14 enforcement services are being provided under ORS 25.080 the only permis-
15 sible alternative payment methods are an electronic funds transfer to the
16 Department of Justice or another method permitted under rules adopted un-
17 der this section.

18 “(5) A party may appeal the administrator’s decision granting or denying
19 an exception under this section to the circuit court in accordance with ORS
20 183.484.

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

23 “(7) The Department of Justice shall adopt rules and establish procedures
24 to implement this section.”.

25
