



Oregon Department of Justice

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TESTIMONY ON SENATE BILL 422 For the Senate Committee On Judiciary and Ballot Measure 110 Implementation February 2, 2021

Presented by:

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This testimony is presented in support of Senate Bill 422.

How This Bill Changes Current Law

In addition to repealing the authority to impose fees and costs in juvenile court cases, Senate Bill 422 also repeals the right of the Oregon Youth Authority to be paid child support for any child in its custody to recover the costs of custodial care.

Key Points of Legislation

- Repeals statutes that allow the Oregon Youth Authority (OYA) to apply for child support services.
- Eliminates the assignment, establishment, and collection of fees for a child in the custody of OYA. In this context, while not explicitly stated, child support is considered a fee or cost.
- Terminates assignment of ongoing support to OYA for children in the custody of OYA.

Fiscal Impact to the DOJ Division of Child Support

To implement this legislation, there may be some initial fiscal impact arising from re-programming the system and in training. However, the level of that impact is indeterminate until a determination of how this legislation will impact existing orders and assigned arrears.

Fiscal Benefit to the DOJ Division of Child Support

Ultimately, this bill would have a positive financial impact on the DOJ Division of Child Support because about half of the work the division does in establishing and enforcing orders for OYA is not eligible for matching federal funds. The division must track and work OYA state (ineligible) cases separately from its main caseload. The work on OYA state cases is not eligible because

recovering costs for children in the juvenile justice system falls outside the federal mission of the child support program. Therefore, the entire cost of the work by the Division of Child Support for these OYA state cases must be paid 100 percent through state general fund through the division budget, with no federal funds. The primary work of the division is funded 66 percent by the federal government.

We understand that there are amendments being drafted, some of which address matters of retroactivity, in which the Division of Child Support would be interested. For instance, in Section 1 relating to vacating orders directing payments of fees, it would be helpful to clarify that the court may “terminate” an order rather than “vacate” it. To vacate a child support order would treat the order as if it never existed, which creates problems with money already collected and paid to OYA. The Division is willing to work with the proponents and sponsors to address any needed amendments.

Recommended Action

The Oregon Department of Justice recommends committee approval of Senate Bill 422, with consideration of amendments.