

SB 364 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Addie Smith, Counsel

Meeting Dates: 2/13

WHAT THE MEASURE DOES:

Makes technical changes to Oregon's child support laws. Replaces "obligee" in ORS 25.020(12) - (13) with "party to whom unpaid support is owed." Clarifies that Child Support Administrator and not the Department of Justice takes actions under ORS 25.247. Updates statutes to allow electronic filing and communication. Provides that any credits to which the party to whom unpaid support is owed and the individual obliged to pay the support agree to in writing may not exceed the amount actually owed to the party that received the payment. Removes the requirement that applicants for child support services provide their last-known addresses in conformity with federal law. Removes the term "collection agency" from ORS 25.125. Allows court determination of whether an individual incarcerated more than 180 days can pay child support in the face of a rebuttal presumption that they cannot in addition to allowing the presumption to be rebutted as was previously prescribed by the law. Conforms child support confidentiality provisions with federal law regarding the exchange of information with various state programs funded by Title IV (Temporary Assistance for Needy Families and Child Welfare programs), XIX (Medicaid and Medicare), and XXI (State Children's Health Insurance Program) of the Federal Social Security Act, in addition to the Supplemental Nutritional Assistance Program. Aligns the appeals process with the Oregon Administrative Procedures Act, specifically ORS 183.484. Expands the definition of "Financial institution" to include those who provide money transmissions under ORS 717.200-900 and ORS 717.900-905 (which is intended to include services like "paypal." Repeals prohibition on setting aside child support judgments in ORS 107.135 Removes requirement that a notice of intent to establish and enforce arrearages include a demand of payment within 30 days of the notice and a statement that if payment is not paid, the amount of arrearages will be entered in to the child support accounting record.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 1975, the Oregon Child Support Program was established under Title IV-D of the Social Security Act. The Program consists of two primary partners, the Oregon Department of Justice Division of Child Support (DCS) and 24 county District Attorney (DA) offices. The Department of Justice has had oversight responsibility for the Program since 2003. The Program primarily uses administrative processes to establish, modify, and enforce child support orders.

Child support enforcement is generally governed by Title IV-D of the Social Security Act and the regulations promulgated under it but is implemented through state law. In 2017, SB 516, 517, 689, and 765 made various changes to Oregon's child support statutes. While implementing those changes, the DCS found inconsistencies between the amendments made by those bills and current law. Through the course of business, DCS also found provisions where Oregon's child support statutes were inconsistent with federal law and regulation; could be modernized to better serve Oregonians; and could better match to the Oregon Administrative Procedures Act.

SB 364 STAFF MEASURE SUMMARY

Senate Bill 364 makes a variety of technical changes, which modernize implementation of child support enforcement and conform Oregon child support law to the requirements of the governing federal regulations and the changes made to Oregon law in 2017. It also changes the child support appeals process to match the appeals process delineated in the Oregon Administrative Procedures Act.

PRELIMINARY