

House Bill 2274

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Department of Justice)

SUMMARY

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

Modifies law relating to when Department of Justice or district attorney may refer child or spousal support arrearages to Department of Revenue for collection from income tax refunds. Allows referral even though support enforcement services are not funded in any part through Title IV-D of Social Security Act.

A BILL FOR AN ACT

1
2 Relating to referral of support obligations to Department of Revenue; amending ORS 25.610.

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

4 **SECTION 1.** ORS 25.610 is amended to read:

5 25.610. (1) Whenever support enforcement services are being provided [*and those services are*
6 *funded in part through Title IV-D of the Social Security Act (42 U.S.C. 651, et seq.)*], the administrator
7 may request the Department of Revenue, through the Department of Justice or its designee, to col-
8 lect past due child and spousal support from income tax refunds due to the obligor. The request
9 shall be based upon the payment record maintained under ORS 25.020.

10 (2) If support payment records have not been maintained as provided in ORS 25.020, then a
11 support payment record may be established under ORS 25.164, 25.167 and 416.429.

12 (3) The Department of Justice shall adopt rules:

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

14 (b) Directing how any support obligation collected by the Department of Revenue shall be dis-
15 tributed, consistent with federal regulations.

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

19 (a) Of the proposed action;

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

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 review under ORS 183.484.

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

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

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