

**Enrolled**  
**House Bill 3348**

Sponsored by Representative KROPF (at the request of Attorney General Dan Rayfield)

CHAPTER .....

AN ACT

Relating to child support; creating new provisions; amending ORS 18.005, 18.228, 18.232, 18.358, 18.838, 18.867, 21.185, 25.010, 25.011, 25.015, 25.020, 25.075, 25.080, 25.081, 25.082, 25.084, 25.085, 25.089, 25.091, 25.095, 25.160, 25.164, 25.167, 25.170, 25.190, 25.245, 25.247, 25.260, 25.270, 25.287, 25.290, 25.321, 25.325, 25.333, 25.335, 25.378, 25.381, 25.396, 25.399, 25.402, 25.501, 25.505, 25.511, 25.515, 25.527, 25.540, 25.550, 25.552, 25.554, 25.610, 25.759, 25.785, 25.793, 98.352, 107.108, 107.135, 107.835, 107.840, 109.015, 109.252, 180.345, 238.445, 308.290, 314.840, 350.278, 350.280, 413.175, 419B.806, 432.098, 657.855, 657B.400, 659.830, 659.835 and 743B.470; and repealing ORS 25.575, 25.576, 25.577 and 25.710.

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

**NOTE:** Sections 1 and 2 were deleted by amendment. Subsequent sections were not renumbered.

**IDENTIFICATION FOR LICENSING  
SUBJECT TO SUSPENSION FOR FAILURE TO  
COMPLY WITH CHILD SUPPORT OBLIGATIONS**

**SECTION 3.** ORS 25.785 is amended to read:

25.785. (1) Any state agency, board or commission that is authorized to issue an occupational, professional, recreational or driver license, certificate, permit or registration subject to suspension under ORS 25.750 to 25.783 shall require that an individual's Social Security number be recorded on an application for, or form for renewal of, a license, certificate, permit or registration and to the maximum extent feasible shall include the Social Security number in automated databases containing information about the individual. **If the individual does not have a Social Security number, the state agency, board or commission may accept the individual's federal individual taxpayer identification number or identification issued by the federal government.**

(2) **If an individual does not have a Social Security number, a federal individual taxpayer identification number or identification issued by the federal government,** a state agency, board or commission described in subsection (1) of this section may accept a written statement from [an] **the individual** [who has not been issued a Social Security number by the United States Social Security Administration] to fulfill the requirement in subsection (1) of this section.

(3) An individual may not submit to a state agency, board or commission a written statement described in subsection (2) of this section knowing the statement to be false.

**MULTIPLE JUDGMENTS**

**SECTION 4.** ORS 25.095 is amended to read:

25.095. (1) As used in this section:

(a) “Administrator” has the meaning given that term in ORS 25.010.

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

(2) Notwithstanding the provisions of ORS 25.089, 25.091 and 25.531 to the contrary, the terms of a child support judgment [*originating under ORS 25.529*] are terminated by the terms of a later-issued child support judgment [*of a court*] if:

(a) The two child support judgments involve:

(A) The same obligor [*and*], child and [*the same*] period; or

(B) **The same parties, child and period and the later-issued child support judgment changed the child support obligation from one parent to another parent but did not expressly terminate the former obligation;**

(b) The administrator is providing services under ORS 25.080;

(c) The administrator or a court gives the later-issued child support judgment precedence over the earlier-issued child support judgment [*originating under ORS 25.529*]; and

(d) All parties had an opportunity to challenge the amount of child support ordered in the later-issued child support judgment.

(3) Notwithstanding the provisions of ORS 25.091 (11) and 25.531 (7), for purposes of reconciling any support payment records under the two child support judgments described in subsection (2) of this section:

(a) The terms of the child support judgment [*originating under ORS 25.529*] are deemed terminated on the effective date of the later-issued child support judgment; and

(b) Entry of the later-issued child support judgment does not affect the amount of any support payment arrearage or credit that has accrued under the earlier-issued child support judgment [*originating under ORS 25.529*].

(4) Any arrearage that accrued under a judgment that is terminated as provided in subsection (2) of this section or that is explicitly terminated by any other later-issued court judgment is subsumed by the later-issued court judgment and is enforceable in the court case in which the later-issued court judgment was entered.

## **CHILD SUPPORT PROGRAM ADMINISTRATION**

**SECTION 5.** ORS 25.010 is amended to read:

25.010. As used in [*ORS 25.501 to 25.556 and*] ORS chapters 25, 107 and 109 and any other statutes providing for support payments or [*support enforcement*] **child support** procedures, unless the context requires otherwise:

(1) “Administrator” means either the Administrator of the Division of Child Support of the Department of Justice or a district attorney, or the administrator’s or a district attorney’s authorized representative.

(2) “Attorney” includes an associate member of the Oregon State Bar practicing law within the member’s approved scope of practice.

(3) “Child” has the meaning given that term in ORS 110.503.

(4) “Child support rights” means the right to establish or enforce an obligation imposed or impossible by law to provide support, including but not limited to medical support as defined in ORS 25.321 and an unsatisfied obligation to provide support.

[~~(5)~~ “Department” means the Department of Justice.]

[~~(6)~~ (5) “Disposable income” means that part of the income of an individual remaining after the deduction from the income of any amounts required to be withheld by law except laws enforcing spousal or child support and any amounts withheld to pay medical or dental insurance premiums.

[~~(7)~~ (6) “Employer” means any entity or individual who engages an individual to perform work or services for which compensation is given in periodic payments or otherwise.

[(8)] (7) "Income" is any monetary obligation in excess of \$4.99 after the fee described in ORS 25.414 (6) has been deducted that is in the possession of a third party owed to a person and includes but is not limited to:

- (a) Compensation paid or payable for personal services whether denominated as wages, salary, commission, bonus or otherwise;
- (b) Periodic payments pursuant to a pension or retirement program;
- (c) Cash dividends arising from stocks, bonds or mutual funds;
- (d) Interest payments;
- (e) Periodic payments from a trust account;
- (f) Any program or contract to provide substitute wages during times of unemployment or disability;
- (g) Any payment pursuant to ORS chapter 657; or
- (h) Amounts payable to independent contractors.

[(9)] (8) "Obligee" has the meaning given that term in ORS 110.503.

[(10)] (9) "Obligor" has the meaning given that term in ORS 110.503.

[(11)] (10) "Order to withhold" means an order or other legal process that requires a withholder to withhold support from the income of an obligor.

[(12)] "Public assistance" has the meaning given that term in ORS 25.501.]

(11)(a) **"Public assistance" means any money payments made by the state that are paid to or for the benefit of any dependent child, including but not limited to payments made so that food, shelter, medical care, clothing, transportation or other necessary goods, services or items may be provided, and payments made in compensation for the provision of the necessities.**

(b) **"Public assistance" does not include money payments made by the state to or for the benefit of a dependent child as the result of the child's removal from the parent's home against the wishes of the parent, if the Department of Human Services determines after completion of a child protective services assessment that the report of abuse is unfounded according to rules adopted by the department.**

[(13)] (12) "Withholder" means any person who disburses income and includes but is not limited to an employer, conservator, trustee or insurer of the obligor.

**SECTION 6.** ORS 25.015 is amended to read:

25.015. (1) The Department of Justice shall notify the parties to a support order that payment is to commence on the first due date following the date of the notice when:

(a) The department receives a copy of a support order of a court that requires payments to be made through the department or for which there is an application for [support enforcement] **child support** services;

(b) The department commences accounting services; and

(c) The order has been entered within the previous 180 days.

(2) The department shall include in the notice under subsection (1) of this section a statement that the department will adjust the account to reflect an accrued arrearage for the period of time between the effective date of the order and the date of the notice unless, within 30 days after the date of the notice, a party requests that the department establish the arrearage on the account as provided in ORS 25.167 or 25.540.

(3) If, within 30 days after the date of the notice under subsection (1) of this section, a party requests the department to establish the arrearage as provided in ORS 25.167 or 25.540, the department may not reflect an accrued arrearage on the account until the arrearage has been established.

(4) If a party does not request the department to establish the arrearage as provided in subsection (3) of this section, the department shall adjust the account to reflect the arrearage for the period of time between the effective date of the order and the date of the notice.

**SECTION 7.** ORS 25.020 is amended to read:

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

(a) During periods for which support is assigned under ORS 412.024, 418.032 or 419B.406;

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

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

(d) For any period during which [support enforcement] **child support** services are provided under ORS 25.080;

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

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

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

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

(b) During a period for which support is assigned under ORS 412.024, for an obligee described in subsection (1)(b) of this section, the department shall disburse to the obligee, from child support collected each month, \$50 for each child up to a maximum of \$200 per family.

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

(b) The collection agency:

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

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

(C) May not initiate, without written authorization from the administrator, any enforcement action relating to support payments on which [support enforcement] **child support** services are provided by the administrator under ORS 25.080; and

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

(c) The administrator may use information disclosed by the collection agency to provide [support enforcement] **child support** services under ORS 25.080.

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

(5) The Department of Justice shall [notify] **provide notice to** each obligor and obligee [by mail] when support payments [shall] **must** be made to the department and when the obligation to make payments in this manner [shall cease] **ceases. The department may provide the notice by regular first class mail or, if authorized by the recipient, electronic mail or other electronic delivery method as described by the administrator by rule.**

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

- (A) Date of issuance of the support order.
- (B) Amount of the support order.
- (C) Dates and amounts of payments.
- (D) Dates and amounts of disbursements.
- (E) Payee of any disbursements.
- (F) Amount of any arrearage.
- (G) Source of any collection, to the extent allowed by federal law.

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

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

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

- (A) The residence, mailing or contact address, final four digits of the Social Security number, telephone number and final four digits of the driver license number of each party;
- (B) The name, address and telephone number of all employers of each party;
- (C) The names and dates of birth of the joint children of the parties; and
- (D) Any other information required by rule adopted by the Chief Justice of the Supreme Court under ORS 1.002.

(b) The judgment or order [*shall*] **must** also include notice that the obligor and obligee:

(A) Must inform the court and the administrator in writing of any change in the information required by this subsection within 10 days after the change; and

(B) May request that the administrator review the amount of support ordered after three years, or such shorter cycle as determined by rule of the Department of Justice, or at any time upon a substantial change of circumstances.

(c) The administrator may require of the parties any additional information that is necessary for the provision of [*support enforcement*] **child support** services under ORS 25.080.

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

(B) The Department of Justice shall adopt rules providing for similar confidentiality for information described in subparagraph (A) of this paragraph that is maintained by an entity providing [*support enforcement*] **child support** services under ORS 25.080.

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

(9)(a) Except as otherwise provided in paragraph (b) of this subsection, in any subsequent child support enforcement action, the court or administrator, upon a showing of diligent effort made to locate the obligor or obligee, may deem due process requirements to be met by [*mailing*] **providing notice by regular first class mail** to the last-known residential, mailing or employer address or contact address as provided in ORS 25.085.

(b) Service of an order directing an obligor to appear in a contempt proceeding is subject to ORS 33.015 to 33.155.

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

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

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

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

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

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

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

(13) An obligor may apply to the Department of Justice for credit for payments made other than to the Department of Justice. If the party to whom unpaid support is owed does not provide the agreement or verification required by subsection (12) of this section, credit may be given pursuant to order of an administrative law judge assigned from the Office of Administrative Hearings after notice and opportunity to object and be heard are given to both the obligor and the party to whom unpaid support is owed. Notice shall be served upon the party to whom unpaid support is owed as provided by ORS 25.085. Notice to the obligor may be **provided** by *[regular mail at the address provided in the application for credit]* **regular first class mail or, if authorized by the obligor, by electronic mail or other electronic delivery method as described by the administrator by rule.** A hearing conducted under this subsection is a contested case hearing and ORS 183.413 to 183.470 apply. Any party may seek a hearing de novo in the circuit court.

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

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

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

(b) Are consistent with federal regulations.

**SECTION 8.** ORS 25.075 is amended to read:

25.075. (1) Notwithstanding the provisions of ORS 25.080, the Department of Justice may enter into cooperative agreements with Indian tribes or tribal organizations within the borders of this state, if the Indian tribe or tribal organization demonstrates that the tribe or organization has an established tribal court system or a Court of Indian Offenses with the authority to:

(a) Establish parentage;

(b) Establish, modify and enforce support orders; and

(c) Enter support orders in accordance with child support guidelines established by the tribe or organization.

(2) The agreements must provide for the cooperative delivery of child support *[enforcement]* services and for the forwarding of all child support collections pursuant to the functions performed by the tribe or organization to the department, or conversely, by the department to the tribe or organization, which shall distribute the child support collections in accordance with the agreement.

**SECTION 9.** ORS 25.080 is amended to read:

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

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

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

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

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

(2) The provisions of this section apply to *[support enforcement]* **child support** services for any order or judgment that is or could be entered under ORS 25.501 to 25.556 or 419B.400 or ORS chapter 107, 108, 109 or 110. The entity specified in subsection (1) of this section shall provide the *[support enforcement]* **child support** services on behalf of the State of Oregon and not on behalf of any other party or on behalf of a parent. The Department of Justice shall adopt rules addressing the provision of *[support enforcement]* **child support** services when the purposes of the state in providing those services may be contradictory in individual cases.

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

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

- (a) Shall establish and enforce any child support obligation;
- (b) Shall establish paternity;
- (c) Shall enforce spousal support when the obligee is living with the obligor's child for whom *[support enforcement]* **child support** services are being provided and those services are funded in part by federal moneys;
- (d) May enforce any other order or judgment for spousal support;
- (e) Shall, on behalf of the state, initiate and respond to child support modification proceedings based upon a substantial change of circumstances;
- (f) Shall, on behalf of the state, initiate and respond to child support modification proceedings based upon a modification conducted under ORS 25.287 concerning existing child support orders;
- (g) Shall establish and enforce obligations to provide medical insurance coverage for dependent children;
- (h) Shall ensure compliance with the provisions of 42 U.S.C. 651 to 669 and 45 C.F.R. Chapter III as authorized by state law;
- (i) Shall carry out the policy of the State of Oregon regarding child support obligations as expressed in ORS 25.502; and
- (j) Shall ensure that child support orders are in compliance with the formula established by this chapter.

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

(6) The district attorney of any county and the Department **of Justice** may provide by agreement for assumption by the Division of Child Support of the functions of the district attorney under subsection (1) of this section or for redistribution between the district attorney and the Division of Child Support of all or any portion of the duties, responsibilities and functions set forth in subsections (1) and (4) of this section.

(7) All county governing bodies and all district attorneys shall enter into child support cooperative agreements with the Department **of Justice**. The following apply to this subsection:

(a) The agreements *[shall]* **must** contain appropriate terms and conditions sufficient for the state to comply with all child *[support enforcement]* **support** service requirements under federal law; and

(b) If this state loses any federal funds due to the failure of a county governing body or district attorney to either enter into an agreement under this subsection or to provide sufficient *[support enforcement service]* **child support services**, the county shall be liable to the department for, and the liability shall be limited to, the amount of money the state determines it lost because of the

failure. The state shall offset the loss from any moneys the state is holding for or owes the county or from any moneys the state would pay to the county for any purpose.

(8) The Department of Justice shall enter into an agreement with the Oregon District Attorneys Association to establish a position or positions to act as a liaison between the Division of Child Support and those district attorneys who provide *[support enforcement]* **child support** services under this section. The department shall fund the position or positions. The Oregon District Attorneys Association shall administer the liaison position or positions under the agreement. The liaison shall work to:

(a) Enhance the participation and interaction of the district attorneys in the development and implementation of **the policies of and services provided by the Oregon** Child Support Program *[policies and services]*; and

(b) Increase the effectiveness of child support *[enforcement]* services provided by the district attorneys.

(9) The district attorney or the Division of Child Support, whichever is appropriate, shall provide the **child support** services specified in subsections (1) and (4) of this section to any applicant, but may in their discretion, upon a determination and notice to the applicant that the prospect of successful recovery from the obligor of a portion of the delinquency or future payments is remote, require payment to the district attorney or the Division of Child Support of an application fee, in accordance with an application fee schedule established by rule by the Department of Justice. If service performed results in the district attorney or the Division of Child Support recovering any support enforcement fees, the fees shall be paid to the applicant in an amount equal to the amount of the application fee.

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

**SECTION 10.** ORS 25.081 is amended to read:

25.081. (1) Notwithstanding any other provision of law, an entity providing *[support enforcement]* **child support** services under ORS 25.080 shall have access, using a Social Security number as an identifier, to any record required by law to contain the Social Security number of an individual.

(2) To the maximum extent feasible, a public body maintaining records described in ORS 25.785, including automated records, shall make the records accessible by Social Security number for purposes of *[support enforcement]* **child support services**.

(3) For purposes of this section, "public body" has the meaning given that term in ORS 192.311.

**SECTION 11.** ORS 25.082 is amended to read:

25.082. (1) When services are being provided under Title IV-D of the Social Security Act, the *[enforcing agency]* **child support program** of this or any other state may subpoena financial records and other information needed to establish parentage or to establish, modify or enforce a support order. The subpoena may be served on a party or on a public or private entity. Service of the subpoena may be by certified mail.

(2) A party or public or private entity that discloses information to the *[enforcing agency]* **child support program** in compliance with a subpoena served under subsection (1) of this section is not liable to any person for any loss, damage or injury arising out of the disclosure.

(3) Upon request of *[an enforcing agency]* **a child support program** of another state, only a court or *[enforcing agency]* **child support program** of Oregon may enforce a subpoena issued by the *[enforcing agency]* **child support program** of the other state.

(4) Notwithstanding ORS 192.600, a party or public or private entity that fails without good cause to comply with a subpoena issued under this section is subject to a civil penalty not to exceed \$250. A civil penalty under this section must be imposed in the manner provided by ORS 183.745.

(5) The Department of Justice shall adopt rules to implement the provisions of this section.

**SECTION 12.** ORS 25.084 is amended to read:



25.084. (1) The administrator may provide [*support enforcement*] **child support** services as described in ORS 25.080 only if support rights have been assigned to the state or if a person has provided a written application to the administrator that:

- (a) Is signed by the person; and
- (b) Indicates that the person is applying for child support services.

(2) [*Any*] **An application to enroll in services with the Oregon Child Support Program may be incorporated into a motion or petition that requests child support or a support judgment that provides for payment to the Department of Justice under ORS 25.020 [*may have an application incorporated in the judgment*].**

**SECTION 13.** ORS 25.085 is amended to read:

25.085. [(1) *In any proceeding under ORS 25.080, service of legal documents upon an obligee may be by regular mail to the address at which the obligee receives public assistance, to an address provided by the obligee on the obligee's application for child support enforcement services or to any other address given by the obligee. When service is authorized by regular mail under this section, proof of service may be by notation upon the computerized case record made by the person making the mailing. The notation must set forth the address to which the documents were mailed, the date they were mailed, the description of the documents mailed and the name of the person making the notation.*]

**(1)(a) In any proceeding under ORS 25.080, legal documents may be served upon an obligee by regular first class mail to the address at which the obligee receives public assistance or an address provided by the obligee or, if authorized by the obligee, by electronic mail or other electronic delivery method as described by the administrator by rule.**

**(b) When service is made as authorized by this subsection, the person who served the documents may provide proof of service by noting the following on the computerized case record:**

- (A) A description of the documents served;**
- (B) The name of the person who served the documents;**
- (C) The date that the person served the documents;**
- (D) The method of service used; and**
- (E) As applicable, the address or electronic mail address to which the documents were sent.**

**(c) If the documents are returned [*by the postal service*] as undeliverable as addressed, that fact must be noted on the computerized case record. If no new address for service by regular **first class** mail can be obtained, service must be **made** by certified mail, return receipt requested, by personal service upon the obligee, or by any other mail service with delivery confirmation.**

[(2) *Notwithstanding any other provision of ORS 25.501 to 25.556 or this chapter or ORS chapter 110, when a case is referred to this state by a public child support agency of another state for action in this state, there is no requirement that an obligee, present in the initiating state and receiving child support enforcement services from that state, be served in any action taken in this state as a consequence of the interstate referral. In such cases the requirement to serve the obligee that would otherwise apply is satisfied by sending to the initiating agency in the other state, by regular mail, any documents that would otherwise be served upon the obligee.*]

**(2) Notwithstanding any other provision of this chapter or ORS chapter 110, service that is required to be made to an obligee may instead be made to a public child support agency of another state by regular first class mail or, if authorized by the child support agency, by electronic mail or other electronic delivery method as described by the administrator by rule, if:**

- (a) The child support agency of the other state referred the case for action in this state;**
- (b) The action requiring service was taken in this state as a consequence of the interstate referral; and**
- (c) The obligee is present in and receiving child support services from the other state.**

**(3) The appropriate child support agency of the state shall make any [*mailings to or*] service upon the obligee that is required by this section.**

**SECTION 14.** ORS 25.160 is amended to read:

25.160. (1) For the purposes of ORS 25.020, 25.030, 25.070, 25.080, 25.085 and 25.130 to 25.160, a child support case shall be referred to the Department of Justice for provision of collection, accounting and disbursement services if an application as described in ORS 25.084 is made to the district attorney or to the Division of Child Support and the case qualifies for [*support enforcement*] **child support** services under federal regulations and state law.

(2) The Department of Justice shall continue collection, accounting and disbursement services for a case referred to the department under subsection (1) of this section until notified by the district attorney or the Division of Child Support that enforcement action has been discontinued.

**SECTION 15.** ORS 25.164 is amended to read:

25.164. (1) If the payment method for support payments set forth in the support judgment does not require that payments be made through the Department of Justice, an application may be made to the department [*for support enforcement*] **to enroll in child support** services under this chapter and under federal laws and regulations relating to support payments and enforcement of judgments. An application under this section may be made by an obligee, by an obligor, by a person having physical custody of a minor child or by a child attending school, as defined in ORS 107.108.

(2) An application under subsection (1) of this section must be in the form prescribed by ORS 25.084.

(3) If an application is made under subsection (1) of this section, the administrator shall give notice to all parties that the application has been made. All support payments under the judgment that are due after the notice is given must be made through the department.

(4) When an application is made under this section, the method of support accounting previously used for the support judgment terminates on the first day of the month following the month the application is made, and the department shall thereafter provide support accounting for the support judgment and disburse amounts paid under the judgment.

(5) If an application is made under this section and a complete record of support payments does not exist, the department may establish a record of arrearage under ORS 25.167.

**SECTION 16.** ORS 25.167 is amended to read:

25.167. This section establishes procedures for determining the amount of arrearage and for making a record of arrearage of support payments. All of the following apply to this section:

(1) A record of support payment arrearage may be established by:

(a) Court order;

(b) A governing child support judgment issued under ORS 25.091 or 25.531;

(c) Administrative order issued under ORS 25.513 or 25.540;

(d) Stipulation of the parties; or

(e) The procedures under subsection (2) of this section whenever an existing child or spousal support case enters the Department of Justice records system without a current payment record maintained by any court clerk.

(2) When allowed under subsection (1) of this section, arrearage amounts may be established under this subsection. All of the following apply to this subsection:

(a) The obligee or obligor may execute a certificate in a form acceptable to the Department of Justice that states the total amount owed or the payment history in as much detail as is necessary to demonstrate the periods and amounts of any arrearage.

(b) The person making the certificate shall file the original certificate with the court in which the support judgment was entered. When a governing child support judgment has been issued, the person making the certificate shall file the original certificate with the court that issued the governing child support judgment.

(c) The person making the certificate shall serve a true copy of the certificate upon the other party together with a notice that the certificate will be the basis of a permanent record unless the other party files objections.

(d) For objections to be valid under paragraph (c) of this subsection, the other party must file the objection with the court within 30 days from the date of service of the certificate and must [*mail*

or] serve true copies of the objections on both the party who filed the certificate and **the entity responsible for child support services under ORS 25.080. Service under this paragraph may be by regular first class mail or, if authorized by the recipient, electronic mail or other electronic delivery method described by the administrator by rule.** [either:]

[(A) *The district attorney; or*]

[(B) *If support rights are or have been assigned to the State of Oregon at any time within the last five months or if arrears under the support judgment are so assigned, the Division of Child Support of the Department of Justice.*]

(e) If objections are filed within the time allowed, the party filing the certificate must file a supplemental certificate that is in a form acceptable to the department and that provides any information concerning the payment history that the department determines necessary.

(f) If objections are filed within the time allowed, the district attorney or the Division of Child Support shall cause the case to be set for a court hearing. At the hearing, the court shall consider the correctness of the certificate but may not consider objections to the merits of the support judgment. The parties may settle the case by written agreement anytime before the court hearing. Notice of the court hearing shall be served upon the party filing the objections as authorized in ORCP 9 B.

(g) If no objections are filed under this subsection within the time allowed, the amount of arrearage stated in the certificate is the amount owed for purposes of any subsequent action. The district attorney or the Division of Child Support shall file with the court a certificate stating the arrearage established under this paragraph.

(3) When an application [for support enforcement] **to enroll in child support** services is made under ORS 25.164, an agency or court may not take or allow any ex parte enforcement action on amounts owed as arrearage from before the time that the Department of Justice commences support accounting and disbursement until the amount is established under this section. This subsection does not prohibit or limit any enforcement action on support payments that become due subsequent to the department's commencement of support accounting and disbursement under ORS 25.164.

(4) In any determination under this section, a canceled check, payable to the obligee, indorsed by the obligee or deposited to an account of the obligee, drawn on the account of the obligor and marked as child support shall be prima facie evidence that child support was paid to the obligee in the amount shown on the face of the check. It is immaterial that the check was signed by a person other than the obligor, provided that the person who signed the check was an authorized signatory of checks drawn on the account.

**SECTION 17.** ORS 25.170 is amended to read:

25.170. When a support obligation is more than one month in arrears, the Attorney General or a district attorney may upon motion obtain an order requiring the obligor to appear for the purpose of examination regarding the obligor's financial circumstances. The court shall require the obligor to appear at a time and date certain at such place as may be appropriate. The order to appear shall inform the obligor that the obligor's answers may be used in subsequent enforcement and possible criminal proceedings, and that the obligor has a right to be represented by an attorney at the examination. The order shall be served upon the obligor in the same manner as service of summons. The order to appear shall also be [served upon the obligee by regular mail] **provided to the obligee by regular first class mail or, if authorized by the obligee, by electronic mail or other electronic delivery method as described by the administrator by rule.** The obligee shall have the right to attend any such examination.

**SECTION 18.** ORS 25.190 is amended to read:

25.190. (1) The examination may be continued for further review of the obligor's financial circumstances and employment, or the matter may be certified to the court for a contempt hearing on the issue of failure to pay support as ordered. If the examination is to be continued for further review or is to be certified to the court for a contempt hearing, the obligor shall be served at the examination with a notice stating the time, date and place for further examination or hearing before the court. Service may be made by an employee of the Department of Justice or district attorney.

(2) Any notice served upon the obligor regarding a continuation of the examination or regarding the certification of the matter to the court for a contempt hearing must also be served upon the obligee[. *Such service upon the obligee may be by regular mail.*] **by regular first class mail or, if authorized by the obligee, by electronic mail or other electronic delivery method as described by the administrator by rule.**

**SECTION 19.** ORS 25.245 is amended to read:

25.245. (1) Notwithstanding any other provision of Oregon law, a parent who is eligible for and receiving cash payments under ORS 412.001 to 412.069, Title IV-A of the Social Security Act, the general assistance program as provided in ORS chapter 411 or a general assistance program of another state or tribe, the Oregon Supplemental Income Program or the federal Supplemental Security Income Program shall be rebuttably presumed unable to pay child support and a child support obligation does not accrue unless the presumption is rebutted.

(2) Each month, the Department of Human Services shall identify those persons receiving cash payments under the programs listed in subsection (1) of this section that are administered by the State of Oregon and provide that information to the administrator. If benefits are received from programs listed in subsection (1) of this section that are administered by other states, tribes or federal agencies, the obligor shall provide the administrator with written documentation of the benefits. The Department of Human Services shall adopt rules to implement this subsection.

(3) The administrator shall refer to the information provided in subsection (2) of this section prior to establishing any child support obligation. Within 30 days following identification of persons under subsection (2) of this section, the entity responsible for [*support enforcement*] **child support** services under ORS 25.080 shall provide notice of the presumption to the obligee and obligor and shall inform all parties to the support order that, unless a party objects as provided in subsection (4) of this section, child support shall cease accruing beginning with the support payment due on or after the date the obligor first begins receiving the cash payments and continuing through the support payment due in the last month in which the obligor received the cash payments. The entity responsible for [*support enforcement*] **child support** services shall serve the notice on the obligee in the manner provided for the service of summons in a civil action, by certified mail, return receipt requested, or by any other mail service with delivery confirmation and shall [*serve the notice on*] **provide the notice to** the obligor by **regular first class mail to the obligor's last-known address or, if authorized by the obligor, by electronic mail or other electronic delivery method described by the administrator by rule.** The notice [*shall*] **must** specify the month in which cash payments are first made and [*shall*] **must** contain a statement that the administrator represents the state and that [*low cost*] **low-cost** legal counsel may be available.

(4) A party may object to the presumption by sending an objection to the entity responsible for [*support enforcement*] **child support** services under ORS 25.080 within 30 days after the date of service of the notice. The objection must describe the resources of the obligor or other evidence that might rebut the presumption of inability to pay child support. The entity receiving the objection shall cause the case to be set for a hearing before a court or an administrative law judge. The court or administrative law judge may consider only whether the presumption has been rebutted.

(5) If no objection is made, or if the court or administrative law judge finds that the presumption has not been rebutted, the Department of Justice shall discontinue billing the obligor for the period of time described in subsection (3) of this section and no arrearage shall accrue for the period during which the obligor is not billed. In addition, the entity providing [*support enforcement*] **child support** services shall file with the circuit court in which the support order or judgment has been entered a copy of the notice described in subsection (3) of this section or, if an objection is made and the presumption is not rebutted, a copy of the administrative law judge's order.

(6)(a) Within 30 days after the date the obligor ceases receiving cash payments under a program listed in subsection (1) of this section, the Department of Justice shall provide notice to all parties to the support order:

(A) Specifying the last month in which a cash payment was made;

(B) Stating that the payment of those benefits has terminated and that by operation of law billing and accrual of support resumes; and

(C) Informing the parties of their rights to request a review and modification of the support order based on a substantial change in circumstance or pursuant to ORS 25.287 or any other provision of law.

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

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

(7) Receipt by a child support obligor of cash payments under any of the programs listed in subsection (1) of this section shall be sufficient cause for a court or administrative law judge to allow a credit and satisfaction against child support arrearage for months that the obligor received the cash payments.

(8) The notice and *[finding of financial responsibility]* **proposed order** required by ORS 25.511 *[shall]* **must** include notice of the presumption, nonaccrual and arrearage credit rights provided for in this section.

(9) The presumption, nonaccrual and arrearage credit rights created by this section shall apply whether or not child support *[enforcement]* services are being provided under Title IV-D of the Social Security Act.

(10) Application of the presumption, nonaccrual and arrearage credit rights created by this section does not constitute a modification but does not limit the right of any party to seek a modification of a support order based upon a change of circumstances or pursuant to ORS 25.287 or any other provision of law. In determining whether a change in circumstances has occurred or whether three years have elapsed, or such shorter cycle as determined by rule of the Department of Justice, since entry of a support order, the court or administrative law judge may not consider any action taken under this section as entry of a support order. The presumption stated in subsection (1) of this section applies in any modification proceeding.

**SECTION 20.** ORS 25.247 is amended to read:

25.247. (1) An obligor who is incarcerated for a period of 180 or more consecutive days shall be rebuttably presumed unable to pay child support and a child support obligation does not accrue for the duration of the incarceration unless the presumption is rebutted as provided in this section or as determined by the court.

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

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

(4) Before the support order is suspended, a party may object to the presumption by sending an objection to the entity that served the notice under subsection (3) of this section within 30 days after the date of service of the notice. The objection must describe the resources of the obligor or other evidence that rebuts the presumption of inability to pay child support. The entity receiving the objection shall cause the case to be set for a hearing before a court or an administrative law judge. The court or administrative law judge may consider only whether the presumption has been rebutted.

(5) If no objection is made under subsection (4) of this section, or if the court or administrative law judge finds that the presumption has not been rebutted, the administrator shall discontinue billing the obligor for the period of time described in subsection (3) of this section and no arrearage shall accrue for the period during which the obligor is not billed. In addition, the entity providing [support enforcement] **child support** services shall file with the circuit court in which the support order or judgment has been entered a copy of the notice described in subsection (3) of this section or, if an objection is made and the presumption is not rebutted, a copy of the court's or administrative law judge's order.

(6) After the suspension of a support order, a party may object to the presumption of inability to pay by sending an objection to the entity that served the notice under subsection (3) of this section. The objection must describe the evidence of ability to pay that was not available at the time the order was suspended. The entity receiving the objection shall cause the case to be set for a hearing before a court or an administrative law judge. The court or administrative law judge may consider only whether the presumption has been rebutted. In making the determination, the court or administrative law judge shall consider any evidence presented by a party of the expenses an obligor will incur reintegrating into society following release from incarceration.

(7) If an objection is made under subsection (6) of this section and the court or administrative law judge finds that the presumption has been rebutted, the support order will be reinstated at 50 percent of the previously ordered support amount on the first day of the first month following the finding by the court or administrative law judge.

(8) An order that has been suspended as provided in subsection (3) of this section will automatically be reinstated at 50 percent of the previously ordered support amount on the first day of the first month that follows the 120th day after the obligor's release from incarceration.

(9)(a) Within 30 days following reinstatement of the order pursuant to subsection (8) of this section, the administrator shall provide notice to all parties to the support order:

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

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

(C) Informing the parties that the administrator will review the support order for purposes of modification of the support order as provided in subsection (10) of this section within 60 days following reinstatement of the order.

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

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

(10) Within 60 days of the reinstatement under subsection (7) or (8) of this section, the administrator shall review the support order for purposes of modifying the support order. Reinstatement of support after an order has been suspended under this section is considered a substantial change of circumstances for purposes of child support modification proceedings.

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

(12) Orders modified to zero prior to January 1, 2018, remain in force with reinstatement at the full amount ordered by the court occurring 61 days after release. Such orders are not subject to suspension and reinstatement as provided in this section.

(13) The provisions of subsections (1) and (11) of this section apply regardless of whether child support [enforcement] services are being provided under Title IV-D of the Social Security Act.

(14) The Department of Justice shall adopt rules to implement this section.

(15) As used in this section, "support order" means a judgment or administrative order that creates child support rights and that is entered or issued under ORS [25.501 to 25.556 or] 419B.400 or this chapter or ORS chapter 107, 108, 109 or 110.

**SECTION 21.** ORS 25.260 is amended to read:

25.260. [(1) As used in this section, "child support program" means:]

[(a) The program described in ORS 180.345;]

[(b) The Administrator of the Division of Child Support of the Department of Justice;]

[(c) A district attorney; and]

[(d) The administrator's or district attorney's authorized representative.]

[(2)] (1) Unless otherwise authorized by law, child support records, including data contained in the **Oregon** Child Support Program's automated system, are confidential and may be disclosed or used only as necessary for the administration of the program.

[(3)] (2) In administering the **Oregon** Child Support Program, the program may:

(a) In accordance with rules adopted under subsection [(7)] (6) of this section, report abuse as defined in ORS 419B.005 if the abuse is discovered while providing program services.

(b) Extract and [receive] **exchange** information from other databases as necessary to carry out the program's responsibilities under state and federal law.

[(4)] (3) The [child support] program may compare and share information with public and private entities as necessary to [perform] **carry out** the program's responsibilities under state and federal law.

[(5)] (4) The [child support] program may exchange information with state agencies administering the following programs as necessary for the **Oregon** Child Support Program and the state agencies to perform their responsibilities under state and federal law:

(a) Programs funded under Title IV, XIX or XXI of the Social Security Act; and

(b) The Supplemental Nutrition Assistance Program under ORS 411.806 to 411.845.

[(6)] (5) In addition to any penalty to which an individual may be subject under ORS 25.990, an employee of the Department of Justice, of a district attorney or of the Department of Human Services who discloses or uses the contents of any records in violation of subsection [(2)] (1) of this section is subject to discipline, up to and including dismissal from employment.

[(7)] (6) The Department of Justice shall adopt rules consistent with federal regulations governing confidentiality of **Oregon** Child Support Program information.

**SECTION 22.** ORS 25.270 is amended to read:

25.270. The Legislative Assembly finds that:

(1) The federal Family Support Act of 1988 mandates that the state must establish a formula for child support award amounts that is applicable in any judicial or administrative proceeding for the award of child support.

(2) It is further mandated that the amount of child support determined by the formula must be presumed to be the correct amount unless rebutted by a specific finding on the record that the application of the formula would be unjust or inappropriate in the particular case as determined under criteria established by the state.

(3) It is also mandated that the formula is to be reviewed at least once every four years to [in-sure] **ensure** that the application of the formula results in appropriate child support awards.

(4) There is a need for uniformity in child support awards, and child support awards often are based upon noneconomic factors and are inadequate in terms of the needs of the child.

(5) The Division of Child Support of the Department of Justice is the appropriate agency to establish the required formula.

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

25.287. (1)(a) The entity providing [*support enforcement*] **child support** services under ORS 25.080 may initiate proceedings to modify a support obligation to ensure that the support obligation is in accordance with the formula established under ORS 25.275.

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

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

(B) The date any previous modification of the support obligation took effect; or

(C) The date of any previous review and determination under this subsection that resulted in no modification of the support obligation.

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

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

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

(f) If the court, the administrator or an administrative law judge finds that more than three years have elapsed, or such shorter cycle as determined by rule of the department, the court, the administrator or the administrative law judge shall modify the support order to bring the support obligation into substantial compliance with the formula established under ORS 25.275, regardless of whether there has been a substantial change in circumstances since the support obligation was last established, modified or reviewed. Proceedings by the administrator or administrative law judge under this subsection shall be conducted according to the provisions of ORS 25.513 and 25.527.

(g)(A) The provisions of this subsection apply to any support obligation established by a support order under this chapter or ORS chapter 107, 108, 109 or 110 or ORS [25.501 to 25.556 or] 419B.400.

(B) Notwithstanding subparagraph (A) of this paragraph, if a support order is suspended under ORS 25.245 or 25.247, the provisions of this subsection apply to the support obligation upon reinstatement of the support order.

(2) The entity providing [*support enforcement*] **child support** services shall state in the document initiating the proceeding, to the extent known:

(a) Whether there is pending in this state or any other jurisdiction any type of support proceeding involving the child, including a proceeding brought under ORS 25.501 to 25.556, 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025 or 419B.400 or ORS chapter 110; and

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

(3) The entity providing [*support enforcement*] **child support** services shall include with the document initiating the proceeding a certificate regarding any pending support proceeding and any existing support order other than the support obligation the entity seeks to modify. The entity providing [*support enforcement*] **child support** services shall use a certificate that is in a form prescribed by the administrator and [*shall*] **must** include information required by the administrator and subsection (2) of this section.

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

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

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

**SECTION 24.** ORS 25.290 is amended to read:



25.290. (1) In determining the disposable income of an obligor, the obligor may claim offsets against gross receipts for ordinary and necessary business expenses and taxes directly related to the income withheld. The obligor has the burden of proof and must furnish documentation to support any offsets claimed.

(2) The Department of Justice may adopt rules governing the determination of the income subject to withholding that remains after application of offsets. Withholding actions in a case that is not receiving [support enforcement] **child support** services under ORS 25.080 may be appealed to the circuit court.

**SECTION 25.** ORS 25.325 is amended to read:

25.325. (1) When a child support order with a medical support clause is entered, the court or the enforcing agency may issue a qualified medical child support order as provided in section 609 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169). The qualified medical child support order shall direct the providing party's employer, or the plan administrator for the providing party's employee health care coverage, to enroll the providing party's child in the employee health benefit plan and direct the providing party's employer to withhold any required premium from the providing party's compensation.

(2) When a child support order with a medical support clause is entered and [support enforcement] **child support** services are being provided under ORS 25.080, the enforcing agency shall, when appropriate, issue a medical support notice to the providing party's employer within two business days after receiving information under ORS 25.790 that the employer has hired or rehired the providing party.

(3) If a child support order with a medical support clause is in effect or is being sought:

(a) The providing party's employer or the plan administrator for the providing party's employee health care coverage shall release to the enforcing agency, upon request, the name and address of the health benefit plan that provides the coverage and the plan administrator; and

(b) The plan administrator shall release to the obligee or the enforcing agency, upon request, information about health care coverage for dependents under the employee health benefit plan.

(4) If a qualified medical child support order or a medical support notice has been served on the providing party's employer, the order or notice is binding on the employer and the plan administrator for the providing party's employee health benefit plan to the extent that the child is eligible to be enrolled in the health benefit plan under the applicable terms and conditions of the plan and the standard enrollment guidelines as described in ORS 743B.470. Enrollment of the child shall be allowed at any time, notwithstanding any enrollment season restrictions.

(5) The Department of Justice, by rule, shall prescribe the form of a medical support notice for the purposes of ORS 25.321 to 25.343. In prescribing the form, the department shall consider all relevant federal law relating to medical support notices.

**SECTION 26.** ORS 25.333 is amended to read:

25.333. (1)(a) When the enforcing agency issues a medical support notice under ORS 25.325, the enforcing agency shall notify the parties [by regular mail to the last known addresses of the parties]:

[(a)] (A) That the notice has been [sent] **served** to the providing party's employer; and

[(b)] (B) Of the providing party's rights and duties under the notice.

**(b) The enforcing agency shall provide the notice required under this subsection by regular first class mail or, if authorized by the recipient, electronic mail or other electronic delivery method described by the administrator by rule.**

(2) A providing party may contest a medical support notice within 30 days after the date the premium is first withheld pursuant to the notice or, if the health benefit plan is provided at no cost to the providing party, the date the first premium is paid by the employer.

(3) The only basis for contesting a medical support notice is a mistake of fact. A "mistake of fact" means any of the following:

(a) No order to provide health care coverage under a health benefit plan has been issued in regard to the providing party's child;

(b) The amount to be withheld for premiums is greater than is permissible under ORS 25.331;  
(c) The alleged providing party is not the party from whom health care coverage is required;  
or

(d) The providing party's income is equal to or less than Oregon minimum wage for full-time employment.

(4) The providing party may contest the medical support notice by requesting an administrative review. After receiving a request for review and within 45 days after the date the premium is first withheld pursuant to the medical support notice, the enforcing agency shall determine, based on an evaluation of the facts, whether the withholding for premiums may continue. The enforcing agency shall inform the parties of the determination in writing and include information regarding the right to appeal the determination.

(5) Any appeal of the enforcing agency's determination under subsection (4) of this section is to the circuit court for a hearing under ORS 183.484.

(6) The initiation of proceedings to contest a medical support notice or an appeal of the enforcing agency's determination under this section does not stay the withholding of premiums.

**SECTION 27.** ORS 25.335 is amended to read:

25.335. When [*support enforcement*] **child support** services are being provided under ORS 25.080, the enforcing agency shall notify the employer when there is no longer in effect a support order requiring health care coverage for which the enforcing agency is responsible. However, termination of the health care coverage is governed by the health benefit plan's provisions for termination and by applicable federal law.

**SECTION 28.** ORS 25.378 is amended to read:

25.378. (1) Except as otherwise provided in ORS 25.396, when a support order is entered or modified by the Division of Child Support, a district attorney, an administrative law judge or a circuit court, including a juvenile court, the order [*shall*] **must** include a provision requiring the obligor to pay support by income withholding regardless of whether [*support enforcement*] **child support** services are being provided under ORS 25.080. In addition to the income withholding provided for in this subsection, income withholding may be initiated in accordance with subsections (2) to (6) of this section.

(2) When an obligor is subject to a support order issued or registered in this state and fails to make payments at least equal to the amount of support payable for one month, a court or the administrator, whichever is appropriate, shall initiate income withholding without the need for a judicial or administrative hearing and without the need for advance notice to the obligor of the withholding.

(3) When an arrearage exists and notice of the delinquent amount has been given to the obligor, a court, upon application, shall issue a withholding order upon the ex parte request of a person holding support rights or the administrator.

(4) If an obligor is not otherwise subject to income withholding a court or the administrator may issue an order to withhold upon the ex parte motion of the obligor.

(5) Upon the request of the holder of support rights, a court or the administrator, as appropriate, may issue a withholding order at any time if:

(a) The obligor is not otherwise subject to withholding; and

(b) After notice and an opportunity to object has been given to the obligor, a finding is made that it would be in the best interests of the child to issue a withholding order.

(6) A court or the administrator shall issue an order to withhold when a support order or an arrearage from another jurisdiction is entered in Oregon in accordance with interstate income withholding under ORS chapter 110.

**SECTION 29.** ORS 25.381 is amended to read:

25.381. (1) Whenever **child support** services are being provided under ORS 25.080, support rights are not and have not at any time during the past five months been assigned to this or another state, and no arrearages under a support order are so assigned, the administrator shall provide, upon request of an obligor or obligee, services sufficient to permit establishment of income withholding

under ORS 25.378, including services necessary to establish a support payment record under ORS 25.164 and 25.167.

(2) Regardless of whether **child support** services are being provided under ORS 25.080, the administrator shall provide, upon request of an obligor or obligee, **child support** services sufficient to permit establishment of income withholding under ORS 25.378:

(a) For the payment of child support without the necessity of an application for [*support enforcement*] **child support** services under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.); and

(b) For the payment of spousal support if the obligee is receiving supplemental nutrition assistance or any other form of public assistance, as defined in ORS 411.010, from the Department of Human Services or medical assistance, as defined in ORS 414.025, from the department or the Oregon Health Authority.

**SECTION 30.** ORS 25.396 is amended to read:

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

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

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

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

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

(d) The court or administrator accepts the alternative payment method.

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

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

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

(4) Exceptions to income withholding described in this section may be granted by the administrator or the court, except that when [*support enforcement*] **child support** services are being provided under ORS 25.080 the only permissible alternative payment methods are an electronic funds transfer to the Department of Justice or another method permitted under rules adopted under this section.

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

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

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

**SECTION 31.** ORS 25.399 is amended to read:

25.399. (1) When an order to withhold is issued under ORS 25.378, the party or entity initiating the action shall [*send notice of the order to withhold to the obligor by regular mail to the last-known address of the obligor. The notice must state*] **provide to the obligor a copy of the order to withhold or a notice stating:**

(a) That withholding has commenced;

(b) The amount to be withheld and the amount of arrears, if any;

(c) That the order to withhold applies to any current or subsequent withholder or period of employment;

(d) The procedures available for contesting the withholding and that the only basis for contesting the withholding is a mistake of fact, which means an error in the amount of current support or arrearages, or an error in the identity of the obligor;

(e) The availability of and requirements for exceptions to withholding;

(f) That the obligor has 30 days from the date that the income is first withheld pursuant to the order to withhold to contest the withholding; and

(g) The actions that will be taken if the obligor contests the withholding.

[(2) *The notice requirement of subsection (1) of this section may be met by mailing a copy of the order to withhold, by regular mail, to the obligor.*]

**(2) The documents described in this section may be provided by regular first class mail or, if authorized by the obligor, by electronic mail or other electronic delivery method as described by the administrator by rule.**

**SECTION 32.** ORS 25.402 is amended to read:

25.402. (1)(a) The party initiating the support action shall serve the order to withhold on the withholder. The order may be personally served upon the withholder or the withholder's registered agent, an officer of the corporation, bookkeeper, accountant, person responsible for payroll or local office manager or may be served by any type of mail which is calculated to give actual notice and is addressed to one of the persons listed above.

(b) Notwithstanding paragraph (a) of this subsection and unless the Department of Justice, prior to initiating service, receives written notice of completion of service by another party, the department shall serve the order to withhold in all cases affecting a support order for which the department or the district attorney has responsibility under ORS 25.080 for providing [*support enforcement*] **child support** services regardless of whether the department or another party initiated the support action.

(2) The order to withhold [*shall*] **must** inform the withholder of all of the following:

(a) The amount of the obligor's continuing support obligation.

(b) That the withholder is required to withhold from the obligor's disposable income due or becoming due to the obligor at each pay period an amount as determined by ORS 25.414.

(c) The appropriate person to whom to make the withholding payment.

(d) The information contained in ORS 25.375, 25.387, 25.411, 25.414, 25.417, 25.421 and 25.424.

**SECTION 33.** ORS 25.501 is amended to read:

25.501. As used in ORS 25.501 to 25.556, unless the context requires otherwise:

[(1) *"Adjudicated youth" has the meaning given that term in ORS 419A.004.*]

[(2)] (1) "Court" means any circuit court of this state and any court in another state having jurisdiction to determine the liability of persons for the support of another person.

[(3)] (2) "Court order" means any judgment or order of any Oregon court that orders payment of a set or determinable amount of support money by the subject parent and does not include an order or judgment in any proceeding in which the court did not order support.

[(4) *"Department" means the Department of Justice of this state or its equivalent in any other state from which a written request for establishment or enforcement of a support obligation is received under ORS 25.511.*]

[(5)] (3) "Dependent child" means any person under the age of 18 who is not otherwise emancipated, self-supporting, married or a member of the Armed Forces of the United States. "Dependent child" also means a child attending school as defined in ORS 107.108.

[(6)] (4) "Office" means the office of the Division of Child Support or the office of the district attorney.

[(7)] (5) "Parent" means:

(a) The natural or adoptive father or mother of a dependent child [*or adjudicated youth*];

(b) A person whose parentage has been established under ORS 109.065; or

(c) A stepparent when the person has an obligation to support a dependent child under ORS 108.045.

[(8)] **(6)** “Past support” means the amount of child support that could have been ordered and accumulated as arrears against a parent for the benefit of a child for any period of time during which the child was not supported by the parent and for which period no support order was in effect.

[(9)] “Public assistance” means any money payments made by the state that are paid to or for the benefit of any dependent child or adjudicated youth, including but not limited to payments made so that food, shelter, medical care, clothing, transportation or other necessary goods, services or items may be provided, and payments made in compensation for the provision of the necessities. “Public assistance” does not include money payments made by the state to or for the benefit of a dependent child as the result of the child’s removal from the parent’s home against the wishes of the parent, if the Department of Human Services determines after completion of a child protective services assessment that the report of abuse is unfounded according to rules adopted by the Department of Human Services.]

**SECTION 34.** ORS 25.505 is amended to read:

25.505. (1) In any individual case, commencing with the payment of public assistance, with the application for [enforcement] **child support** services under ORS 25.080 by an individual not receiving public assistance or upon receipt of a written request for enforcement of a support obligation from [the state agency of another state responsible for administering the federal child support enforcement program] **another jurisdiction’s Title IV-D of the Social Security Act child support program or an authorized foreign country as described in ORS 110.503 (5)**, the administrator may take action under ORS 25.501 to 25.556. The administrator and, as appropriate, the administrative law judge, may establish, modify and terminate support orders, require health care coverage for dependent children, establish paternity and collect child support.

(2) The Department of Justice may make such rules as may be necessary or desirable for carrying out ORS 25.501 to 25.556.

**SECTION 35.** ORS 25.511 is amended to read:

25.511. (1)(a) At any time after the state is assigned support rights, a public assistance payment is made, an application for [enforcement] **child support** services under ORS 25.080 is made by an individual who is not a recipient of public assistance or a written request for enforcement of a support obligation is received from [the state agency of another state responsible for administering the federal child support enforcement program] **another jurisdiction’s Title IV-D of the Social Security Act child support program or an authorized foreign country as described in ORS 110.503 (5)**, the administrator may, if there is no court order or administrative support order, issue a notice and [finding of financial responsibility] **proposed order**. The notice shall be served upon the parent in the manner prescribed for service of summons in a civil action, by certified mail, return receipt requested, or by any other mail service with delivery confirmation. Notices that involve the establishment of paternity must be served by personal service. All notices may be personally served by the administrator.

(b) The administrator shall serve the notice [and finding issued under this section upon the obligee. Service shall be by regular mail] **and proposed order issued under this section upon the obligee by regular first class mail or, if authorized by the obligee, by electronic mail or other electronic delivery method described by the administrator by rule.**

(2) The administrator shall include in the notice:

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

(b) A statement of the monthly support for which the parent shall be responsible;

(c) A statement of the past support for which the parent shall be responsible;

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

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

(A) Whether there is pending in this state or any other jurisdiction any type of support proceeding involving the dependent child, including a proceeding brought under ORS 25.287, 25.527, 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025 or 419B.400 or ORS chapter 110; and

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

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

(A) **Regular first class mail addressed to the recipient's last-known address; or**

(B) **If authorized by the recipient, electronic mail or other electronic delivery method described by the administrator by rule;**

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

(h) A statement that if such a timely response is received by the appropriate office, either the parent or the obligee or both shall have the right to a hearing; and that if no timely written response is received, the administrator may enter an order in accordance with the notice and [*finding of financial responsibility*] **proposed order**;

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

(j) A reference to ORS 25.501 to 25.556;

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

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

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

(3) If the paternity of the dependent child has not been legally established, the notice and [*finding of financial responsibility shall*] **proposed order must** also include:

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

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

(c) The child's date of birth;

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

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

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

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

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

(5) The parent or alleged parent and the obligee shall have time to request a hearing as outlined in subsection (2)(g) of this section. The time limits may be extended by the administrator and are [nonjurisdictional] **not jurisdictional**.

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

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

- (a) If the paternity of the dependent child is established by the order, a declaration of that fact;
- (b) The amount of monthly support to be paid, with directions on the manner of payment;
- (c) The amount of past support to be ordered against the parent;
- (d) Whether health care coverage is to be provided for the dependent child;
- (e) The name of the caretaker relative or agency and the name and birthdate of the dependent child for whom support is to be paid; and
- (f) A statement that the property of the parent is subject to collection action, including but not limited to wage withholding, garnishment and liens and execution thereon.

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

**(8) The order is final, and action by the administrator to enforce and collect upon the order, including arrearages, may be taken from the date of issuance of the order. The administrator shall provide a copy of the order to the parent or, if applicable, the parent's attorney, and to the obligee or, if applicable, the obligee's attorney, by:**

- (a) Regular first class mail addressed to the recipient's last-known address; or**
- (b) If authorized by the recipient, by electronic mail or other electronic delivery method described by the administrator by rule.**

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

**SECTION 36.** ORS 25.515 is amended to read:

25.515. (1) Past support may not be ordered for any period of time prior to the later of:

(a) The date of the most recent application for service from the **Oregon** Child Support Program administered under Title IV-D of the Social Security Act; or

(b) In the case of a mandatory referral based on the receipt of public assistance, the date of the last referral to the [Child Support] program [administered under Title IV-D of the Social Security Act].

(2) If the administrator has issued a notice and [finding of financial responsibility] **proposed order** under ORS 25.511 that includes a statement of past support but the administrator or an administrative law judge has not issued [an] **a final** order, and a court proceeding that involves the same obligor and child support for the same child is pending or is commenced after the notice [is] **and proposed order are** issued, the administrator may certify all matters under the notice **and proposed order** to the court for consolidation in the court proceeding. After the matter is certified to the court, the court may, in the same manner as the administrator, order a parent to pay an amount of past support.

(3) If the administrator does not certify the matter to the court under subsection (2) of this section and the court's judgment or order does not address past support, the administrator or an administrative law judge may thereafter issue an order directing a parent to pay an amount of past support.

**SECTION 37.** ORS 25.527 is amended to read:

25.527. (1) Any time [support enforcement] **child support** services are being provided under ORS 25.080, the obligor, the obligee, the party holding the support rights or the administrator may move for the existing order to be modified under this section. The motion [shall] **must** be in writing in

a form prescribed by the administrator, [*shall*] **must** set out the reasons for modification and [*shall*] **must** state the address of the party requesting modification.

(2) The moving party shall state in the motion, to the extent known:

(a) Whether there is pending in this state or any other jurisdiction any type of support proceeding involving the dependent child, including a proceeding brought under ORS 25.287, 25.511, 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025 or 419B.400 or ORS chapter 110; and

(b) Whether there exists in this state or any other jurisdiction a support order, as defined in ORS 110.503, involving the dependent child, other than the order the party is moving to modify.

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

(4)(a) The moving party shall serve the motion upon the obligor, the obligee, the party holding the support rights and the administrator, as appropriate. The nonrequesting parties must be served in the same manner as provided for service of the notice and [*finding of financial responsibility*] **proposed order** under ORS 25.511 (1)(a). Notwithstanding ORS 25.085, the requesting party must be served by **regular** first class mail to the requesting party's [*last known*] **last-known** address **or, if authorized by the requesting party, by electronic mail or other electronic delivery method as described by the administrator by rule.**

(b) The nonrequesting parties have 30 days to resolve the matter by stipulated agreement or to serve the moving party [*by regular mail*] with a written response setting forth any objections to the motion and a request for hearing. **Service under this paragraph to the moving party must be by regular first class mail or, if authorized by the moving party, by electronic mail or other electronic delivery method as described by the administrator by rule.**

(c) The hearing shall be conducted under ORS 25.513.

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

(6) When the moving party is the administrator and no objections and request for hearing have been served within 30 days, the administrator may enter an order granting the relief sought.

(7) A motion for modification made under this section does not stay the administrator from enforcing and collecting upon the existing order unless so ordered by the court in which the order is entered.

(8) An administrative order filed in accordance with ORS 25.529 is a final judgment as to any installment or payment of money that has accrued up to the time the nonrequesting party is served with a motion to set aside, alter or modify the judgment. The administrator may not set aside, alter or modify any portion of the judgment that provides for any payment of money for minor children that has accrued before the motion is served. However:

(a) The administrator may allow a credit against child support arrearages for periods of time, excluding reasonable parenting time unless otherwise provided by order or judgment, during which the obligor, with the knowledge and consent of the obligee or pursuant to court order, has physical custody of the child; and

(b) The administrator may allow a credit against child support arrearages for any Social Security or veterans' benefits paid retroactively to the child, or to a representative payee administering the funds for the child's use and benefit, as a result of a parent's disability or retirement.

(9) The party requesting modification has the burden of showing a substantial change of circumstances or that a modification is appropriate under the provisions of ORS 25.287.

(10) The obligee is a party to all proceedings under this section.



(11)(a) Notwithstanding subsections (1) to (10) of this section, any time [support enforcement] **child support** services are being provided under ORS 25.080, upon request of a party to a support order or judgment or on the administrator's own motion, the administrator may move to suspend the order or judgment and issue a temporary modification order under this subsection when:

(A) There is a period of significant unemployment as that term is described in paragraph (b) of this subsection; and

(B) A party to the support order or judgment experiences an employment-related change of income as defined by rule in ORS 25.505.

(b) Proceedings under this subsection may be initiated only when there is a period of significant unemployment in Oregon. The Attorney General shall determine when a "period of significant unemployment" exists in Oregon and designate the beginning and ending dates thereof. In making the determination of when a period of significant unemployment exists in Oregon, the Attorney General may consider whether there is in effect an "extended benefit period" as that term is defined in ORS 657.321.

(c) Except as otherwise provided in this subsection, the provisions of subsections (1) to (10) of this section apply to a motion for an order of suspension and temporary modification under this subsection.

(d) A party's employment-related change of income during a period of significant unemployment is considered a substantial change of circumstances for purposes of proceedings brought under this section.

(e) The motion for an order of suspension and temporary modification must be in writing and must include, but need not be limited to:

(A) The amount of the existing support order or judgment;

(B) The amount of the obligor's and obligee's income immediately preceding the party's employment-related change of income, if known;

(C) The reason for the party's employment-related change of income;

(D) How the party's employment-related change of income affects the party's employment status, income and, if applicable, ability to pay support;

(E) The obligor's and the obligee's current sources of income, if known;

(F) The proposed amount of the temporary modification order;

(G) A statement that if a party objects to the motion for an order of suspension and temporary modification, then the party may request a hearing within 14 days of service of the motion as provided in paragraph (g) of this subsection;

(H) A statement that the preexisting support order or judgment will be reinstated as provided in paragraph (h) of this subsection; and

(I) A statement that a party may request a renewal of the order of suspension and temporary modification prior to its expiration as provided in paragraph (j) of this subsection.

(f) The administrator shall serve the motion filed under this subsection upon the parties. **Unless a party signs a form agreeing to accept service, the administrator shall serve the motion** by regular first class mail[,] or facsimile or [electronic mail unless a party signs a form agreeing to accept service of the motion.], **if authorized by the party, by electronic mail or other electronic delivery method described by the administrator by rule.**

(g) A party may request a hearing within 14 days of service of the motion. If a hearing is requested, the provisions of ORS 25.513 apply. When there has been no request for hearing, the administrator may enter an order of suspension and temporary modification under this subsection. The order must be consistent with the provisions of the motion filed under this subsection and be in substantial compliance with the formula established under ORS 25.275.

(h) An order of suspension and temporary modification issued under this subsection is temporary and remains in effect for six months from the date the order is filed under ORS 25.529 or until the date specified in the notice provided under paragraph (i) of this subsection informing of the party's reemployment, whichever is earlier, at which time the preexisting support order or judgment be-

comes immediately effective and payable on the first day of the following month unless an order of renewal is issued under paragraph (j) of this subsection.

(i) The administrator may issue a notice of reinstatement at any time during which an order of suspension and temporary modification is in effect under this subsection when a party obtains employment and receives income that is sufficient to reinstate support in an amount substantially similar to the amount in the preexisting support order or judgment. The notice shall be served as provided in paragraph (f) of this subsection and must state that, unless a request for hearing is received within 14 days of service of the notice, the administrator will enter an order terminating the order of suspension and temporary modification and reinstating the amount of the preexisting support order or judgment effective on a date to be specified in the notice. If a hearing is requested, the provisions of ORS 25.513 apply. When there is no request for hearing, the administrator may enter an order terminating the order of suspension and temporary modification and reinstating the preexisting support order or judgment effective upon the date specified in the notice.

(j) Prior to expiration of an order of suspension and temporary modification under this subsection and upon request of a party, the administrator may renew the order of suspension and temporary modification for additional six-month periods or until the party obtains employment as described in paragraph (i) of this subsection, whichever occurs first, if the circumstances under which the order was originally issued continue to exist unchanged.

**SECTION 38.** ORS 25.540 is amended to read:

25.540. (1) The administrator may issue a notice of intent to establish and enforce arrearages for any support order that is registered, filed or entered in this state. The notice must be served upon the obligor in the manner prescribed for service of summons in a civil action, mailed to the obligor at the obligor's last-known address by certified mail, return receipt requested, or **sent** by any other mail service with delivery confirmation. The administrator shall *[mail]* **provide** the notice to the obligee by regular **first class mail or, if authorized by the obligee, by electronic mail or other electronic delivery method as described by the administrator by rule.**

(2) The notice *[shall]* **must** include:

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

(b) A statement of the monthly support the obligor is required to pay under the support order;

(c) A statement of the arrearages claimed to be owed under the support order;

(d) A statement that if the obligor or the obligee objects to the enforcement of the arrearages, then the objecting party must send to the office issuing the notice, within 30 days of the date of service, a written response that sets forth any objections and requests a hearing;

(e) A statement that the only basis upon which an obligor or an obligee may object to the enforcement of the arrearages is that the amount of the arrearages specified in the notice is incorrect;

(f) A reference to ORS 25.501 to 25.556;

(g) A statement that the obligor and the obligee are responsible for notifying the office of any change of address or employment;

(h) A statement that if the obligor or the obligee has any questions, the obligor or obligee should telephone or visit the appropriate office or consult an attorney; and

(i) Such other information as the administrator finds appropriate.

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

(4) If no timely written response and request for hearing is received by the appropriate office, the administrator shall enter an order directing that the amount of the arrearages stated in the notice be entered in the child support accounting record maintained by the Department of Justice.

(5) Action to administratively enforce and collect upon the arrearages established under this section may be taken 30 days after service of or receipt or refusal of the notice by the obligor or obligee.

(6) Nothing in this section shall prevent the administrator from using other available enforcement remedies at any time.

**SECTION 39.** ORS 25.550 is amended to read:

25.550. (1) The administrator may establish paternity of a child in the course of a support proceeding under ORS 25.501 to 25.556 when both parents sign statements that paternity has not been legally established and that the male parent is the father of the child. The administrator may enter an order which establishes paternity.

(2) If the parent fails to file a response denying paternity and requesting a hearing within the time period allowed in ORS 25.511 (2), then the administrator, without further notice to the parent, may enter an order, in accordance with ORS 25.511 (7), which declares and establishes the parent as the legal father of the child.

(3) Any order entered pursuant to subsection (1) or (2) of this section establishes legal paternity for all purposes. The Center for Health Statistics of the Oregon Health Authority shall amend the record of live birth for the child and issue a new certified copy of the record of live birth in the new name, if any, of the child. The original record of live birth shall be sealed and filed and may be opened only upon order of a court of competent jurisdiction.

(4)(a) If paternity is alleged under ORS 25.511 (3) and a written response denying paternity and requesting a hearing is received within the time period allowed in ORS 25.511 (2), or if the administrator determines that there is a valid issue with respect to paternity of the child, the administrator, subject to the provisions of subsections (5) and (6) of this section, shall certify the matter to the circuit court for a determination based upon the contents of the file and any evidence which may be produced at trial. The proceedings in court shall for all purposes be deemed suits in equity. The provisions of ORS 109.145 to 109.230 apply to proceedings certified to court by the administrator pursuant to this section.

(b) **The office providing child support services shall send** any response denying paternity and requesting a hearing [*shall be sent by the enforcement office*] to the obligee by regular **first class mail or, if authorized by the obligee, by electronic mail or other electronic delivery method described by the administrator by rule.**

(5) An action to establish paternity initiated under ORS 25.501 to 25.556 [*shall*] **may** not be certified to court for trial unless all of the following have occurred:

(a) Blood tests have been conducted;

(b) The results of the blood tests have been served upon the parties and notice has been given that an order establishing paternity will be entered unless a written objection is received within 30 days; and

(c) A written objection to the entry of an order has been timely received from a party.

(6) Notwithstanding the provisions of subsection (5) of this section, the administrator:

(a) Shall certify the matter to court:

(A) Within 30 days of receipt by the administrator of a timely written objection to the entry of an order by a party under subsection (5)(c) of this section;

(B) When a party requests certification in writing after the administrator has received a party's written denial of paternity if at least 120 days have elapsed from receipt of the denial; or

(C) Upon receipt of blood test results with a cumulative paternity index of less than 99; and

(b) May certify the matter to court at any time under any other circumstances.

(7) If the blood tests conducted under ORS 109.250 to 109.262 result in a cumulative paternity index of 99 or greater, evidence of the tests, together with the testimony of the parent, shall be a sufficient basis upon which to establish paternity and the administrator may enter an order declaring the alleged father as the legal father of the child unless a party objects in writing to the entry of the order. The testimony of the parent may be presented by affidavit.

(8) Prior to certification to court, the administrator may attempt to resolve the issue of paternity by discovery conducted under the Oregon Rules of Civil Procedure. Unless otherwise specifically provided by statute, the proceedings shall be conducted under the Oregon Rules of Civil Procedure.

(9) When, in accordance with subsection (6)(a)(A) of this section, a party objects to the entry of an order and the blood tests conducted under ORS 109.250 to 109.262 result in a cumulative paternity index of 99 or greater, notwithstanding the party's objection, evidence of the tests, together with the testimony of a parent, is a sufficient basis upon which to presume paternity for purposes of establishing temporary support under this section. The court shall, upon motion of any party, enter a temporary order requiring the alleged father to provide support pending the determination of parentage by the court. In determining the amount of support, the court shall use the formula established under ORS 25.275.

**SECTION 40.** ORS 25.552 is amended to read:

25.552. (1) Except as provided in subsection (2) of this section, when a response denying paternity and requesting a hearing is received pursuant to ORS 25.511 (3), or paternity is a valid issue as determined by the administrator under ORS 25.550, the certification to the circuit court shall be to the court in the judicial district where the parent or dependent child resides.

(2) Notwithstanding subsection (1) of this section, if there is an Oregon juvenile court case regarding the dependent child, the matter may be certified to the county that has jurisdiction of the juvenile court case.

(3) The certification [*shall*] **must** include true copies of the notice and [*finding of financial responsibility*] **proposed order**, the return of service, the denial of paternity and request for hearing and any other relevant papers.

(4) The court shall set the matter for trial and notify the parties of the time and place of trial.

(5) If paternity is established, the monthly support and the amount of past support to be ordered may be established under ORS 25.513.

**SECTION 41.** ORS 25.610 is amended to read:

25.610. (1) Whenever [*support enforcement*] **child support** services are being provided, the administrator may request the Department of Revenue, through the Department of Justice or its designee, to collect past due child and spousal support from income tax refunds due to the obligor. The request shall be based upon the payment record maintained under ORS 25.020.

(2) If support payment records have not been maintained as provided in ORS 25.020, then a support payment record may be established under ORS 25.164, 25.167 and 25.540.

(3) The Department of Justice shall adopt rules:

(a) Setting out additional criteria for requests under subsection (1) of this section; and

(b) Directing how any support obligation collected by the Department of Revenue shall be distributed, consistent with federal regulations.

(4) Before a request is made to the Department of Revenue under subsection (1) of this section, the Department of Justice shall provide advance written notice to the obligor, and may send advance written notice to the obligee, of its intent to refer the case to the Department of Revenue. The notice [*shall*] **must** inform the parties:

(a) Of the proposed action;

(b) Of the obligor's right to request an administrative review of the proposed action;

(c) That an administrative review, if desired, must be requested by the obligor within 30 days after the date of the notice; and

(d) That the only issues that may be considered in the administrative review are:

(A) Whether the obligor is the person who owes the support obligation; and

(B) Whether the amount shown as the past due support is correct.

(5) An administrative review must be requested within 30 days after the date of the notice described in subsection (4) of this section. At the administrative review, an issue may not be considered if it was previously litigated or if the obligor failed to exercise rights to appear and be heard or to appeal a decision that resulted in the accrual of the arrearage being used as a basis for a request under subsection (1) of this section. A party may appeal a decision from the administrative review under ORS 183.484.

(6) When the Department of Revenue has been requested to collect past due child and spousal support from income tax refunds due to the obligor, the Department of Revenue may not allow the obligor to apply any income tax refund to future taxes of the obligor.

(7) Notwithstanding any other provision of this section, an obligor who is not delinquent in payment of child or spousal support may authorize the Department of Revenue, through the Department of Justice or its designee, to withhold any income tax refund owing to that obligor for the purpose of applying the moneys as a credit to the support account maintained by the Department of Justice.

**SECTION 42.** ORS 25.759 is amended to read:

25.759. Upon identification of a person subject to suspension under ORS 25.750 to 25.783, the administrator may issue a notice, sent by regular **first class** mail to both the address of record as shown in the records of the issuing entity and the address of record as shown on the administrator's child support file **or, if authorized by the person, sent by electronic mail or other electronic delivery method as described by the administrator by rule.** Such notice [*shall*] **must** contain the following information:

(1) That certain licenses, certificates, permits and registrations, which [*shall*] **must** be specified in the notice, are subject to suspension as provided for by ORS 25.750 to 25.783.

(2) The name, final four digits of the Social Security number, if available, year of birth, if known, and child support case number or numbers of the person subject to the action.

(3) The amount of arrears and the amount of the monthly child support obligation, if any, or, if suspension is based on ORS 25.750 (1)(b), a description of the subpoena or other procedural order with which the person subject to the action has failed to comply.

(4) The procedures available for contesting the suspension of a license, certificate, permit or registration.

(5) That the only bases for contesting the suspension are:

(a) That the arrears are not greater than three months of support or \$2,500;

(b) That there is a mistake in the identity of the obligor;

(c) That the person subject to the suspension has complied with the subpoena or other procedural order identified in subsection (3) of this section; or

(d) That the person subject to the suspension is in compliance with a previous agreement as provided for by ORS 25.750 to 25.783.

(6) That the obligor may enter into an agreement, prescribed by rule by the Department of Justice, compliance with which shall preclude the suspension under ORS 25.750 to 25.783.

(7) That the obligor has 30 days from the date of the notice to contact the administrator in order to:

(a) Contest the action in writing on a form prescribed by the administrator;

(b) Comply with the subpoena or procedural order identified in subsection (3) of this section; or

(c) Enter into an agreement authorized by ORS 25.750 and 25.762. The notice [*shall*] **must** state that any agreement must be in writing and must be entered into within 30 days of making contact with the administrator.

(8) That failure to contact the administrator within 30 days of the date of the notice shall result in notification to the issuing entity to suspend the license, certificate, permit or registration.

**SECTION 43.** ORS 25.793 is amended to read:

25.793. (1) Subject to the limitations provided in subsection (2) of this section, the Division of Child Support of the Department of Justice may enter into agreements with other divisions of the Department of Justice or with the Department of Revenue for the provision of information reported to the Division of Child Support by an employer pursuant to ORS 25.790 regarding hiring or rehiring or the engagement or reengagement of individuals in this state. The information may be used for purposes other than **to establish** paternity [*establishment*] or child support [*enforcement*], including but not limited to debt collection.

(2) Information provided by the division under this section is limited to information reported pursuant to ORS 25.790 that has not yet been entered into either:

(a) The statewide automated data processing and information retrieval system required to be established and operated by the division under 42 U.S.C. 654a; or

(b) The automated state directory of new hires required to be established by the division under 42 U.S.C. 653a.

(3) An agreement entered into under this section must include, but is not limited to, provisions describing:

(a) How the information is to be reported or transferred from the division;

(b) Fees, reimbursements and other financial responsibilities of the recipient in exchange for receipt of the information from the division, not to exceed actual expenses;

(c) Coordination of data systems to facilitate the sharing of the information; and

(d) Such other terms and requirements as are necessary to accomplish the objectives of the agreement.

(4) An agreement entered into under this section is subject to the approval of the Department of Justice.

**SECTION 44. ORS 25.501 to 25.556 are added to and made a part of ORS chapter 25.**

### CONFORMING AMENDMENTS

**SECTION 45.** ORS 18.005 is amended to read:

18.005. As used in this chapter:

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

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

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

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

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

(6) "Execution" means enforcement of the money award portion of a judgment or enforcement of a judgment requiring delivery of the possession or sale of specific real or personal property, by means of writs of execution, writs of garnishment and other statutory or common law writs or remedies that may be available under the law.

(7) "General judgment" means the judgment entered by a court that decides all requests for relief in the action except:

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

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

(8) "Judgment" means the concluding decision of a court on one or more requests for relief in one or more actions, as reflected in a judgment document.

(9) "Judgment document" means a writing in the form provided by ORS 18.038 that incorporates a court's judgment.

(10) "Judgment lien" means:

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

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

(11) "Judgment remedy" means:

(a) The ability of a judgment creditor to enforce a judgment through execution; and

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

(12) "Legal authority" means:

(a) A statute;

(b) An Oregon Rule of Civil Procedure;

- (c) A rule or order of the Chief Justice of the Supreme Court adopted under ORS 18.028; and
  - (d) All controlling appellate court decisions in effect December 31, 2003.
- (13) "Limited judgment" means:
- (a) A judgment entered under ORCP 67 B or 67 G;
  - (b) A judgment entered before the conclusion of an action in a circuit court for the partition of real property, defining the rights of the parties to the action and directing sale or partition;
  - (c) An interlocutory judgment foreclosing an interest in real property; and
  - (d) A judgment rendered before entry of a general judgment in an action that disposes of at least one but fewer than all requests for relief in the action and that is rendered pursuant to a legal authority that specifically authorizes that disposition by limited judgment.
- (14) "Money award" means a judgment or portion of a judgment that requires the payment of money.
- (15) "Person" includes a public body as defined in ORS 174.109.
- (16) "Request for relief" means a claim, a charge in a criminal action or any other request for a determination of the rights and liabilities of one or more parties in an action that a legal authority allows the court to decide by a judgment.
- (17) "Supplemental judgment" means a judgment that may be rendered after a general judgment pursuant to a legal authority.
- (18) "Support arrearage lien" means a lien that attaches to real property under the provisions of ORS 18.150 (3) or 18.152 (3).
- (19) "Support award" means a money award or agency order that requires the payment of child or spousal support.

**SECTION 46.** ORS 18.228 is amended to read:

18.228. (1) If a support award is paid to the Department of Justice, the judgment creditor may receive credit for satisfaction of the judgment only in the manner provided by this section. The department may provide judgment creditors with forms and instructions for satisfaction of support awards under this section.

(2) Any satisfaction document for a support award described in subsection (1) of this section must be mailed to or delivered to the Department of Justice, and not to the court administrator. The department shall credit the amounts reflected in the satisfaction document to the support award pay records maintained by the department. Except as provided in subsection (3) of this section, the department *[shall]* **may** not credit amounts against the support award pay records to the extent that the judgment is assigned or subrogated to this or another state. The Department of Justice shall thereafter promptly forward the satisfaction document to the court administrator for the court in which the money award was entered, together with a certificate from the department stating the amounts reflected as paid in the support award pay records maintained by the department. The court administrator shall note in the register as paid only the amount stated in the certificate, and not the amount shown on the satisfaction document.

(3) If a support award has been assigned to this state, the Department of Justice may satisfy the support award to the extent of the assignment. The department may credit the amounts reflected in the satisfaction document to the support award pay records maintained by the department and file the satisfaction document with the court administrator for the court in which the money award was entered, together with a certificate from the department stating the amounts reflected as paid in the support award pay records. The court administrator shall note in the register and in the judgment lien record the amount of satisfaction shown on the certificate, and not the amount shown on the satisfaction document.

(4) Unless a judgment requires that payments under a support award be paid to the Department of Justice or *[enforcement]* **child support** services are provided pursuant to ORS 25.080, all satisfaction documents for a support award must be filed with the court administrator.

**SECTION 47.** ORS 18.232 is amended to read:

18.232. (1) In addition to or in lieu of the certificate and satisfaction document provided for in ORS 18.228, the Department of Justice may execute and file a satisfaction document for a support award requiring payment to the department if:

(a) The judgment debtor provides a sworn affidavit indicating that the money award has been paid in full;

(b) The department certifies that the department has a complete pay record for the payments under the support award; and

(c) The department certifies that there are no arrearages.

(2) The Department of Justice shall be considered to have a complete pay record for the purposes of subsection (1) of this section if the department has kept the pay record for the support award from the date that the first payment was to be made under the support award, or if the judgment creditor or an entity providing [enforcement] **child support** services under ORS 25.080 establishes arrearages for the time period the pay record was not kept by the department.

(3) The signature of a person signing a satisfaction document filed under this section need not be acknowledged by a notary public.

(4) If a satisfaction document under this section is for any payment made to the Department of Justice for amounts that have not been assigned by the judgment creditor to the state, the department shall give notice to the judgment creditor in the manner provided by ORS 25.085. The notice must inform the judgment creditor that the department will execute and file the satisfaction of judgment unless the department receives a request for a hearing within 30 days after the date the notice was mailed **or sent electronically**. If a judgment creditor requests a hearing, the Department of Justice shall conduct the hearing as a contested case under ORS chapter 183 before a hearing officer appointed by the department.

**SECTION 48.** ORS 18.358 is amended to read:

18.358. (1) As used in this section:

(a) "Beneficiary" means a person for whom retirement plan benefits are provided or their spouse.

(b) "Internal Revenue Code" means the federal Internal Revenue Code as amended and in effect on December 31, 1998.

(c) "Permitted contribution" means:

(A) A contribution that, at the time of the contribution, is not taxable income to the beneficiary and, if the sponsor is a taxable entity, is tax deductible to the sponsor;

(B) A nondeductible contribution by a beneficiary to a retirement plan to the extent that the contribution is permitted to be made under the Internal Revenue Code;

(C) A deductible or nondeductible contribution to an individual retirement account to the extent the contribution is not subject to federal excise tax as an excess contribution;

(D) A contribution, pursuant to a rollover or transfer, from one retirement plan to another, to the extent the federal tax deferred status is preserved at such time;

(E) A rollover from an individual retirement account described in section 408 of the Internal Revenue Code to an individual retirement account described in section 408A of the Internal Revenue Code; and

(F) Any earnings under a retirement plan that are attributable to a contribution described in subparagraphs (A) to (E) of this paragraph.

(d) "Retirement plan" means:

(A) A pension plan and trust, including a profit sharing plan, that is described in sections 401(a), 401(c), 401(k), 403 and 457 of the Internal Revenue Code, including that portion attributable to contributions made by or attributable to a beneficiary;

(B) An individual retirement account or annuity, including one that is pursuant to a simplified employee pension, as described in section 408 or 408A of the Internal Revenue Code; and

(C) Any pension not described in subparagraphs (A) and (B) of this paragraph granted to any person in recognition or by reason of a period of employment by or service for the Government of



the United States or any state or political subdivision of any state, or any municipality, person, partnership, association or corporation.

(e) "Sponsor" means an individual or entity that establishes a retirement plan.

(2) Subject to the limitations set forth in subsection (3) of this section, a retirement plan shall be conclusively presumed to be a valid spendthrift trust under these statutes and the common law of this state, whether or not the retirement plan is self-settled, and a beneficiary's interest in a retirement plan shall be exempt, effective without necessity of claim thereof, from execution and all other process, mesne or final.

(3) Notwithstanding subsection (2) of this section:

(a) A contribution to a retirement plan, other than a permitted contribution, shall be subject to ORS 95.200 to 95.310 concerning voidable transactions; and

(b) Unless otherwise ordered by a court under ORS 25.387, 75 percent of a beneficiary's interest in a retirement plan, or 50 percent of a lump sum retirement plan disbursement or withdrawal, shall be exempt from execution or other process arising out of a support obligation or an order or notice entered or issued under [ORS 25.501 to 25.556 or] ORS chapter 25, 107, 108, 109, 110, 419B or 419C.

**SECTION 49.** ORS 18.838, as amended by section 15, chapter 100, Oregon Laws 2024, is amended to read:

18.838. Instructions to garnishees must be in substantially the following form:

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### INSTRUCTIONS TO GARNISHEE

Except as specifically provided in these instructions, you must complete and deliver the Garnishee Response within seven calendar days after you receive the writ of garnishment. If the writ does not comply with Oregon law, the writ is not effective to garnish any property of the Debtor, but you still must complete and deliver the Garnishee Response. You must complete and deliver the response even though you cannot determine from the writ whether you hold any property or owe any debt to the Debtor. If the seventh calendar day is a Saturday, Sunday or legal holiday, you must deliver your response on or before the next following day that is not a Saturday, Sunday or legal holiday.

The writ is not effective, and you need not make a Garnishee Response, if:

- You do not receive the writ within 60 days after the date of issuance shown on the face of the writ.
- You do not receive an original writ of garnishment or a copy of the writ.

Statutes that may affect your rights and duties under the writ can be found in ORS 18.600 to 18.850.

NOTE: The Garnishor may be the Creditor, the attorney for the Creditor or some other person who is authorized by law to issue the writ of garnishment. See the writ to determine who the Garnishor is.

### STEP 1. FILL OUT THE GARNISHEE RESPONSE.

All garnishees who are required to deliver a garnishee response must fill in Part I of the Garnishee Response. Garnishees who employ the Debtor must also fill in Part II of the response. You should keep a copy of the response for your records.

Completing Part I of the Garnishee Response. If you discover before you deliver your response that a bankruptcy petition has been filed by or on behalf of the Debtor, and the bankruptcy petition was filed after a judgment was entered against the Debtor or after the debt otherwise became subject to garnishment (see the date specified in the writ), you must put a check by the appropriate statement in Part I. If a bankruptcy petition has been filed, you should not make any payments to the Garnishor unless the court orders otherwise. You need not complete any other part of the response, but you still must sign the response and deliver it in the manner described in Step 2 of these instructions.

In all other cases you must list in Part I all money and personal property of the Debtor that is in your possession, control or custody at the time of delivery of the writ. You must also list all debts that you owe to the Debtor, whether or not those debts are currently due (e.g., money loaned to you by the Debtor that is to be repaid at a later time).

If you are the employer of the Debtor at the time the writ is delivered to you, you must put a check by the appropriate statement in Part I. In addition, you must complete Part II of the response.

If you believe that you may hold property of the Debtor or that you owe a debt to the Debtor, but you are not sure, you must put a check by the appropriate statement and provide an explanation. When you find out what property you hold that belongs to the Debtor, or you find out whether you owe money to the Debtor and how much, you must prepare and deliver an amended response. You must do this even if you find out that you have no property of the Debtor or that you do not owe anything to the Debtor.

If you determine that the writ, on its face, does not comply with Oregon laws governing writs of garnishment, or if you are unable to determine the identity of the Debtor from the information in the writ, then the writ is not effective to garnish any property of the Debtor. You must put a check by the appropriate statement in Part I and provide an explanation. You still must complete the response and deliver the response in the manner described in Step 2 of these instructions.

If you have received an order to withhold income that applies to the income of the Debtor and that order has priority over the garnishment, and if compliance with the order will reduce or eliminate the money or property that you would otherwise deliver under the garnishment, you must put a check by the appropriate statement in Part I. You still must fill out the remainder of the response and deliver the response in the manner described in Step 2 of these instructions. If you employ the Debtor, you still must complete Part II of the response.

If you receive notice of a challenge to the garnishment before you send your response, you must complete and deliver your response as otherwise required by these instructions. However, see Step 3 of these instructions regarding payment of money or delivery of property after receipt of notice of a challenge to the garnishment.

If you owe a debt to the Debtor and the Debtor owes a debt to the holder of an underlying lien on your property, you may be able to offset the amount payable to the underlying lienholder. See ORS 18.620. You must note that you have made the offset in Part I of the response (under "Other") and specify the amount that was offset.

Completing Part II of the Garnishee Response (employers only). You must fill in Part II of the response if you employ the Debtor on the date the writ of garnishment is delivered to you, or if you previously employed the Debtor and still owe wages to the Debtor on the date the writ is delivered to you.

Wages affected. Except as provided below, the writ garnishes all wages that you owe to the Debtor for work performed before the date you received the writ, even though the wages will not be paid until a later date. The writ also garnishes all wages that are attributable to services performed during the 90-day period following the date you received the writ, even though you would not pay the Debtor for all or part of those services until after the end of the 90-day period. Wages subject to garnishment under the writ include all amounts paid by you as an employer, whether on an hourly, weekly or monthly basis, and include commission payments and bonuses.

Example 1: Debtor A is employed by you and is paid a monthly salary on the first day of each month. You receive a writ of garnishment on July 17. The writ garnishes all wages that you owe to Debtor A for work performed on or before July 17. If Debtor A was paid on July 1 for services performed in the month of June, the writ garnishes Debtor A's salary for the period beginning July 1 and ending October 15 (90 days after receipt of the writ).

The writ does not garnish any wages you owe to a Debtor for a specific pay period if:

(a) The writ is delivered to you within two business days before the Debtor's normal payday for the pay period;

(b) When the writ is delivered to you, the Debtor's wages are paid by direct deposit to a financial institution, or you use an independent contractor as payroll administrator for your payroll; and

(c) Before the writ was delivered to you, you issued instructions to the financial institution or the payroll administrator to pay the Debtor for the pay period.

If any wages are not garnishable by reason of the issuance of instructions to a financial institution or a payroll administrator as described above, you must so note in the Garnishee Response. Thereafter, you must pay to the Garnishor all wages that are subject to garnishment that are attributable to services performed by the Debtor during the 90-day period following the date you received the writ.

Calculation of wages subject to garnishment. A Wage Exemption Calculation form is attached to the writ of garnishment. You must use this form to calculate the amount of the Debtor's wages that is subject to garnishment. You should read the instructions printed on the Wage Exemption Calculation form to determine the normal wage exemption and the minimum wage exemption for each payment you make under the writ.

A Wage Exemption Calculation form must be sent with the first payment you make under the writ. For the 90-day period during which the writ is effective, you must also fill out and return a Wage Exemption Calculation form with a subsequent payment any time the initial calculation changes. Finally, you must fill out and return a Wage Exemption Calculation form with the final payment that you make under the writ.

Payment of amount subject to garnishment. Payments under the writ must be made at the following times, unless the amount owing on the judgment or other debt is fully paid before the final payment is made or the writ is released:

(a) You must make a payment to the Garnishor of all wages subject to garnishment at the time you next pay wages to the Debtor. Complete the wage exemption computation, using the Wage Exemption Calculation form, to determine the portion of the Debtor's wages that is subject to garnishment. Be sure to adjust the minimum exemption amount for any payment that covers less than a full pay period. You must include a copy of the Wage Exemption Calculation form with this first payment.

Example 2: Using the facts given in Example 1, when you next make any payment of wages to Debtor A after you receive the writ on July 17, you must complete the Wage Exemption Calculation form and send the form to the Garnishor along with all amounts determined to be subject to garnishment that are attributable to the period covered by the payment. If you pay Debtor A on August 1, the payment will be for all wages attributable to the period beginning July 1 and ending July 31.

(b) Unless the writ of garnishment is satisfied or released, during the 90-day period following the date you received the writ, you must pay to the Garnishor all wages that are determined to be subject to garnishment whenever you issue a paycheck to the Debtor. If the Debtor is paid on a weekly basis, you must make payment under the writ on a weekly basis. If the Debtor is paid on a monthly basis, you must make payment under the writ on a monthly basis. If the amount paid to the

Debtor varies from paycheck to paycheck, or changes at any time from the amount being paid at the time the writ was delivered to you, you must perform a new wage exemption computation to determine the amount of wages subject to garnishment under the writ. You must send a copy of the new Wage Exemption Calculation form with your payment to the Garnishor.

Example 3: Using the facts given above, as you make each subsequent payment of wages to Debtor A you must make a payment of that portion of the Debtor's wages that are subject to garnishment. If you continue to pay Debtor A on the first of each month, payments must be made on September 1 and October 1.

(c) Upon the expiration of the 90-day period, you must make a final payment to the Garnishor for all wages that were owing to the Debtor for the work performed by the Debtor through the 90th day following your receipt of the writ. This payment may be made at the time of the Debtor's next paycheck. You will need to complete another Wage Exemption Calculation form to determine the amount of the wages subject to garnishment.

Example 4: Using the facts given above, you must make a final payment for the wages owing to Debtor A for the period beginning October 1 and ending October 15. You may make this payment at the time you issue Debtor A's paycheck on November 1, but you must make the payment at any time you issue a paycheck to Debtor A after October 15. Be sure that in completing the wage exemption computation for the final payment you adjust the minimum exemption amount to take into account the fact that the period covered is only 15 days of the full month (see instructions on Wage Exemption Calculation form).

Processing fee. You may collect a \$2 processing fee for each week of wages, or fraction of a week of wages, for which a payment is made under the writ. The fee must be collected after you make the last payment under the writ. The fee must be withheld from the wages of the debtor, and is in addition to the amounts withheld for payment to the Garnishor under the writ or under any other writ you have received.

If you receive more than one writ of garnishment. If you receive a second writ of garnishment for the same Debtor from another Garnishor, the first writ will have priority for wages. The priority of the first writ lasts for the 90-day period following delivery of that writ to you, or until the first writ is paid in full, whichever comes first. In your response to the second writ, you must put a check by the appropriate statement in Part II and indicate the date on which the first writ will expire (90 days after the date you received the writ). You should make no payments under the second writ until expiration of the first writ. The expiration date of the second writ is 90 days after the date you received the second writ; the expiration date is not affected by any delay in payment attributable to the priority of the first writ.

## STEP 2. DELIVER THE GARNISHEE RESPONSE.

You must deliver your Garnishee Response and copies of the response in the manner provided in this step. The response and copies may be mailed or delivered personally.

You must complete and deliver the Garnishee Response within seven calendar days after you receive the writ of garnishment. If the seventh calendar day is a Saturday, Sunday or legal holiday, you must deliver your response on or before the next following day that is not a Saturday, Sunday or legal holiday.

If you are required to hold any property under the writ or make any payment under the writ, either at the time of making your response or later, you must:

(a) Send the original of your Garnishee Response to the Garnishor at the address indicated on the writ under Important Addresses.

(b) Send a copy of your Garnishee Response to the court administrator at the address indicated on the writ under Important Addresses.

(c) Send a copy of your Garnishee Response to the Debtor if an address is indicated on the writ under Important Addresses.

If you are not required to hold any property under the writ or make any payment under the writ, either at the time of making your response or later, you must:

(a) Send the original of your Garnishee Response to the Garnishor at the address indicated on the writ under Important Addresses.

(b) Send a copy of your Garnishee Response to the Debtor if an address is indicated on the writ under Important Addresses.

### STEP 3. DELIVER THE FUNDS OR OTHER PROPERTY.

As long as the writ is in effect, you may be liable to the Creditor if you pay any debt or turn over any property to the Debtor except as specifically allowed by law. If you have any money or property of the Debtor in your possession, control or custody at the time of delivery of the writ, or owe any debt to the Debtor, you must pay the money or hold the property as required by this step. Exceptions to this requirement are listed below.

IF YOU ARE HOLDING MONEY FOR THE DEBTOR OR OWE A DEBT THAT IS CURRENTLY DUE, you must pay the money to the Garnishor with your response. You must send your payment to the Garnishor at the address indicated on the writ under Important Addresses. Make your check payable to the Garnishor.

IF YOU OWE A DEBT TO THE DEBTOR THAT WILL BECOME DUE WITHIN 45 DAYS AFTER THE DATE YOU RECEIVED THE WRIT, you must send your payment directly to the Garnishor at the address provided in the writ when the debt becomes due. Make your check payable to the Garnishor.

IF YOU ARE HOLDING PROPERTY THAT BELONGS TO THE DEBTOR, OR OWE A DEBT TO THE DEBTOR THAT WILL NOT BECOME DUE WITHIN 45 DAYS AFTER THE DATE YOU RECEIVED THE WRIT, you must keep the property or debt in your possession, control or custody until you receive written notice from the Sheriff. The Sheriff's notice will tell you what to do with the property or debt. If you have followed all of the instructions in the writ and you receive no notice from the Sheriff within 30 days after the date on which you delivered your Garnishee Response, you may treat the writ as being of no further force or effect.

#### EXCEPTIONS:

1. Challenge to garnishment or specific directions from court. If you are making any payments under the garnishment and before making a payment you receive notice of a challenge to the garnishment from the court, or receive a specific direction from the court to make payments to the court, you must send or deliver the payment directly to the court administrator. If the money is currently due when you receive the notice, send the payment promptly to the court. If the payment is for a debt that is payable within 45 days after you receive the writ, make the payment to the court promptly when it becomes due. If you make payment by check, make the check payable to the State of Oregon. Because you may be liable for any payment that does not reach the court, it is better not to send cash by mail.

A challenge to the garnishment does not affect your duty to follow the instructions you receive from the Sheriff for property that belongs to the Debtor and debts that you owe to the Debtor that do not become due within 45 days.

2. Previous writ of garnishment. If you receive a second writ of garnishment for the same Debtor from another Garnishor, the first writ will have priority and you need not make payments or deliver property under the second writ to the extent that compliance with the first writ will reduce or eliminate the payment of money or delivery of property that you would otherwise make under the garnishment. You must still deliver a Garnishee Response to the second writ, and must commence payment under the second writ as soon as the first writ is satisfied or expires.

3. Offset for payment of underlying lien. If you owe a debt to the Debtor and the Debtor owes a debt to the holder of an underlying lien on your property, you may be able to offset the amount payable to the underlying lienholder. See ORS 18.620.

4. Subsequent events:

(a) Bankruptcy. If you make your response and then discover that a voluntary or involuntary bankruptcy petition has been filed by or on behalf of the Debtor after the judgment was entered against the Debtor or after the debt otherwise became subject to garnishment (see date in writ), you may not make any further payments or delivery of property under the writ unless the court orders otherwise. If you have not delivered all property that is subject to garnishment under this writ when you discover that a bankruptcy petition has been filed, you must mail the following notice to the Garnishor and to the Debtor.

(b) Order to withhold income. If you make your response and then receive an order to withhold income that has priority over the writ, you may make payments or deliver property under the writ only after payment of the amounts required under the order to withhold income. If you have not delivered all property that is subject to garnishment under this writ when you receive an order to withhold income that has priority, you must mail the following notice to the Garnishor and to the Debtor.

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SUPPLEMENTAL GARNISHEE  
RESPONSE

TO: The Garnishor and the Debtor

RE: Writ of garnishment received \_\_\_\_\_, 2\_\_ (date), in the case of \_\_\_\_\_ (Plaintiff)  
vs. \_\_\_\_\_ (Defendant), Circuit Court of \_\_\_\_\_ County, Oregon, Case No. \_\_\_\_\_.

The undersigned Garnishee furnished a Garnishee Response to this writ of garnishment on \_\_\_\_\_, 2\_\_ (date). Since that time (check appropriate statement):

\_\_\_ I have discovered that a voluntary or involuntary bankruptcy petition has been filed by or on behalf of the Debtor after the judgment was entered against the Debtor or after the debt otherwise became subject to garnishment.

\_\_\_ I have received an order to withhold income of the Debtor by reason of a support obligation. Under ORS 25.375, the order to withhold income has priority over any other legal process under Oregon law against the same income. The withholding of income pursuant to the order to withhold income might reduce or eliminate subsequent payments under the

garnishment. (Provide details, including the name of the agency serving the order to withhold, the date the order was served on you and the amounts to be withheld.)

Dated \_\_\_\_\_, 2\_\_

\_\_\_\_\_  
Name of Garnishee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

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SPECIAL INSTRUCTIONS FOR BANKS  
AND OTHER FINANCIAL INSTITUTIONS

(1)(a) If you receive a writ of garnishment for a Debtor who has an account with your institution, you must first determine whether a Notice of Right to Garnish Federal Benefits from the United States Government or from a state child support [*enforcement agency*] **program**, as provided in 31 C.F.R. part 212, accompanies the writ of garnishment.

(b) If a Notice of Right to Garnish Federal Benefits accompanies the writ of garnishment, you must proceed with the garnishment in the normal manner.

(c) If the writ of garnishment is attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award of restitution, the base protected account balance does not apply and you should not perform the calculation provided by (1)(d), (2), (3), (5) and (6) below, but you must perform a garnishment account review as provided in (4) and (7) below.

(d) If a Notice of Right to Garnish Federal Benefits does not accompany the writ of garnishment or the writ of garnishment is not attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award that includes restitution, you must immediately determine the total amount in all of the accounts the Debtor has with your institution.

(2)(a) If, after making the determination in (1)(d) above, you find that the total amount in all of the Debtor's accounts with your institution is less than or equal to the base protected account balance, as defined in ORS 18.785 (1)(a), shown on the Oregon Judicial Department website as exempt from garnishment:

(A) The Debtor's accounts are not subject to garnishment.

(B) You must provide full customary access to the Debtor's accounts.

(b) As of April 4, 2024, the amount that is not subject to garnishment is \$2,500, but this amount is indexed to the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency, and may vary from year to year.

(3) If, after making the determination in (1)(d) above, you find that the total amount in all of the Debtor's accounts with your institution exceeds the base protected account balance shown on the Oregon Judicial Department website as exempt from garnishment:

(a) The base protected account balance is not subject to garnishment.

(b) You must provide full customary access to the base protected account balance shown on the Oregon Judicial Department website as exempt from garnishment.

(c) You must conduct a garnishment account review.

(4) In a garnishment account review, you must determine whether any of the following payments were made by direct deposit or electronic transfer to any of the Debtor's accounts with your institution within the lookback period described in ORS 18.785 (2)(d) (the period that begins on the date preceding the date of your garnishment account review and that ends on the corresponding date of the month two months earlier, or on the last day of the month two months earlier if the corresponding date does not exist):

(a) Federal benefit payments as defined in ORS 18.600 (benefit payments from the United States Social Security Administration, the United States Department of Veterans Affairs, the United States Office of Personnel Management or the Railroad Retirement Board);

(b) Payments from a public or private retirement plan as defined in ORS 18.358;

(c) Public assistance payments or medical assistance, as defined in ORS 414.025, from the State of Oregon or an agency of the State of Oregon;

(d) Unemployment compensation payments from the State of Oregon or an agency of the State of Oregon;

(e) Black lung benefits payments from the United States Department of Labor; or

(f) Workers' compensation payments from a workers' compensation carrier.

(5) If in the garnishment account review you determine that any of the payments listed in (4) above were made by direct deposit or electronic transfer to any of the Debtor's accounts with your institution within the lookback period, you may not garnish, and must provide full customary access to, the sum of:

(a) The base protected account balance shown on the Oregon Judicial Department website as exempt from garnishment; and

(b) The amount by which the sum of all payments described in (4) above exceeds the base protected account balance.

(6) Any amount in the Debtor's accounts that exceeds the amounts described in (5) above is subject to garnishment and you must proceed with garnishment in the ordinary manner.

(7) If the writ of garnishment is attached to an attestation that a debt arises out of a child support or spousal support obligation or a judgment that contains a money award of restitution, you must provide the Debtor with full customary access to all payments listed in (4) above that were made by direct deposit or electronic transfer to an account within the lookback period the Debtor has with your institution.

If the Garnishor fails to pay the search fee required by ORS 18.790 and you do not employ the Debtor, you are not required to deliver a Garnishee Response and you may deal with any property of the Debtor as though the garnishment had not been issued.

If the Debtor owes a debt to you that was due at the time you received the writ of garnishment, you may be able to offset the amount of that debt. See ORS 18.795. You must note that you have made the offset in Part I of the Garnishee Response (under "Other") and specify the amount that was offset.

Before making a payment under the writ, you may first deduct any processing fee that you are allowed under ORS 18.790. If you are required to conduct a garnishment account review, you may not charge or collect a processing fee against any amount that is not subject to garnishment, and may not charge or collect a garnishment processing fee against any amounts in the account after the date that you conduct the review.

You need not deliver any property contained in a safe deposit box unless the Garnishor pays you in advance for the costs that will be incurred in gaining entry to the box. See ORS 18.792.

If you are required to conduct a garnishment account review and you determine from the review that one or more of the payments listed in ORS 18.785 (2)(c)(B) have been deposited into the Debtor's



account by direct deposit or electronic payment during the lookback period described in ORS 18.785 (2)(d), and that there is a positive balance in the account, you must issue a notice to the account holder in substantially the form set forth in ORS 18.847. The notice must be issued directly to the account holder or to a fiduciary who administers the account and receives communications on behalf of the account holder. The notice must be sent separately to the account holder and may not be included with other materials being provided to the account holder that do not relate to the garnishment. You must send the notice to the account holder within three business days after you complete the garnishment account review. You may issue one notice with information related to multiple accounts of a single account holder.

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**SECTION 50.** ORS 18.867 is amended to read:

18.867. (1) If [*support enforcement*] **child support** services are being provided under ORS 25.080, the administrator as defined in ORS 25.010 may issue a writ of execution for the support award portion of the judgment for which [*support enforcement*] **child support** services are being provided. A copy of the writ of execution must be filed with the circuit court of the county in which the judgment was entered or recorded. A writ of execution issued under this section must be executed by the sheriff in the same manner as a writ issued by the court administrator.

(2) The Department of Justice shall adopt an appropriate form for writs of execution under this section. The form must be substantially as set forth for writs of execution described in ORS 18.862.

**SECTION 51.** ORS 21.185 is amended to read:

21.185. The filing fees described in ORS 21.135, 21.145, 21.155 and 21.160 may not be charged to a district attorney or to the Division of Child Support of the Department of Justice for the filing of any proceeding related to the provision of [*support enforcement*] **child support** services as described in ORS 25.080.

**SECTION 52.** ORS 25.011 is amended to read:

25.011. As used in [*ORS 25.501 to 25.556 and*] ORS chapters 25, 106, 107, 108, 109 and 110, when a person is required to provide an address, “address” means a residence, mailing or contact address in the same state as the person’s home.

**SECTION 53.** ORS 25.089 is amended to read:

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

(2)(a) A child support judgment originating under ORS 25.529 has all the force, effect and attributes of a circuit court judgment. The judgment lien created by a child support judgment originating under ORS 25.529 applies to all arrearages owed under the underlying order from the date the administrator or administrative law judge entered, filed or registered the underlying order under ORS 25.501 to 25.556 or ORS chapter 110.

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

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

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

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

(b) The administrator or administrative law judge may only enforce the existing child support judgment, modify the existing child support judgment as specifically authorized by law or, with regard to an existing child support judgment originating under ORS [25.501] ~~25.529~~, move to set aside the existing child support judgment under subsection (6) of this section or for the reasons set out in ORCP 71.

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

(5)(a) If the court finds that there exist two or more child support judgments involving the same obligor and child and the same period of time, and each judgment was issued in this state, the court shall apply the provisions of ORS 25.091 to determine the controlling terms of the child support judgments and to issue a governing child support judgment as defined in ORS 25.091.

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

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

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

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

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

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

(7) When modifying a child support judgment, the court, administrator or administrative law judge shall specify in the modification judgment the effects of the modification on the child support judgment being modified.

**SECTION 54.** ORS 25.091 is amended to read:

25.091. (1) As used in this section:

(a) "Child support judgment" has the meaning given that term in ORS 25.089.

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

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

(3) When two or more child support judgments exist involving the same obligor and child and the same period, any party to one or more of the child support judgments or the administrator, under ORS 25.531, may file a petition with the court for a governing child support judgment under this section. When a matter involving a child is before the court and the court finds that two or more child support judgments exist involving the same obligor and child and the same period, the court on its own motion, and after notice to all affected parties, may determine the controlling terms of the child support judgments and issue a governing child support judgment under this section.

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

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

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

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

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

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

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

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

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

(7) Following a review of each child support judgment and any other evidence admitted by the court:

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

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

(8) The governing child support judgment must include:

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

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

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

(d) Except as provided in subsection (9) of this section, a reconciliation of any child support arrears or credits under all of the child support judgments; and

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

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

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

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

(10) When the governing child support judgment is entered as described in ORS 18.075, the noncontrolling terms of each earlier child support judgment are terminated. However, subject to subsection (11) of this section, the entry of the governing child support judgment does not affect any child support payment arrearage or any liability related to medical support, as defined in ORS 25.321, that has accrued under a child support judgment before the governing child support judgment is entered.

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

(12) Not sooner than 30 days and not later than 60 days after entry of the governing child support judgment, a party named by the court, or the petitioner if the court names no other party, shall file a copy of the governing child support judgment with each court or the administrator that issued an earlier child support judgment. A party who fails to file a copy of the governing child support judgment as required by this subsection is subject to monetary sanctions, including but not limited to attorney fees, costs and disbursements. A failure to file does not affect the validity or enforceability of the governing child support judgment.

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

**SECTION 55.** ORS 25.321 is amended to read:

25.321. As used in ORS 25.321 to 25.343:

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

(2) "Child support order" means a judgment or administrative order that creates child support rights and that is entered or issued under ORS [25.501 to 25.556 or] 419B.400 or this chapter or ORS chapter 107, 108, 109 or 110.

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

(4) "Enforcing agency" means the administrator.

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

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

(7) "Medical support" means cash medical support and health care coverage.

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

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

(10) "Plan administrator" means:

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

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

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

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

**SECTION 56.** ORS 107.108 is amended to read:

107.108. (1) As used in this section:

(a) "Child attending school" means a child of the parties who:

(A) Is unmarried;

(B) Is 18 years of age or older and under 21 years of age;

(C) Is making satisfactory academic progress as defined by the school that the child attends; and

(D) Has a course load that is no less than one-half of the load that is determined by the school to constitute full-time enrollment.

(b) "Regularly scheduled break" means:

- (A) A summer semester or term;
- (B) A period of time not exceeding four months between graduation from or completion of school and the beginning of the next regularly scheduled term, semester or course of study at school;
- (C) A period of time between the end and beginning of regularly scheduled consecutive school semesters, terms or courses of study; or
- (D) Any other scheduled break between courses of study that is defined by the school as a regularly scheduled break.

(c) "School" means:

(A) An educational facility such as a high school, community college, four-year college or university;

(B) A course of professional, vocational or technical training, including the Job Corps, designed to fit the child for gainful employment; or

(C) A high school equivalency course, including but not limited to a General Educational Development (GED) program, an educational program for grade 12 or below and home schooling.

(2) A support order entered or modified under [ORS 25.501 to 25.556 or] this chapter or ORS chapter 25, 108, 109, 110, 125, 419B or 419C may require either parent, or both of them, to provide for the support or maintenance of a child attending school.

(3) Notwithstanding ORS 25.503, a child attending school is a party to any legal proceeding related to the support order. A child attending school may:

(a) Apply for **child support** services under ORS 25.080:

(A) If a support order provides for the support or maintenance of the child attending school; or

(B) In accordance with rules adopted by the Department of Justice;

(b) Request a judicial or administrative modification of the child support amount or may receive notice of and participate in any modification proceeding; and

(c) Agree, in the manner provided under ORS 25.020 (12), that payments not made to the Department of Justice should be credited for amounts that would have been paid to the child attending school if the payments had been made to the department.

(4) Regardless of whether the child is a child attending school, an unmarried child who is 18 years of age or older and under 21 years of age:

(a) Is a necessary party to a judicial proceeding under ORS 107.085, 107.135, 107.431, 108.110, 109.103 or 109.165 in which the child's parents are parties and the court has authority to order or modify support for a child attending school; and

(b) May request notice of any proceeding initiated by the administrator to modify a support order that may affect the child's rights as a child attending school. To receive notice, the child shall provide an address to the administrator, and the administrator shall notify the child of any modification proceeding by **regular** first class mail **or, if authorized by the child, by electronic mail or other electronic delivery method as described by the administrator by rule**. To be a party to a proceeding, the child must send a written request to the administrator within 30 days after the date of the notice of the proceeding.

(5)(a) If a support order provides for the support or maintenance of a child attending school and the child qualifies as a child attending school, unless good cause is found for the distribution of the payment to be made in some other manner, support shall be distributed to the child if services are being provided under ORS 25.080 or shall be paid directly to the child if those services are not being provided.

(b) Unless otherwise ordered by the court, administrator or administrative law judge, when there are multiple children for whom support is ordered, the amount distributed or paid directly to a child attending school is a prorated share based on the number of children for whom support is ordered. However, if, due to a parenting time or split custody arrangement, support was not paid to the parent having primary physical custody of the child before the child turned 18 years of age, support may not be distributed or paid directly to the child attending school unless the support order is modified.

(c) The Department of Justice shall adopt rules to define good cause and circumstances under which the administrator or administrative law judge may allocate support by other than a prorated share and to determine how support is to be allocated in those circumstances.

(6)(a) For support payments to continue to be distributed or paid directly to the child attending school, the child shall provide to each parent ordered to pay support and, if **child support** services are being provided under ORS 25.080, to the department:

(A) Written notice of the child's intent to attend or continue to attend school. The child shall provide the notice before reaching 18 years of age. The notice must include the name of the school and the expected graduation date or date when the child will stop attending classes. If the child changes schools, the child shall provide the information required by this subsection concerning the subsequent school before the expected graduation date or date when the child will stop attending classes at the previous school.

(B) Written consent that:

(i) Is directed to the child's school and is in a form consistent with state and federal requirements that restrict disclosure of student records;

(ii) Gives the school authority to disclose to each parent ordered to pay support the child's enrollment status, whether the child is maintaining satisfactory academic progress, a list of courses in which the child is enrolled and the child's grades; and

(iii) States that the disclosure is for the purpose of permitting each parent to verify the child's compliance with the requirements of this section.

(b) The child shall provide the written consent form described in paragraph (a)(B) of this subsection within 30 days after the beginning of the first term or semester after the child reaches 18 years of age, at the beginning of each academic year thereafter and as otherwise required by the school to disclose the information under this section.

(c) If an order of nondisclosure of information has been entered concerning the child under ORS 25.020, the child may provide the information described in paragraph (a)(B) of this subsection in the manner established by the department by rule.

(7) Each parent ordered to pay support shall continue to make support payments, to be distributed or paid directly, to the child during regularly scheduled breaks as long as the child intends to continue attending school the next scheduled term or semester.

(8) A parent's obligation to pay support to a child attending school is suspended when:

(a) The child has reached 18 years of age and has not provided written notice of the child's intent to attend or continue to attend school, or the child has graduated or reached the date to stop attending classes, as provided under subsection (6)(a)(A) of this section;

(b)(A) **Child support** services are not being provided under ORS 25.080;

(B) The parent has provided the child with a written notice of the parent's intent to stop paying support directly to the child because the child is no longer a child attending school or the child has not provided the written consent required by subsection (6)(a)(B) of this section; and

(C) Thirty days have passed since the parent provided the notice to the child and the parent has not received:

(i) Written confirmation from the school that the child is enrolled in the school and is a child attending school; or

(ii) The written consent from the child as required by subsection (6)(a)(B) of this section; **or**

(c)(A) Services are being provided under ORS 25.080;

(B) A parent ordered to pay support has provided the department with written notice that the child is no longer a child attending school or that the child has not provided the written consent required by subsection (6)(a)(B) of this section;

(C) The department has provided written notice to the child requiring:

(i) Written confirmation, on a form developed by the department, from the school that the child is enrolled in the school and is a child attending school; and

(ii) Proof that the written consent required by subsection (6)(a)(B) of this section has been provided to the parent ordered to pay support; and

(D) Thirty days have passed since the department provided the notice to the child and the department has not received:

(i) Written confirmation from the school that the child is enrolled in the school and is a child attending school; or

(ii) Proof that the written consent required by subsection (6)(a)(B) of this section has been provided to the parent ordered to pay support.

(9) When a parent's support obligation has been suspended under subsection (8) of this section, the obligation is reinstated:

(a) If services are not being provided under ORS 25.080, effective on the date the parent receives written confirmation from the school that the child is enrolled in the school and is a child attending school and receives the written consent from the child as required by subsection (6)(a)(B) of this section; or

(b) If services are being provided under ORS 25.080, effective on the date the department receives written confirmation from the school that the child is enrolled in the school and is a child attending school and receives proof that the written consent required by subsection (6)(a)(B) of this section has been provided to the parent ordered to pay support.

(10) If a parent ordered to pay support is paying a prorated share under subsection (5) of this section and that obligation is suspended under subsection (8) of this section, the parent shall pay to the obligee the amount previously paid to the child attending school until such time as the support order is modified. The suspension of a parent's obligation to pay support to a child attending school is a substantial change of circumstances for purposes of modifying a support order. In a proceeding to modify a support order, the court, administrator or administrative law judge may order a modified amount of support and may order an amount of support to be paid in the event that a support obligation is reinstated under subsection (9) of this section.

(11)(a) If **child support** services are being provided under ORS 25.080 and the department has suspended a support obligation under subsection (8) of this section or reinstated a support obligation under subsection (9) of this section, a party may request administrative review of the action within 30 days after the date of the notice that the department has suspended or reinstated the support obligation.

(b) The department may adopt rules specifying the issues that may be considered on review.

(c) A party may appeal the department's decision on review under ORS 183.484.

(12)(a) Notwithstanding any other provision of this section, if a parent who is required to provide for the support or maintenance of a child attending school has established a higher education savings plan for the child's continued education, the court may order payment in accordance with the plan instead of ordering support that would otherwise be distributed or paid directly to the child under this section.

(b) If the court orders payment in accordance with the plan, the court may not order compliance with or payment of that provision of the order through the department.

(c) As used in this subsection, "higher education savings plan" means a tax-advantaged account established by a parent on behalf of a child for the purpose of paying qualified higher education expenses of the child at eligible educational institutions.

(13) A support order that provides for the support or maintenance of a child attending school is subject to this section regardless of when the support order was entered.

(14) A support order that provides for the support or maintenance of a child attending school is intended to recognize the importance of continuing education for a child over 18 years of age who does not benefit from an intact family or who has been removed from the household. While support may serve to supplement the resources available to the child attending school, it is not intended to replace other resources or meet all of the financial needs of a child attending school.

**SECTION 57.** ORS 107.835 is amended to read:

107.835. (1) When a court enters a judgment, order or modification of a judgment or order under ORS [25.501 to 25.556 or] 163.760 to 163.777 or ORS chapter 25, 107, 108, 109 or 110, the court shall allow any party to the judgment or order to include in the judgment or order a waiver of personal

service in a subsequent contempt proceeding in order to maintain the confidentiality of the party's residential address. In the waiver, the party shall give a contact address for service of process and select one of the following methods of substituted service:

- (a) Mailing address;
- (b) Business address; or
- (c) Specified agent.

(2) Any time after a party has waived personal service under subsection (1) of this section, the party may file an amended waiver designating a different method of substituted service or a different address for substituted service. The party shall give notice of the amendment to all other parties.

(3) The State Court Administrator shall prescribe the content and form of the waiver and amended waiver described in this section.

**SECTION 58.** ORS 107.840 is amended to read:

107.840. (1) The State Court Administrator shall establish a procedure applicable to every court in this state that ensures that the Social Security numbers of parties to a proceeding under ORS 107.085 or 107.485 are kept confidential and exempt from public inspection.

(2) The procedure established under this section must:

(a) Require that Social Security numbers be listed on a separate paper attached to an affidavit or a declaration under penalty of perjury in the form required by ORCP 1 E, executed by the person providing the Social Security number, certifying that the Social Security number is correct;

(b) Ensure that the Social Security numbers are provided to or made accessible to the entities primarily responsible for providing [*support enforcement*] **child support** services under ORS 25.080; and

(c) Comply with the requirements of 42 U.S.C. 666 relating to provision of Social Security numbers.

**SECTION 59.** ORS 109.015 is amended to read:

109.015. If public assistance[, *as defined in ORS 25.501,*] is provided for any dependent child, the administrator[, *as defined in ORS 25.010,*] may initiate proceedings under ORS chapter 18, 107, 108, 109, 110 or 125 or ORS 25.010 to 25.243, 25.378, 25.402, 25.501 to 25.556 or 419B.400 to obtain support for the child from one or both parents or from any other person legally responsible for the support of the child, including a guardian or conservator. In any proceeding under any statute cited in this section, the obligee is a party.

**SECTION 60.** ORS 109.252 is amended to read:

109.252. (1) Unless the court or administrator finds good cause not to proceed in a proceeding under ORS 25.501 to 25.556, 109.124 to 109.230 or 419B.609, in which parentage is a relevant fact, the court or administrator, as defined in ORS 25.010, upon the court's or administrator's own initiative or upon suggestion made by or on behalf of any person whose blood is involved may, or upon motion of any party to the action made at a time so as not to delay the proceedings unduly shall, order the mother, child, alleged father and any other named respondent who may be the father to submit to blood tests. If any person refuses to submit to such tests, the court or administrator may resolve the question of parentage against such person or enforce the court's or administrator's order if the rights of others and the interests of justice so require.

(2) When child support [*enforcement*] services are being provided under ORS 25.080, the **Oregon** Child Support Program shall pay any costs for blood tests subject to recovery from the party who requested the tests. If the original test result is contested prior to the entry of an order establishing parentage, the court or administrator shall order additional testing upon request and advance payment by the party making the request.

**SECTION 61.** ORS 238.445 is amended to read:

238.445. (1) Except as provided in this section, the right of a person to a pension, an annuity or a retirement allowance, to the return of contribution, the pension, annuity or retirement allowance itself, any optional benefit or death benefit, or any other right accrued or accruing to any person under the provisions of this chapter or ORS chapter 238A, and the money in the various funds created by ORS 238.660 and 238.670, shall be exempt from garnishment and all state, county



and municipal taxes heretofore or hereafter imposed, except as provided under ORS chapter 118, shall not be subject to execution, garnishment, attachment or any other process or to the operation of any bankruptcy or insolvency law heretofore or hereafter existing or enacted, and shall be un-assignable.

(2) Subsection (1) of this section does not apply to state personal income taxation of amounts paid under this chapter and ORS chapter 238A.

(3) Unless otherwise ordered by a court under ORS 25.387, the exemption from execution or other process granted under this section applies to 50 percent of amounts paid under this chapter and ORS chapter 238A if the execution or other process is issued for a support obligation or an order or notice entered or issued under [ORS 25.501 to 25.556 or] ORS chapter 25, 107, 108, 109, 110, 419B or 419C.

**SECTION 62.** ORS 308.290 is amended to read:

308.290. (1)(a) Except as provided in paragraph (b) of this subsection, every person and the managing agent or officer of any business, firm, corporation or association owning, or having in possession or under control taxable personal property shall make a return of the property for ad valorem tax purposes to the assessor of the county in which the property has its situs for taxation. As between a mortgagor and mortgagee or a lessor and lessee, however, the actual owner and the person in possession may agree between them as to who shall make the return and pay the tax, and the election shall be followed by the person in possession of the roll who has notice of the election. Upon the failure of either party to file a personal property tax return on or before March 15 of any year, both parties shall be jointly and severally subject to the provisions of ORS 308.296.

(b) The requirement to file a return under paragraph (a) of this subsection does not apply to:

(A) Personal property exempt from taxation under ORS 307.162.

(B) Manufactured structures classified as personal property under ORS 308.875.

(C) Residential floating structures, if no new property or new improvements, as defined in ORS 308.149, have been added to the floating structures since the prior January 1.

(2) Every person and the managing agent or officer of any business, firm, corporation or association owning or in possession of taxable real property shall make a return of the property for ad valorem tax purposes when so requested by the assessor of the county in which the property is situated.

(3)(a) Each return of personal property shall contain a full listing of the property and a statement of its real market value, including a separate listing of those items claimed to be exempt as imports or exports. Each statement shall contain a listing of the additions or retirements made since the prior January 1, indicating the book cost and the date of acquisition or retirement. Each return shall contain the name, assumed business name, if any, and address of the owner of the personal property and, if it is a partnership, the name and address of each general partner or, if it is a corporation, the name and address of its registered agent.

(b) Each return of real property shall contain a full listing of the several items or parts of the property specified by the county assessor and a statement exhibiting their real market value. Each return shall contain a listing of the additions and retirements made during the year indicating the book cost, book value of the additions and retirements or the appraised real market value of retirements as specified in the return by the assessor.

(c) There shall be annexed to each return the affidavit or affirmation of the person making the return that the statements contained in the return are true. All returns shall be in a form that the county assessor, with the approval of the Department of Revenue, may prescribe.

(4) All returns shall be filed on or before March 15 of each year.

(5)(a) In lieu of the returns required under subsection (1)(a) or (2) of this section, every person and the managing agent or officer of any business, firm, corporation or association owning or having in possession or under control taxable real and personal property that is state-appraised industrial property as defined in ORS 306.126 shall file a combined return of the real and personal property with the Department of Revenue.

(b) The contents and form of the return shall be as prescribed by rule of the department. Any form shall comply with ORS 308.297. Notwithstanding ORS 308.875, a manufactured structure that is a part of a state-appraised industrial property shall be included in a combined return.

(c) In order that the county assessor may comply with ORS 308.295, the department shall provide a list to the assessor of all combined returns that are required to be filed with the department under this subsection but that were not filed on or before the due date.

(d) If the department has delegated appraisal of the state-appraised industrial property to the county assessor under ORS 306.126 (3), the department shall notify the person otherwise required to file the combined return under this subsection as soon as practicable after the delegation that the combined return is required to be filed with the assessor.

(e) Notwithstanding subsection (2) of this section, a combined return of real and personal property that is state-appraised industrial property shall be filed with the department on or before March 15 of each year.

(6) A return is not in any respect controlling on the county assessor or on the Department of Revenue in the assessment of any property. On any failure to file the required return, the property shall be listed and assessed from the best information obtainable from other sources.

(7)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 are confidential records of the Department of Revenue or the county assessor's office in which the returns are filed or of the office to which the returns are forwarded under paragraph (b) of this subsection.

(b) The assessor or the department may forward any return received in error to the department or the county official responsible for appraising the property described in the return.

(c) Notwithstanding paragraph (a) of this subsection, a return described in paragraph (a) of this subsection may be disclosed to:

(A) The Department of Revenue or its representative;

(B) The representatives of the Secretary of State or to an accountant engaged by a county under ORS 297.405 to 297.555 for the purpose of auditing the county's personal property tax assessment roll (including adjustments to returns made by the Department of Revenue);

(C) The county assessor, the county tax collector, the assessor's representative or the tax collector's representative for the purpose of:

(i) Collecting delinquent real or personal property taxes; or

(ii) Correctly reflecting on the tax roll information reported on returns filed by a business operating in more than one county or transferring property between counties in this state during the tax year;

(D) Any reviewing authority to the extent the return being disclosed relates to an appeal brought by a taxpayer;

(E) The Division of Child Support of the Department of Justice or a district attorney to the extent the return being disclosed relates to a case for which the Division of Child Support or the district attorney is providing [*support enforcement*] **child support** services under ORS 25.080; or

(F) The Legislative Revenue Officer for the purpose of preparation of reports, estimates and analyses required by ORS 173.800 to 173.850.

(d) Notwithstanding paragraph (a) of this subsection:

(A) The Department of Revenue may exchange property tax information with the authorized agents of the federal government and the several states on a reciprocal basis, or with county assessors, county tax collectors or authorized representatives of assessors or tax collectors.

(B) Information regarding the valuation of leased property reported on a property return filed by a lessor under this section may be disclosed to the lessee or other person in possession of the property. Information regarding the valuation of leased property reported on a property return filed by a lessee under this section may be disclosed to the lessor of the property.

(8) If the assessed value of any personal property in possession of a lessee is less than the maximum amount described in ORS 308.250 (2)(a), the person in possession of the roll may disregard

an election made under subsection (1)(a) of this section and assess the owner or lessor of the property.

(9) As used in this section:

(a) "Commercial floating structure" means a floating structure that is used exclusively for the production of income or for commercial purposes.

(b) "Floating structure" means any structure supported on water by a flotation system that is secured to a pier, pilings, walkway or ramp.

(c)(A) "Residential floating structure" means a floating structure that is for noncommercial residential use.

(B) "Residential floating structure" includes, but is not limited to, floating homes, boathouses and tenders.

(d) "Taxable personal property" includes, but is not limited to, commercial floating structures.

**SECTION 63.** ORS 314.840 is amended to read:

**314.840.** (1) The Department of Revenue may:

(a) Furnish any taxpayer, representative authorized to represent the taxpayer under ORS 305.239 or person designated by the taxpayer under ORS 305.193, upon request of the taxpayer, representative or designee, with a copy of the taxpayer's income tax return filed with the department for any year, or with a copy of any report filed by the taxpayer in connection with the return, or with any other information the department considers necessary.

(b) Publish lists of taxpayers who are entitled to unclaimed tax refunds.

(c) Publish statistics so classified as to prevent the identification of income or any particulars contained in any report or return.

(d) Disclose a taxpayer's name, address, telephone number, refund amount, amount due, Social Security number, employer identification number or other taxpayer identification number to the extent necessary in connection with collection activities or the processing and mailing of correspondence or of forms for any report or return required in the administration of any local tax under ORS 305.620 or any law imposing a tax upon or measured by net income.

(2) The department also may disclose and give access to information described in ORS 314.835 to:

(a) The Governor of the State of Oregon or the authorized representative of the Governor with respect to an individual who is designated as being under consideration for appointment or reappointment to an office or for employment in the office of the Governor. The information disclosed shall be confined to whether the individual:

(A) Has filed returns with respect to the taxes imposed by ORS chapter 316 for those of not more than the three immediately preceding years for which the individual was required to file an Oregon individual income tax return.

(B) Has failed to pay any tax within 30 days from the date of mailing of a deficiency notice or otherwise respond to a deficiency notice within 30 days of its mailing.

(C) Has been assessed any penalty under the Oregon personal income tax laws and the nature of the penalty.

(D) Has been or is under investigation for possible criminal offenses under the Oregon personal income tax laws. Information disclosed pursuant to this paragraph shall be used only for the purpose of making the appointment, reappointment or decision to employ or not to employ the individual in the office of the Governor.

(b) An officer or employee of the Oregon Department of Administrative Services duly authorized or employed to prepare revenue estimates, or a person contracting with the Oregon Department of Administrative Services to prepare revenue estimates, in the preparation of revenue estimates required for the Governor's budget under ORS 291.201 to 291.224, or required for submission to the Emergency Board or the Joint Interim Committee on Ways and Means, or if the Legislative Assembly is in session, to the Joint Committee on Ways and Means, and to the Legislative Revenue Officer or Legislative Fiscal Officer under ORS 291.342, 291.348 and 291.445. The Department of

Revenue shall disclose and give access to the information described in ORS 314.835 for the purposes of this paragraph only if:

(A) The request for information is made in writing, specifies the purposes for which the request is made and is signed by an authorized representative of the Oregon Department of Administrative Services. The form for request for information shall be prescribed by the Oregon Department of Administrative Services and approved by the Director of the Department of Revenue.

(B) The officer, employee or person receiving the information does not remove from the premises of the Department of Revenue any materials that would reveal the identity of a personal or corporate taxpayer.

(c) The Commissioner of Internal Revenue or authorized representative, for tax administration and compliance purposes only.

(d) For tax administration and compliance purposes, the proper officer or authorized representative of any of the following entities that has or is governed by a provision of law that meets the requirements of any applicable provision of the Internal Revenue Code as to confidentiality:

(A) A state;

(B) A city, county or other political subdivision of a state;

(C) The District of Columbia; or

(D) An association established exclusively to provide services to federal, state or local taxing authorities.

(e) The Multistate Tax Commission or its authorized representatives, for tax administration and compliance purposes only. The Multistate Tax Commission may make the information available to the Commissioner of Internal Revenue or the proper officer or authorized representative of any governmental entity described in and meeting the qualifications of paragraph (d) of this subsection.

(f) The Attorney General, assistants and employees in the Department of Justice, or other legal representative of the State of Oregon, to the extent the department deems disclosure or access necessary for the performance of the duties of advising or representing the department pursuant to ORS 180.010 to 180.240 and the tax laws of the state.

(g) Employees of the State of Oregon, other than of the Department of Revenue or Department of Justice, to the extent the department deems disclosure or access necessary for such employees to perform their duties under contracts or agreements between the department and any other department, agency or subdivision of the State of Oregon, in the department's administration of the tax laws.

(h) Other persons, partnerships, corporations and other legal entities, and their employees, to the extent the department deems disclosure or access necessary for the performance of such others' duties under contracts or agreements between the department and such legal entities, in the department's administration of the tax laws.

(i) The Legislative Revenue Officer or authorized representatives upon compliance with ORS 173.850. Such officer or representative shall not remove from the premises of the department any materials that would reveal the identity of any taxpayer or any other person.

(j) The Department of Consumer and Business Services, to the extent the department requires such information to determine whether it is appropriate to adjust those workers' compensation benefits the amount of which is based pursuant to ORS chapter 656 on the amount of wages or earned income received by an individual.

(k) Any agency of the State of Oregon, or any person, or any officer or employee of such agency or person to whom disclosure or access is given by state law and not otherwise referred to in this section, including but not limited to the Secretary of State as Auditor of Public Accounts under Article VI, section 2, of the Oregon Constitution; the Department of Human Services pursuant to ORS 412.094; the Division of Child Support of the Department of Justice and district attorney regarding cases for which they are providing [*support enforcement*] **child support** services under ORS 25.080; the State Board of Tax Practitioners, pursuant to ORS 673.710; and the Oregon Board of Accountancy, pursuant to ORS 673.415.

(L) The Director of the Department of Consumer and Business Services to determine that a person complies with ORS chapter 656 and the Director of the Employment Department to determine that a person complies with ORS chapter 657, the following employer information:

- (A) Identification numbers.
- (B) Names and addresses.
- (C) Inception date as employer.
- (D) Nature of business.
- (E) Entity changes.
- (F) Date of last payroll.

(m) The Director of the Oregon Health Authority to determine that a person has the ability to pay for care that includes services provided by the Oregon State Hospital, or the Oregon Health Authority to collect any unpaid cost of care as provided by ORS chapter 179.

(n) Employees of the Employment Department:

(A) To the extent the Department of Revenue deems disclosure or access to information on a combined tax report filed under ORS 316.168 is necessary to performance of their duties in administering the tax imposed by ORS chapter 657; or

(B) For the purpose of detecting the occurrence of identity theft or fraud through the examination of the following taxpayer particulars:

- (i) Individual taxpayer identification number.
- (ii) Name, address and date of birth.
- (iii) Employer name, employer identification number and amount of wages paid.
- (iv) Self-employment income amount and source.

(v) Other particulars of the return as defined in ORS 314.835, at the discretion of the Director of the Department of Revenue, on a case-by-case basis.

(o) The State Fire Marshal to assist the State Fire Marshal in carrying out duties, functions and powers under ORS 453.307 to 453.414, the employer or agent name, address, telephone number and standard industrial classification, if available.

(p) Employees of the Department of State Lands or State Treasurer for the purposes of returning unclaimed property and identifying, locating and publishing lists of taxpayers entitled to unclaimed refunds under ORS 98.302 to 98.436.

(q) In addition to the disclosure allowed under ORS 305.225, state or local law enforcement agencies to assist in the investigation or prosecution of the following criminal activities:

(A) Mail theft of a check, in which case the information that may be disclosed shall be limited to the stolen document, the name, address and taxpayer identification number of the payee, the amount of the check and the date printed on the check.

(B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, address and taxpayer identification number of the payee, the amount of the check, the date printed on the check and the altered name and address.

(r) The United States Postal Inspection Service or a federal law enforcement agency, including but not limited to the United States Department of Justice, to assist in the investigation of the following criminal activities:

(A) Mail theft of a check, in which case the information that may be disclosed shall be limited to the stolen document, the name, address and taxpayer identification number of the payee, the amount of the check and the date printed on the check.

(B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, address and taxpayer identification number of the payee, the amount of the check, the date printed on the check and the altered name and address.

(s) The United States Financial Management Service, for purposes of facilitating the offsets described in ORS 305.612.

(t) A municipal corporation of this state for purposes of assisting the municipal corporation in the administration of a tax of the municipal corporation that is imposed on or measured by income, wages or net earnings from self-employment. Any disclosure under this paragraph may be made only pursuant to a written agreement between the Department of Revenue and the municipal corporation that ensures the confidentiality of the information disclosed.

(u) A consumer reporting agency, to the extent necessary to carry out the purposes of ORS 314.843.

(v) The Public Employees Retirement Board, to the extent necessary to carry out the purposes of ORS 238.372 to 238.384, and to any public employer, to the extent necessary to carry out the purposes of ORS 237.635 (3) and 237.637 (2).

(w) The Secretary of State for the purpose of initiating or supporting a recommendation under ORS 60.032 (3) or 63.032 (3) to administratively dissolve a corporation or limited liability company that the Director of the Department of Revenue determines has failed to comply with applicable tax laws of the state.

(x)(A) A multijurisdictional information sharing organization formed with oversight by the Internal Revenue Service to combat identity theft and fraud, if the Department of Revenue is a member of the organization; and

(B) Tax preparation software vendors that are members of an organization described in subparagraph (A) of this paragraph, if information described in ORS 314.835 is shared for the purpose of investigating industry leads of potential identity theft or fraud.

(y) The State Treasurer, for the purpose of providing employer responses, as indicated on annual withholding reports submitted to the Department of Revenue, about whether an employer offers a qualified retirement savings plan as listed in ORS 178.215.

(z) The Oregon 529 Savings Board, for the purpose of facilitating the establishment of accounts by personal income taxpayers under ORS 178.335 within the Oregon 529 Savings Network through the use of income tax return forms.

(3)(a) Each officer or employee of the department and each person described or referred to in subsection (2)(a), (b), (f) to (L), (n) to (q) or (w) of this section to whom disclosure or access to the tax information is given under subsection (2) of this section or any other provision of state law, prior to beginning employment or the performance of duties involving such disclosure or access, shall be advised in writing of the provisions of ORS 314.835 and 314.991, relating to penalties for the violation of ORS 314.835, and shall as a condition of employment or performance of duties execute a certificate for the department, in a form prescribed by the department, stating in substance that the person has read these provisions of law, that the person has had them explained and that the person is aware of the penalties for the violation of ORS 314.835.

(b) The disclosure authorized in subsection (2)(r) of this section shall be made only after a written agreement has been entered into between the Department of Revenue and the person described in subsection (2)(r) of this section to whom disclosure or access to the tax information is given, providing that:

(A) Any information described in ORS 314.835 that is received by the person pursuant to subsection (2)(r) of this section is confidential information that may not be disclosed, except to the extent necessary to investigate or prosecute the criminal activities described in subsection (2)(r) of this section;

(B) The information shall be protected as confidential under applicable federal and state laws; and

(C) The United States Postal Inspection Service or the federal law enforcement agency shall give notice to the Department of Revenue of any request received under the federal Freedom of Information Act, 5 U.S.C. 552, or other federal law relating to the disclosure of information.

(4) The Department of Revenue may recover the costs of furnishing the information described in subsection (2)(L), (m) and (o) to (q) of this section from the respective agencies.

**SECTION 64.** ORS 350.278 is amended to read:

350.278. (1) A public university listed in ORS 352.002 may not disclose the Social Security number of a student who is attending the public university.

(2) Subsection (1) of this section does not apply if the public university discloses the Social Security number:

(a) At the request of a law enforcement agency or an agency providing [*support enforcement*] **child support** services under ORS 25.080;

(b) After obtaining written permission for the disclosure from the student to whom the number refers;

(c) In the payment of wages or benefits;

(d) In the payment or collection of taxes or of a debt owed by the student to whom the number refers;

(e) For purposes of statistical analysis; or

(f) As otherwise required by law.

**SECTION 65.** ORS 350.280 is amended to read:

350.280. (1) A community college as defined in ORS 341.005 may not disclose the Social Security number of a student who is attending the college.

(2) Subsection (1) of this section does not apply if the college discloses the Social Security number:

(a) At the request of a law enforcement agency or an agency providing [*support enforcement*] **child support** services under ORS 25.080;

(b) After obtaining written permission for the disclosure from the student to whom the number refers;

(c) In the payment of wages or benefits;

(d) In the payment or collection of taxes or of a debt owed by the student to whom the number refers; or

(e) For purposes of statistical analysis.

**SECTION 66.** ORS 413.175 is amended to read:

413.175. (1) For the protection of applicants for and recipients of public assistance and medical assistance, as defined in ORS 414.025, except as otherwise provided in this section, the Oregon Health Authority may not disclose or use the contents of any public assistance or medical assistance records, files, papers or communications for purposes other than those directly connected with the administration of the public assistance and medical assistance programs or necessary to assist public assistance or medical assistance applicants and recipients in accessing and receiving other governmental or private nonprofit services, and these records, files, papers and communications are considered confidential subject to the rules of the authority. In any judicial or administrative proceeding, except proceedings directly connected with the administration of public assistance, medical assistance or child support [*enforcement*] **services**, their contents are considered privileged communications.

(2) Nothing in this section prohibits the disclosure or use of contents of records, files, papers or communications for purposes directly connected with the establishment and enforcement of support obligations pursuant to Title IV-D of the Social Security Act.

(3) Nothing in this section prohibits the disclosure of the address, Social Security number and photograph of any applicant or recipient to a law enforcement officer at the request of the officer. To receive information pursuant to this section, the officer must furnish the agency the name of the applicant or recipient and advise that the applicant or recipient:

(a) Is fleeing to avoid prosecution, custody or confinement after conviction for a felony;

(b) Is violating a condition of probation or parole; or

(c) Has information that is necessary for the officer to conduct the official duties of the officer and the location or apprehension of the applicant or recipient is within such official duties.

(4) Nothing in this section prohibits disclosure of information between the authority and the Department of Human Services for the purpose of administering public assistance and medical assistance programs that the authority and the department are responsible for administering.

**SECTION 67.** ORS 419B.806 is amended to read:

419B.806. (1) As used in this section, "consolidated" means that actions are heard before one judge of the circuit court to determine issues regarding a child or ward.

(2) In any action filed in the juvenile court in which the legal or physical custody of a child or ward is at issue and there is also a child custody, parenting time, visitation, restraining order, filiation or Family Abuse Prevention Act action involving the child or ward in a domestic relations, filiation or guardianship proceeding, the matters shall be consolidated. Actions must be consolidated under this subsection regardless of whether the actions to be consolidated were filed or initiated before or after the filing of the petition under ORS 419B.100.

(3) Consolidation does not merge the procedural or substantive law of the individual actions. Parties to the individual consolidated actions do not have standing, solely by virtue of the consolidation, in every action subject to the order of consolidation. Parties must comply with provisions for intervention or participation in a particular action under the provisions of law applicable to that action.

(4) Upon entry of an order of consolidation, all pending issues pertaining to the actions subject to the order shall be heard together in juvenile court. The court shall hear the juvenile matters first unless the court finds that it is in the best interest of the child or ward to proceed otherwise.

(5) A judge shall make and modify orders and findings in actions subject to the order of consolidation upon the filing of proper motions and notice as provided by law applicable to the actions. Any findings, orders or modifications must be consistent with the juvenile court orders, and persons who were parties to the juvenile court action may not relitigate issues in consolidated actions.

(6) The judge shall set out separately from orders entered under this chapter or ORS chapter 419C any orders or judgments made in other actions subject to the consolidation order. The trial court administrator shall file the orders and judgments in the appropriate actions subject to the consolidation order. An order or judgment in an individual juvenile court action is final if it finally disposes of the rights and duties of the parties to that action, without reference to whether the order or judgment disposes of the rights and duties of the parties to another action with which the action has been consolidated.

(7)(a) When the actions described in subsection (2) of this section exist in two or more circuit courts, the judges assigned to the actions shall confer to determine the appropriate court in which to consolidate and hear the actions. The judges shall confer not later than 10 judicial days after a court has received notice of the existence of an action in another circuit court.

(b) If the judges agree on the circuit court in which the actions should be consolidated, the judges shall take such action as is necessary to consolidate the actions in the circuit court.

(c) If the judges do not agree on the circuit court in which the actions should be consolidated, the actions must be consolidated in the court in which the juvenile action is filed or, if more than one juvenile action is pending, in the court in which the first juvenile action was filed.

(8) Nothing in this section requires the consolidation of any administrative proceeding under [ORS 25.501 to 25.556 or] ORS chapter 25 with a juvenile court or other action.

**SECTION 68.** ORS 432.098 is amended to read:

432.098. (1) The Director of the Oregon Health Authority shall adopt by rule a form of a voluntary acknowledgment of paternity that includes the minimum requirements specified by the United States Secretary of Health and Human Services. When the form is signed by both biological parents and witnessed by a third party, the form establishes parentage for all purposes when filed with the State Registrar of the Center for Health Statistics, provided there is no second parent already named in the report of live birth. Establishment of parentage under this section is subject to the provisions and the requirements in ORS 109.070. When there is no second parent named on the child's record of live birth, the filing of such voluntary acknowledgment of paternity form shall cause the state registrar to place the name of the parent who has signed the voluntary acknowl-



edgment of paternity form on the record of live birth of the child or, if appropriate, establish a replacement for the record containing the name of the child's parent, as that parent is named in the voluntary acknowledgment of paternity form. When signed by both parents in the health care facility of the child's birth within five days after the birth, the voluntary acknowledgment of paternity form is not a sworn document. When thus signed, a staff member of the health care facility shall witness the signatures of the parents. In all other circumstances, the form is a sworn document. The filing of the voluntary acknowledgment of paternity form created by this section is subject to the payment of any fees that may apply.

(2) The voluntary acknowledgment of paternity form must contain:

- (a) A statement of rights and responsibilities including any rights afforded to a minor parent;
- (b) A statement of the alternatives to and consequences of signing the acknowledgment;
- (c) Instructions on how to file the form with the state registrar and information about any fee required;
- (d) Lines for the Social Security numbers and addresses of the parents; and
- (e) A statement that the rights, responsibilities, alternatives and consequences listed on the acknowledgment were read to the parties prior to signing the acknowledgment.

(3) Upon request, the state registrar shall provide a copy of any voluntary acknowledgment of paternity form to the state agency responsible for administration of the child support [enforcement] program created under Title IV-D of the Social Security Act. The duty imposed upon the state registrar by this section is limited to records of live birth executed and filed with the state registrar after October 1, 1995.

**SECTION 69.** ORS 657.855 is amended to read:

657.855. (1) Except as provided in this section, benefits due under this chapter may not be assigned, pledged, encumbered, released or commuted. Benefits due under this chapter shall, except as otherwise provided in this chapter, be exempt from all claims of creditors and from levy, execution and attachment or remedy for recovery or collection of a debt, and the exemption may not be waived. No agreement by an individual to waive the individual's rights under this chapter is valid.

(2) The exemption from execution or other process granted under this section applies to only 50 percent of benefits payable under this chapter if the execution or other process is issued for a child support obligation or an order or notice entered pursuant to [ORS 25.501 to 25.556 or] ORS chapter 25, 107, 108, 109, 110, 419B or 419C and the child support obligation or the order or notice is being enforced pursuant to a plan approved under Title IV-D of the Social Security Act.

**SECTION 70.** ORS 657B.400 is amended to read:

657B.400. (1) Except as provided in subsections (2) to (7) and (10) of this section, all information in the records of the Employment Department or a third party administrator pertaining to the administration of this chapter:

(a) Is confidential and for the exclusive use and information of the Director of the Employment Department in administering this chapter;

(b) May not be used in any court action or in any proceeding pending in the court unless the director or the State of Oregon is a party to the action or proceeding or unless the action or proceeding concerns the establishment, enforcement or modification of a support obligation and [support] **child support** services are being provided by the Division of Child Support of the Department of Justice or the district attorney pursuant to ORS 25.080; and

(c) Is exempt from disclosure under ORS 192.311 to 192.478.

(2) The Employment Department may disclose information:

(a) To the extent necessary for the payment of benefits or collection of contributions due under this chapter:

(A) To any claimant or employer; or

(B) To a legal representative or other designee authorized by a claimant or employer in accordance with any rules adopted by the director regarding the receipt of confidential information on behalf of a claimant or employer.

(b) Upon request to the United States Attorney's Office. Under this paragraph, the Employment Department may disclose an individual's employment and wage information in response to a federal grand jury subpoena or for the purpose of collecting civil and criminal judgments issued by a federal court, including restitution and special assessment fees. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Attorney's Office.

(3) At the discretion of the director and subject to an interagency agreement, the Employment Department may disclose, upon request, information:

(a) To state or local child support enforcement agencies enforcing child support obligations for the purposes of establishing child support obligations, locating individuals owing child support obligations and collecting child support obligations from those individuals. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the child support enforcement agency.

(b) To agencies participating in an income and eligibility verification system for the purpose of verifying an individual's eligibility for benefits, or the amount of benefits, under a state or federal program such as unemployment insurance, temporary assistance for needy families, medical assistance, supplemental nutrition assistance, Supplemental Security Income, child support enforcement or Social Security. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting agency.

(c) To officers and employees of the United States Department of Housing and Urban Development and to representatives of a state or local public housing agency for the purpose of determining an individual's eligibility for benefits, or the amount of benefits, under a housing assistance program. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting agency.

(4) At the discretion of the director and subject to an interagency agreement, the Employment Department may disclose information secured from employers:

(a) To state agencies, federal agencies, local government agencies, public universities listed in ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the extent necessary to properly carry out governmental planning, performance measurement, program analysis, socioeconomic analysis or policy analysis functions performed under applicable law and at the discretion of the director and subject to an interagency agreement. The information disclosed is confidential and may not be disclosed by the agencies or universities in any manner that would identify individuals, claimants, employees or employers. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the agency or university requesting the information.

(b) As part of a geographic information system. Points on a map may be used to represent economic data, including the location, employer size and industrial classification of businesses in Oregon. Information presented as part of a geographic information system may not give specific details regarding a business's address, actual employment or proprietary information. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the party requesting the information.

(5) At the discretion of the director and subject to an interagency agreement, the Employment Department may disclose information received from an employer, an employee or a claimant:

(a) To public employees in the performance of their duties under state or federal laws relating to the payment of family and medical leave insurance benefits.

(b) Pursuant to an informed consent, received from the employer, employee or claimant, to disclose the information.

(c) To the Bureau of Labor and Industries for the purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and addresses of employers and employees, payroll data of employers and employees, and information obtained for an appeal from a determination under a

plan approved under ORS 657B.210. The information disclosed is confidential and may not be used for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(d) To the Department of Revenue for the purpose of performing its duties under ORS 293.250 or under the revenue and tax laws of this state and identifying potential identity theft and fraud. The information disclosed may include the names and addresses of employers and employees, payroll data of employers and employees, and particulars, as defined in ORS 314.835. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employer or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

(e) To the Department of Consumer and Business Services for the purpose of performing its duties under ORS chapters 654, 656 and 731. The information disclosed may include, but is not limited to, the name, address, number of employees and standard industrial classification code of an employer and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Consumer and Business Services in any manner that would identify an employer or employee except to the extent necessary to carry out the department's duties under ORS chapters 654, 656 and 731, including administrative hearings and court proceedings in which the Department of Consumer and Business Services is a party. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Consumer and Business Services.

(f) To the Construction Contractors Board for the purpose of performing its duties under ORS chapter 701. The information disclosed to the board may include the names and addresses of employers and status of their compliance with this chapter. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the board.

(g) To the Department of Transportation to assist the department in carrying out its duties relating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code, or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Transportation in any manner that would identify an employer or employee except to the extent necessary to carry out the department's duties relating to collection of delinquent and liquidated debts or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Transportation may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Transportation.

(h) To the Department of Human Services and the Oregon Health Authority to assist the department and the authority in the collection of debts that the department and the authority are authorized by law to collect. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Human Services or the Oregon Health Authority in any manner that would identify an employer or employee except to the extent necessary for the collection of debts as described in this paragraph. The Department of Human Services

and the Oregon Health Authority may not disclose information received under this paragraph to a private collection agency or use the information for a purpose other than the collection of debts as described in this paragraph. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Human Services or the Oregon Health Authority.

(i) To the State Treasurer useful for the purpose of performing the State Treasurer's duties under ORS 98.302 to 98.436, 98.992, 113.235 and 116.253. The information disclosed is confidential and may not be used by the State Treasurer for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the State Treasurer.

(6) At the discretion of the director and subject to an interagency agreement, the director may disclose information to a public official in the performance of the public official's official duties administering or enforcing laws within the public official's authority and to an agent or contractor of a public official. The public official shall agree to assume responsibility for misuse of the information by the public official's agent or contractor.

(7) At the discretion of the director, the director may disclose information to a contractor pursuant to a contract for actuarial services. The contractor shall agree to assume responsibility for misuse of the information by the contractor's agent.

(8) Any officer appointed by or any employee of the director who discloses confidential information, except with the authority of the director, pursuant to rules or as otherwise required by law, may be disqualified from holding any appointment or employment with the Employment Department.

(9) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information-sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.

(10) At the discretion of the director, the director may disclose information to an employee or officer within any division of the Employment Department as necessary to conduct research, compile aggregate data from the information received and any other purpose deemed necessary by the director to assist the director in carrying out the duties under this chapter or other duties under ORS chapter 657.

(11) The director may adopt any rules necessary to implement this section.

**SECTION 71.** ORS 659.830 is amended to read:

659.830. (1) An employee benefit plan may not include any provision which has the effect of limiting or excluding coverage or payment for any health care for an individual who would otherwise be covered or entitled to benefits or services under the terms of the employee benefit plan because that individual is provided, or is eligible for, benefits or services pursuant to a plan under Title XIX of the Social Security Act. This section applies to employee benefit plans, whether sponsored by an employer or a labor union.

(2) A group health plan is prohibited from considering the availability or eligibility for medical assistance in this or any other state under 42 U.S.C. 1396a (section 1902 of the Social Security Act), herein referred to as Medicaid, when considering eligibility for coverage or making payments under its plan for eligible enrollees, subscribers, policyholders or certificate holders.

(3) To the extent that payment for covered expenses has been made under the state Medicaid program for health care items or services furnished to an individual, in any case where a third party has a legal liability to make payments, the state is considered to have acquired the rights of the individual to payment by any other party for those health care items or services.

(4) An employee benefit plan, self-insured plan, managed care organization or group health plan, a third party administrator, fiscal intermediary or pharmacy benefit manager of the plan or organ-

ization, or other party that is, by statute, contract or agreement legally responsible for payment of a claim for a health care item or service, may not deny a claim submitted by the state Medicaid agency under subsection (3) of this section based on the date of submission of the claim, the type or format of the claim form or a failure to present proper documentation at the point of sale that is the basis of the claim if:

(a) The claim is submitted by the agency within the three-year period beginning on the date on which the health care item or service was furnished; and

(b) Any action by the agency to enforce its rights with respect to the claim is commenced within six years of the agency's submission of the claim.

(5) An employee benefit plan, self-insured plan, managed care organization or group health plan, a third party administrator, fiscal intermediary or pharmacy benefit manager of the plan or organization, or other party that is, by statute, contract or agreement legally responsible for payment of a claim for a health care item or service, must provide to the state Medicaid agency or coordinated care organization described in ORS 414.591, upon the request of the agency or contractor, the following information:

(a) The period during which a Medicaid recipient, the spouse or dependents may be or may have been covered by the plan or organization;

(b) The nature of coverage that is or was provided by the plan or organization; and

(c) The name, address and identifying numbers of the plan or organization.

(6) A group health plan may not deny enrollment of a child under the health plan of the child's parent on the grounds that:

(a) The child was born out of wedlock;

(b) The child is not claimed as a dependent on the parent's federal tax return; or

(c) The child does not reside with the child's parent or in the group health plan service area.

(7) Where a child has health coverage through a group health plan of a noncustodial parent, the group health plan must:

(a) Provide such information to the custodial parent as may be necessary for the child to obtain benefits through that coverage;

(b) Permit the custodial parent or the provider, with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent; and

(c) Make payments on claims submitted in accordance with paragraph (b) of this subsection directly to the custodial parent, to the provider or, if a claim is filed by the state Medicaid agency, directly to the state Medicaid agency.

(8) Where a parent is required by a court or administrative order to provide health coverage for a child, and the parent is eligible for family health coverage, the group health plan is required:

(a) To permit the parent to enroll, under the family coverage, a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions;

(b) If the parent is enrolled but fails to make application to obtain coverage for the child, to enroll the child under family coverage upon application of the child's other parent, the state agency administering the Medicaid program or the state agency administering 42 U.S.C. 651 to 669, the child support [*enforcement*] program; and

(c) Not to disenroll or eliminate coverage of the child unless the group health plan is provided satisfactory written evidence that:

(A) The court or administrative order is no longer in effect; or

(B) The child is or will be enrolled in comparable health coverage through another insurer which will take effect not later than the effective date of disenrollment.

(9) A group health plan may not impose requirements on a state agency that has been assigned the rights of an individual eligible for medical assistance under Medicaid and covered for health benefits from the plan if the requirements are different from requirements applicable to an agent or assignee of any other individual so covered.

(10)(a) In any case in which a group health plan provides coverage for dependent children of participants or beneficiaries, the plan must provide benefits to dependent children placed with par-

ticipants or beneficiaries for adoption under the same terms and conditions as apply to the natural, dependent children of the participants and beneficiaries, regardless of whether the adoption has become final.

(b) A group health plan may not restrict coverage under the plan of any dependent child adopted by a participant or beneficiary, or placed with a participant or beneficiary for adoption, solely on the basis of a preexisting condition of the child at the time that the child would otherwise become eligible for coverage under the plan if the adoption or placement for adoption occurs while the participant or beneficiary is eligible for coverage under the plan.

(11) As used in this section:

(a) "Child" means, in connection with any adoption, or placement for adoption of the child, an individual who has not attained 18 years of age as of the date of the adoption or placement for adoption.

(b) "Group health plan" means a group health plan as defined in 29 U.S.C. 1167.

(c) "Placement for adoption" means the assumption and retention by a person of a legal obligation for total or partial support of a child in anticipation of the adoption of the child. The child's placement with a person terminates upon the termination of such legal obligations.

**SECTION 72.** ORS 659.835 is amended to read:

659.835. Where a parent is required by a court or administrative order to provide health coverage that is available through an employer doing business in this state, the employer shall:

(1) Permit the parent to enroll under family coverage a child who is otherwise eligible for coverage without regard to any enrollment season restrictions.

(2) If the parent is enrolled but fails to make application to obtain coverage of the child, enroll the child under family coverage upon application by the child's other parent, by the state agency administering the Medicaid program or the state agency administering 42 U.S.C. 651 to 669, the child support [*enforcement*] program.

(3) Not disenroll or eliminate coverage of a child unless the employer is provided satisfactory written evidence that:

(a) The court order is no longer in effect;

(b) The child is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment; or

(c) The employer has eliminated family health coverage for all of its employees.

(4) Withhold from the employee's compensation the employee's share, if any, of premiums for health coverage and pay this amount to the insurance provider.

**SECTION 73.** ORS 743B.470 is amended to read:

743B.470. (1) For the purposes of this section:

(a) "Health insurer" or "insurer" means an employee benefit plan, self-insured plan, managed care organization or group health plan, a third party administrator, fiscal intermediary or pharmacy benefit manager of the plan or organization, or other party that is by statute, contract or agreement legally responsible for payment of a claim for a health care item or service.

(b) "Medicaid" means medical assistance provided under 42 U.S.C. 1396a (section 1902 of the Social Security Act).

(2) A health insurer is prohibited from considering the availability or eligibility for medical assistance in this or any other state under Medicaid when considering eligibility for coverage or making payments under its group or individual plan for eligible enrollees, subscribers, policyholders or certificate holders.

(3) To the extent that payment for covered expenses has been made under the state Medicaid program for health care items or services furnished to an individual, in any case when a third party has a legal liability to make payments, the state is considered to have acquired the rights of the individual to payment by any other party for those health care items or services.

(4) An insurer may not deny a claim submitted by the state Medicaid agency, a prepaid managed care health services organization, as defined in ORS 414.025, or a coordinated care organization, as defined in ORS 414.025, under subsection (3) of this section based on the date of submission of the

claim, the type or format of the claim form or a failure to present proper documentation at the point of sale that is the basis of the claim if:

(a) The claim is submitted by the agency, the prepaid managed care health services organization or the coordinated care organization within the three-year period beginning on the date on which the health care item or service was furnished; and

(b) Any action by the agency, the prepaid managed care health services organization or the coordinated care organization to enforce its rights with respect to the claim is commenced within six years of the agency's or organization's submission of the claim.

(5) An insurer must provide to the state Medicaid agency, a prepaid managed care health services organization or a coordinated care organization, upon request, the following information:

(a) The period during which a Medicaid recipient, the spouse or dependents may be or may have been covered by the plan;

(b) The nature of coverage that is or was provided by the plan; and

(c) The name, address and identifying numbers of the plan.

(6) An insurer may not deny enrollment of a child under the group or individual health plan of the child's parent on the ground that:

(a) The child was born out of wedlock;

(b) The child is not claimed as a dependent on the parent's federal tax return; or

(c) The child does not reside with the child's parent or in the insurer's service area.

(7) When a child has group or individual health coverage through an insurer of a noncustodial parent, the insurer must:

(a) Provide such information to the custodial parent as may be necessary for the child to obtain benefits through that coverage;

(b) Permit the custodial parent or the provider, with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent; and

(c) Make payments on claims submitted in accordance with paragraph (b) of this subsection directly to the custodial parent, the provider or, if a claim is filed by the state Medicaid agency, a prepaid managed care health services organization or a coordinated care organization, directly to the agency or the organization.

(8) When a parent is required by a court or administrative order to provide health coverage for a child, and the parent is eligible for family health coverage, the insurer must:

(a) Permit the parent to enroll, under the family coverage, a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions;

(b) If the parent is enrolled but fails to make application to obtain coverage for the child, enroll the child under family coverage upon application of the child's other parent, the state agency administering the Medicaid program or the state agency administering 42 U.S.C. 651 to 669, the child support [*enforcement*] program; and

(c) Not disenroll or eliminate coverage of the child unless the insurer is provided satisfactory written evidence that:

(A) The court or administrative order is no longer in effect; or

(B) The child is or will be enrolled in comparable health coverage through another insurer which will take effect not later than the effective date of disenrollment.

(9) An insurer may not impose requirements on a state agency that has been assigned the rights of an individual eligible for medical assistance under Medicaid and covered for health benefits from the insurer if the requirements are different from requirements applicable to an agent or assignee of any other individual so covered.

(10) The provisions of ORS 743A.001 do not apply to this section.

**SECTION 74.** ORS 25.554 is amended to read:

25.554. (1) As used in this section, "blood tests" has the meaning given that term in ORS 109.251.

(2) No later than one year after an order establishing paternity is entered under ORS 25.529 and if blood tests have not been completed, a party may apply to the administrator to have the issue of paternity reopened and for an order for blood tests.

(3) No later than one year after a voluntary acknowledgment of paternity is filed in this state and if blood tests have not been completed, a party to the acknowledgment, or the Department of Human Services if the child named in the acknowledgment is in the care and custody of the department under ORS chapter 419B, may apply to the administrator for services under ORS 25.080 and for an order for blood tests.

(4) Upon receipt of a timely application, the administrator shall order:

(a) The mother and the male party to submit to blood tests; and

(b) The person having physical custody of the child to submit the child to blood tests.

(5) If a party refuses to comply with an order under subsection (4) of this section, the issue of paternity shall, upon the motion of the administrator, be resolved against that party by an order of the court either affirming or setting aside the order establishing paternity or the voluntary acknowledgment of paternity.

(6) If the results of the blood tests exclude the male party as the biological father of the child, the administrator may file a motion with the court for an order setting aside the order establishing paternity or the voluntary acknowledgment of paternity and for a judgment of nonpaternity.

(7) Support paid before an order establishing paternity or a voluntary acknowledgment of paternity is set aside under this section may not be returned to the payer.

(8) The administrator shall send a court-certified true copy of a judgment of nonpaternity to the State Registrar of the Center for Health Statistics. Upon receipt of the judgment, the state registrar shall correct any records maintained by the state registrar that indicate that the male party is the parent of the child.

(9) The **Oregon** Child Support Program shall pay any state registrar fees and any costs for blood tests ordered under this section, subject to recovery from the party who requested the tests.

**SECTION 75.** ORS 98.352 is amended to read:

98.352. (1) A holder of property presumed abandoned under ORS 98.302 to 98.436 and 98.992 shall deliver to the State Treasurer the report described in subsection (2) of this section and shall pay or deliver to the State Treasurer, for deposit in the Unclaimed Property and Estates Fund, all property presumed abandoned, except that for the following funds the holder is not required to deliver the funds presumed abandoned to the State Treasurer:

(a) Funds transferred to the General Fund under ORS 293.455 (1)(a).

(b) Funds in the possession of the **Oregon** Child Support Program described in ORS 180.345.

(c) Funds described in ORS 9.725 (3) or 98.386 (2) that are held in lawyer trust accounts or in the possession of the Oregon State Bar.

(2) A report must include:

(a) Except with respect to traveler's checks and money orders, the name, if known, and address, if known, of each person appearing from the records of the holder to be the owner of any property of value of \$50 or more presumed abandoned under ORS 98.302 to 98.436 and 98.992;

(b) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and last-known address according to the life insurance corporation's records;

(c) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under \$50 each may be reported in aggregate;

(d) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(e) Other information that the State Treasurer prescribes by rule as necessary for the administration of ORS 98.302 to 98.436 and 98.992.

(3) If the holder of property presumed abandoned is a successor to other holders or has had a name change while holding the property, the holder shall file with the report all prior known names and addresses and effective dates of changes.

(4) The holder shall file the report after October 1, but no later than November 1, of each year for accounts dormant as of June 30. Upon written request from any person required to file a report, the State Treasurer may postpone the reporting date. All records are exempt from public review for



12 months from the time the property is reportable and for 24 months after the property has been remitted to the State Treasurer. All lists of records or property held by a government or public authority under ORS 98.336 are exempt from public review until 24 months after the property is remitted to the State Treasurer.

(5) If the holder of property presumed abandoned under ORS 98.302 to 98.436 and 98.992 knows the whereabouts of the owner and if the owner's claim is not barred by the statute of limitations, the holder shall, before filing the report, communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the whereabouts of the owner at least 60 days before filing the report.

(6) If the property presumed abandoned is a lawyer trust account established by an attorney or law firm, the report required by this section must indicate that the account is a lawyer trust account.

(7) The holder shall verify the accuracy of the information contained in the report. Verification must be executed by a partner if made by a partnership, by an officer if made by an unincorporated association or private corporation and by the chief fiscal officer if made by a public corporation.

**SECTION 76.** ORS 107.135 is amended to read:

107.135. (1) The court may at any time after a judgment of annulment or dissolution of marriage or of separation is granted, upon the motion of either party and after service of notice on the other party in the manner provided by ORCP 7, and after notice to the Division of Child Support when required under subsection (9) of this section:

(a) Set aside, alter or modify any portion of the judgment that provides for the appointment and duties of trustees, for the custody, parenting time, visitation, support and welfare of the minor children and the children attending school, as defined in ORS 107.108, including any health or life insurance provisions, for the support of a party or for life insurance under ORS 107.820 or 107.830;

(b) Make an order, after service of notice to the other party, providing for the future custody, support and welfare of minor children residing in the state, who, at the time the judgment was given, were not residents of the state, or were unknown to the court or were erroneously omitted from the judgment;

(c) Terminate a duty of support toward any minor child who has become self-supporting, emancipated or married;

(d) After service of notice on the child in the manner provided by law for service of a summons, suspend future support for any child who has ceased to be a child attending school as defined in ORS 107.108; and

(e) Set aside, alter or modify any portion of the judgment that provides for a property award based on the enhanced earning capacity of a party that was awarded before October 23, 1999. A property award may be set aside, altered or modified under this paragraph:

(A) When the person with the enhanced earning capacity makes a good faith career change that results in less income;

(B) When the income of the person with the enhanced earning capacity decreases due to circumstances beyond the person's control; or

(C) Under such other circumstances as the court deems just and proper.

(2) When a party moves to set aside, alter or modify the child support provisions of the judgment:

(a) The party shall state in the motion, to the extent known:

(A) Whether there is pending in this state or any other jurisdiction any type of support proceeding involving children of the marriage, including one brought under ORS 25.287, 25.501 to 25.556, 107.431, 109.100, 125.025 or 419B.400 or ORS chapter 110; and

(B) Whether there exists in this state or any other jurisdiction a support order, as defined in ORS 110.503, involving children of the marriage, other than the judgment the party is moving to set aside, alter or modify.

(b) The party shall include with the motion a certificate regarding any pending support proceeding and any existing support order other than the judgment the party is moving to set aside,

alter or modify. The party shall use a certificate that is in a form established by court rule and include information required by court rule and paragraph (a) of this subsection.

(3) In a proceeding under this section to reconsider the spousal or child support provisions of the judgment, the following provisions apply:

(a) A substantial change in economic circumstances of a party, which may include, but is not limited to, a substantial change in the cost of reasonable and necessary expenses to either party, is sufficient for the court to reconsider its order of support, except that an order of compensatory spousal support may only be modified upon a showing of an involuntary, extraordinary and unanticipated change in circumstances that reduces the earning capacity of the paying spouse.

(b) If the judgment provided for a termination or reduction of spousal support at a designated age in anticipation of the commencement of pension, Social Security or other entitlement payments, and if the obligee is unable to obtain the anticipated entitlement payments, that inability is sufficient change in circumstances for the court to reconsider its order of support.

(c) If Social Security is considered in lieu of spousal support or partial spousal support, the court shall determine the amount of Social Security the party is eligible to collect. The court shall take into consideration any pension, retirement or other funds available to either party to effect an equitable distribution between the parties and shall also take into consideration any reduction of entitlement caused by taking early retirement.

(4) In considering under this section whether a change in circumstances exists sufficient for the court to reconsider spousal or child support provisions of a judgment, the following provisions apply:

(a) The court or administrator, as defined in ORS 25.010, shall consider income opportunities and benefits of the respective parties from all sources, including but not limited to:

(A) The reasonable opportunity of each party, the obligor and obligee respectively, to acquire future income and assets.

(B) Retirement benefits available to the obligor and to the obligee.

(C) Other benefits to which the obligor is entitled, such as travel benefits, recreational benefits and medical benefits, contrasted with benefits to which the obligee is similarly entitled.

(D) Social Security benefits paid to a child, or to a representative payee administering the funds for the child's use and benefit, as a result of the obligor's disability or retirement if the benefits:

(i) Were not previously considered in the child support order; or

(ii) Were considered in an action initiated before May 12, 2003.

(E) Apportioned Veterans' benefits or Survivors' and Dependents' Educational Assistance under 38 U.S.C. chapter 35 paid to a child, or to a representative payee administering the funds for the child's use and benefit, as a result of the obligor's disability or retirement if the benefits:

(i) Were not previously considered in the child support order; or

(ii) Were considered in an action initiated before May 12, 2003.

(b) An obligee's conviction for the attempted murder or conspiracy to commit the murder of the obligor qualifies as a change in circumstances sufficient for reconsideration of support provisions.

(c) If the motion for modification is one made by the obligor to reduce or terminate support, and if the obligee opposes the motion, the court shall not find a change in circumstances sufficient for reconsideration of support provisions, if the motion is based upon a reduction of the obligor's financial status resulting from the obligor's taking voluntary retirement, partial voluntary retirement or any other voluntary reduction of income or self-imposed curtailment of earning capacity, if it is shown that such action of the obligor was not taken in good faith but was for the primary purpose of avoiding the support obligation. In any subsequent motion for modification, the court shall deny the motion if the sole basis of the motion for modification is the termination of voluntarily taken retirement benefits and the obligor previously has been found not to have acted in good faith.

(d) The court shall consider the following factors in deciding whether the actions of the obligor were not in "good faith":

(A) Timing of the voluntary retirement or other reduction in financial status to coincide with court action in which the obligee seeks or is granted an increase in spousal support.

(B) Whether all or most of the income producing assets and property were awarded to the obligor, and spousal support in lieu of such property was awarded to the obligee.

(C) Extent of the obligor's dissipation of funds and assets prior to the voluntary retirement or soon after filing for the change of circumstances based on retirement.

(D) If earned income is reduced and absent dissipation of funds or large gifts, whether the obligor has funds and assets from which the spousal support could have been paid.

(E) Whether the obligor has given gifts of substantial value to others, including a current spouse, to the detriment of the obligor's ability to meet the preexisting obligation of spousal support.

(5) Upon terminating a duty of spousal support, a court shall make specific findings of the basis for the termination and shall include the findings in the judgment.

(6) Any modification of child or spousal support granted because of a change of circumstances may be ordered effective retroactive to the date the motion for modification was served or to any date thereafter.

(7) The judgment is final as to any installment or payment of money that has accrued up to the time the nonmoving party, other than the state, is served with a motion to modify the judgment. The court may not modify any portion of the judgment that provides for any payment of money, either for minor children or for the support of a party, that has accrued before the motion is served. However:

(a) The court may allow a credit against child support arrearages for periods of time, excluding reasonable parenting time unless otherwise provided by order or judgment, during which the obligor, with the knowledge and consent of the obligee or pursuant to court order, has physical custody of the child; and

(b) The court may allow, as provided in the rules of the **Oregon** Child Support Program, a dollar-for-dollar credit against child support arrearages for any Social Security or Veterans' benefits paid retroactively to the child, or to a representative payee administering the funds for the child's use and benefit, as a result of an obligor's disability or retirement.

(8) In a proceeding under subsection (1) of this section, the court may assess against either party a reasonable attorney fee and costs for the benefit of the other party. If a party is found to have acted in bad faith, the court shall order that party to pay a reasonable attorney fee and costs of the defending party.

(9) Whenever a motion to establish, modify or terminate child support or satisfy or alter support arrearages is filed and the child support rights of one of the parties or of a child of both of the parties have been assigned to the state, a true copy of the motion shall be served by mail or personal delivery on the Administrator of the Division of Child Support of the Department of Justice or on the branch office providing support services to the county in which the motion is filed.

(10)(a) Except as provided in ORS 109.701 to 109.834, the courts of Oregon, having once acquired personal and subject matter jurisdiction in a domestic relations action, retain such jurisdiction regardless of any change of domicile.

(b) The courts of Oregon, in a proceeding to establish, enforce or modify a child support order, shall recognize the provisions of the federal Full Faith and Credit for Child Support Orders Act (28 U.S.C. 1738B).

(11) In a proceeding under this section to reconsider provisions in a judgment relating to custody or parenting time, the court may consider repeated and unreasonable denial of, or interference with, parenting time to be a substantial change of circumstances.

(12) In a proceeding under this section to reconsider provisions in a judgment relating to parenting time, the court may suspend or terminate a parent's parenting time with a child if the court finds that the parent has abused a controlled substance and that the parenting time is not in the best interests of the child. If a court has suspended or terminated a parent's parenting time with a child for reasons described in this subsection, the court may not grant the parent future parenting time until the parent has shown that the reasons for the suspension or termination are resolved and that reinstated parenting time is in the best interests of the child. Nothing in this subsection limits the court's authority under subsection (1)(a) of this section.

(13) In a proceeding under this section to reconsider provisions in a judgment relating to custody, temporary placement of the child by the custodial parent pursuant to ORS 109.056 (3) with the noncustodial parent as a result of military deployment of the custodial parent is not, by itself, a change of circumstances. Any fact relating to the child and the parties occurring subsequent to the last custody judgment, other than the custodial parent's temporary placement of the child pursuant to ORS 109.056 (3) with the noncustodial parent, may be considered by the court when making a change of circumstances determination.

(14) Within 30 days after service of notice under subsection (1) of this section, the party served shall file a written response with the court.

(15)(a) It is the policy of this state:

(A) To encourage the settlement of cases brought under this section; and

(B) For courts to enforce the terms of settlements described in paragraph (b) of this subsection to the fullest extent possible, except when to do so would violate the law or would clearly contravene public policy.

(b) In a proceeding under subsection (1) of this section, the court may enforce the terms set forth in a stipulated order or judgment signed by the parties, an order or judgment resulting from a settlement on the record or an order or judgment incorporating a settlement agreement:

(A) As contract terms using contract remedies;

(B) By imposing any remedy available to enforce an order or judgment, including but not limited to contempt; or

(C) By any combination of the provisions of subparagraphs (A) and (B) of this paragraph.

(c) A party may seek to enforce an agreement and obtain remedies described in paragraph (b) of this subsection by filing a motion, serving notice on the other party in the manner provided by ORCP 7 and, if a remedy under paragraph (b)(B) of this subsection is sought, complying with the statutory requirements for that remedy. All claims for relief arising out of the same acts or omissions must be joined in the same proceeding.

(d) Nothing in paragraph (b) or (c) of this subsection limits a party's ability, in a separate proceeding, to file a motion to modify an order or judgment under subsection (1) of this section or to seek enforcement of an ancillary agreement to the order or judgment.

**SECTION 77.** ORS 180.345 is amended to read:

180.345. (1) The Department of Justice is responsible for the administration, supervision and operation of the program authorized by Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.), hereinafter the **Oregon** Child Support Program. The Administrator of the Division of Child Support of the Department of Justice is the **Oregon** Child Support Program Director for the State of Oregon.

(2) The Department of Justice, by and through the director, may:

(a) Enter into cooperative agreements with appropriate courts, law enforcement officials, district attorneys, Indian tribes or tribal organizations and state agencies to provide assistance in carrying out **services provided by the Oregon** Child Support Program [*services*] and any other matters of common concern;

(b) Provide billing, receipting, record keeping, accounting and distribution services for child and spousal support cases that receive services required under state and federal law;

(c) Maintain the state plan required under federal law and act as the liaison for the **Oregon** Child Support Program with the United States Department of Health and Human Services;

(d) Establish policy and adopt rules for the operation of the **Oregon** Child Support Program by the Department of Justice and by entities entering into cooperative agreements under this section;

(e) Conduct performance and program audits of entities entering into cooperative agreements under this section; and

(f) Perform any other act necessary or desirable to ensure the effective administration of the **Oregon** Child Support Program under state and federal law.

(3) The Department of Justice shall accept and disburse federal funds made available to the state for provision of the **Oregon** Child Support Program and all related functions in a manner consistent with federal law. The department may retain the state share of moneys recovered under

child support assignments for the administration of the **Oregon** Child Support Program as allowed under federal regulations.

(4) It is the policy of the **Oregon** Child Support Program to inform persons served by the program, in a manner consistent with federal law, of resources not provided by the program that are available for assistance in family law matters including, but not limited to, services provided through the courts of this state, the Oregon State Bar, law schools and legal service providers that receive funding from the Legal Services Program established under ORS 9.572. The program shall consult with the local family law advisory committees established under ORS 3.434 to ensure that eligible individuals are aware of the services offered by the program. The policy described in this subsection shall be incorporated into staff training and is applicable to all entities that have entered into cooperative agreements with the Department of Justice under this section.

(5) The director shall ensure that **Oregon** Child Support Program policy and rules, to the maximum extent practicable, meet the needs of the majority of families served by the program. The director shall guide program staff regarding implementation of the policy and rules.

**REPEALS**

**SECTION 78. ORS 25.575, 25.576, 25.577 and 25.710 are repealed.**

**MISCELLANEOUS**

**SECTION 79. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.**

**Passed by House April 8, 2025**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Julie Fahey, Speaker of House

**Passed by Senate May 12, 2025**

.....  
Rob Wagner, President of Senate

**Received by Governor:**

.....M.,....., 2025

**Approved:**

.....M.,....., 2025

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2025

.....  
Tobias Read, Secretary of State