

SENATE AMENDMENTS TO SENATE BILL 812

By COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

April 29

1 In line 2 of the printed bill, before the period insert “; amending ORS 25.396”.
2 Delete lines 4 through 7 and insert:
3 “**SECTION 1.** ORS 25.396 is amended to read:
4 “25.396. (1) When a court or the administrator enters or modifies a support order, the court or
5 administrator may grant an exception to income withholding required under ORS 25.378 if the court
6 or administrator makes a written finding that there is good cause not to require income withholding.
7 Good cause exists when there is proof of timely payment of previously ordered support and when
8 initiating or continuing income withholding would not be in the best interests of the child.
9 “(2) The court or administrator may grant an exception to income withholding required under
10 ORS 25.378 if:
11 “(a) The obligor and obligee at any time agree in writing to an alternative payment method;
12 “(b) When money is owed to the state under the support order, the state agrees in writing to
13 the alternative payment method;
14 “(c) The obligor has paid in full all arrears accrued under the support order; **and**
15 “[*(d) The obligor has complied with the terms of any previous exception granted under this section;*
16 *and*]
17 “[*(e)*] **(d)** The court or administrator accepts the alternative payment method.
18 “(3) Notwithstanding subsection (1) of this section, when child support is currently assigned to
19 the state and the child is in the custody of the Oregon Youth Authority or the Department of Hu-
20 man Services, the state or the obligor may request and the court or administrator may grant an
21 exception from income withholding if:
22 “(a) The order to withhold is a barrier to reunification of the family or rehabilitation of the
23 youth or is prejudicial to the obligor’s ability to provide for another child to whom a duty of support
24 is owed; and
25 “(b) The state and the obligor agree in writing to an alternative payment method.
26 “(4) Exceptions to income withholding described in this section may be granted by the adminis-
27 trator or the court, except that when support enforcement services are being provided under ORS
28 25.080 the only permissible alternative payment methods are an electronic funds transfer to the
29 Department of Justice or another method permitted under rules adopted under this section.
30 “(5) A party may appeal the administrator’s decision granting or denying an exception under
31 this section to the circuit court in accordance with ORS 183.484.
32 “(6) Income withholding may be terminated only if the conditions set forth in this section are
33 met.
34 “(7) The Department of Justice shall adopt rules and establish procedures to implement this
35 section.”.

