

House Bill 3348

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

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to laws about the child support program. (Flesch Readability Score: 80.3).

Modifies provisions of law regarding child support program administration.

A BILL FOR AN ACT

1
2 Relating to child support; creating new provisions; amending ORS 18.005, 18.228, 18.232, 18.358,
3 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,
4 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,
5 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,
6 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,
7 107.835, 107.840, 109.015, 109.252, 180.345, 238.445, 308.290, 314.840, 350.278, 350.280, 413.175,
8 419B.005, 419B.806, 432.098, 657.855, 657B.400, 659.830, 659.835 and 743B.470; and repealing ORS
9 25.575, 25.576, 25.577 and 25.710.

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

CHILD SUPPORT PROGRAM EMPLOYEES AS MANDATORY REPORTERS OF CHILD ABUSE

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15 **SECTION 1.** ORS 419B.005, as amended by section 64, chapter 73, Oregon Laws 2024, is
16 amended to read:

17 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

18 (1)(a) "Abuse" means:

19 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
20 has been caused by other than accidental means, including any injury that appears to be at variance
21 with the explanation given of the injury.

22 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
23 statements made, or threatened to be made, to a child if the acts, statements or threats result in
24 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.

25 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
26 tration and incest, as those acts are described in ORS chapter 163.

27 (D) Sexual abuse, as described in ORS chapter 163.

28 (E) Sexual exploitation, including but not limited to:

29 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
30 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in

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 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
2 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
3 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
4 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
5 is designed to serve educational or other legitimate purposes; and

6 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
7 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
8 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

9 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
10 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
11 welfare of the child.

12 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
13 to the child's health or welfare.

14 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

15 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
16 methamphetamines are being manufactured.

17 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
18 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
19 stantial risk of harm to the child's health or safety.

20 (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303
21 or 339.308.

22 (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

23 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
24 conditions described in paragraph (a) of this subsection.

25 (2) "Child" means an unmarried person who:

26 (a) Is under 18 years of age; or

27 (b) Is a child in care, as defined in ORS 418.257.

28 (3) "Higher education institution" means:

29 (a) A community college as defined in ORS 341.005;

30 (b) A public university listed in ORS 352.002;

31 (c) The Oregon Health and Science University; and

32 (d) A private institution of higher education located in Oregon.

33 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
34 to have experienced abuse.

35 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

36 (5) "Law enforcement agency" means:

37 (a) A city or municipal police department.

38 (b) A county sheriff's office.

39 (c) The Oregon State Police.

40 (d) A police department established by a university under ORS 352.121 or 353.125.

41 (e) A county juvenile department.

42 (6) "Public or private official" means:

43 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
44 including any intern or resident.

45 (b) Dentist.

- 1 (c) School employee, including an employee of a higher education institution.
- 2 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
- 3 or employee of an in-home health service.
- 4 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
- 5 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
- 6 Authority, a local health department, a community mental health program, a community develop-
- 7 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
- 8 fined in ORS 418.205 or an alcohol and drug treatment program.
- 9 (f) Peace officer.
- 10 (g) Psychologist.
- 11 (h) Member of the clergy.
- 12 (i) Regulated social worker.
- 13 (j) Optometrist.
- 14 (k) Chiropractor.
- 15 (L) Certified provider of foster care, or an employee thereof.
- 16 (m) Attorney.
- 17 (n) Licensed professional counselor.
- 18 (o) Licensed marriage and family therapist.
- 19 (p) Firefighter or emergency medical services provider.
- 20 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 21 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 22 (s) Elected official of a branch of government of this state or a state agency, board, commission
- 23 or department of a branch of government of this state or of a city, county or other political subdi-
- 24 vision in this state.
- 25 (t) Physical, speech or occupational therapist.
- 26 (u) Audiologist.
- 27 (v) Speech-language pathologist.
- 28 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 29 gations or discipline by the commission.
- 30 (x) Pharmacist.
- 31 (y) Operator of a preschool recorded program under ORS 329A.255.
- 32 (z) Operator of a school-age recorded program under ORS 329A.255.
- 33 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 34 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 35 109.056.
- 36 (bb) Employee of a public or private organization providing child-related services or activities:
- 37 (A) Including but not limited to an employee of a:
- 38 (i) Youth group or center;
- 39 (ii) Scout group or camp;
- 40 (iii) Summer or day camp;
- 41 (iv) Survival camp; or
- 42 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
- 43 ligious, public or private educational system or a community service organization; and
- 44 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
- 45 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-

1 man trafficking.

2 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
3 if compensated and if the athlete is a child.

4 (dd) Personal support worker, as defined in ORS 410.600.

5 (ee) Home care worker, as defined in ORS 410.600.

6 (ff) Animal control officer, as defined in ORS 609.500.

7 (gg) Member of a school district board, an education service district board or a public charter
8 school governing body.

9 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
10 vice identified in an individualized service plan of a child with a developmental disability.

11 (ii) Referral agent, as defined in ORS 418.351.

12 (jj) Parole and probation officer, as defined in ORS 181A.355.

13 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
14 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

15 **(LL) Employee providing services through the Oregon Child Support Program.**

16 **SECTION 2.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and sec-
17 tion 65, chapter 73, Oregon Laws 2024, is amended to read:

18 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

19 (1)(a) "Abuse" means:

20 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
21 has been caused by other than accidental means, including any injury that appears to be at variance
22 with the explanation given of the injury.

23 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
24 statements made, or threatened to be made, to a child if the acts, statements or threats result in
25 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.

26 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
27 tration and incest, as those acts are described in ORS chapter 163.

28 (D) Sexual abuse, as described in ORS chapter 163.

29 (E) Sexual exploitation, including but not limited to:

30 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
31 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
32 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
33 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
34 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
35 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
36 is designed to serve educational or other legitimate purposes; and

37 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
38 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
39 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

40 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
41 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
42 welfare of the child.

43 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
44 to the child's health or welfare.

45 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

1 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
2 methamphetamines are being manufactured.

3 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
4 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
5 stantial risk of harm to the child's health or safety.

6 (K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

7 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
8 conditions described in paragraph (a) of this subsection.

9 (2) "Child" means an unmarried person who:

10 (a) Is under 18 years of age; or

11 (b) Is a child in care, as defined in ORS 418.257.

12 (3) "Higher education institution" means:

13 (a) A community college as defined in ORS 341.005;

14 (b) A public university listed in ORS 352.002;

15 (c) The Oregon Health and Science University; and

16 (d) A private institution of higher education located in Oregon.

17 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
18 to have experienced abuse.

19 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

20 (5) "Law enforcement agency" means:

21 (a) A city or municipal police department.

22 (b) A county sheriff's office.

23 (c) The Oregon State Police.

24 (d) A police department established by a university under ORS 352.121 or 353.125.

25 (e) A county juvenile department.

26 (6) "Public or private official" means:

27 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
28 including any intern or resident.

29 (b) Dentist.

30 (c) School employee, including an employee of a higher education institution.

31 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
32 or employee of an in-home health service.

33 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
34 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
35 Authority, a local health department, a community mental health program, a community develop-
36 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
37 fined in ORS 418.205 or an alcohol and drug treatment program.

38 (f) Peace officer.

39 (g) Psychologist.

40 (h) Member of the clergy.

41 (i) Regulated social worker.

42 (j) Optometrist.

43 (k) Chiropractor.

44 (L) Certified provider of foster care, or an employee thereof.

45 (m) Attorney.

- 1 (n) Licensed professional counselor.
- 2 (o) Licensed marriage and family therapist.
- 3 (p) Firefighter or emergency medical services provider.
- 4 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 5 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 6 (s) Elected official of a branch of government of this state or a state agency, board, commission
7 or department of a branch of government of this state or of a city, county or other political subdi-
8 vision in this state.
- 9 (t) Physical, speech or occupational therapist.
- 10 (u) Audiologist.
- 11 (v) Speech-language pathologist.
- 12 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
13 gations or discipline by the commission.
- 14 (x) Pharmacist.
- 15 (y) Operator of a preschool recorded program under ORS 329A.255.
- 16 (z) Operator of a school-age recorded program under ORS 329A.255.
- 17 (aa) Employee of a private agency or organization facilitating the provision of respite services,
18 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
19 109.056.
- 20 (bb) Employee of a public or private organization providing child-related services or activities:
21 (A) Including but not limited to an employee of a:
22 (i) Youth group or center;
23 (ii) Scout group or camp;
24 (iii) Summer or day camp;
25 (iv) Survival camp; or
26 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
27 ligious, public or private educational system or a community service organization; and
28 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
29 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
30 man trafficking.
- 31 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
32 if compensated and if the athlete is a child.
- 33 (dd) Personal support worker, as defined in ORS 410.600.
- 34 (ee) Home care worker, as defined in ORS 410.600.
- 35 (ff) Animal control officer, as defined in ORS 609.500.
- 36 (gg) Member of a school district board, an education service district board or a public charter
37 school governing body.
- 38 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
39 vice identified in an individualized service plan of a child with a developmental disability.
- 40 (ii) Referral agent, as defined in ORS 418.351.
- 41 (jj) Parole and probation officer, as defined in ORS 181A.355.
- 42 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
43 analysis interventionist registered by the Health Licensing Office under ORS 676.815.
- 44 **(LL) Employee providing services through the Oregon Child Support Program.**
- 45

**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

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

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

8
 9 **CHILD SUPPORT PROGRAM ADMINISTRATION**

10
 11 **SECTION 5.** ORS 25.010 is amended to read:

12 25.010. As used in [*ORS 25.501 to 25.556 and*] ORS chapters 25, 107 and 109 and any other
 13 statutes providing for support payments or [*support enforcement*] **child support** procedures, unless
 14 the context requires otherwise:

15 (1) “Administrator” means either the Administrator of the Division of Child Support of the De-
 16 partment of Justice or a district attorney, or the administrator’s or a district attorney’s authorized
 17 representative.

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

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

21 (4) “Child support rights” means the right to establish or enforce an obligation imposed or
 22 impossible by law to provide support, including but not limited to medical support as defined in ORS
 23 25.321 and an unsatisfied obligation to provide support.

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

25 [(6) (5) “Disposable income” means that part of the income of an individual remaining after the
 26 deduction from the income of any amounts required to be withheld by law except laws enforcing
 27 spousal or child support and any amounts withheld to pay medical or dental insurance premiums.

28 [(7) (6) “Employer” means any entity or individual who engages an individual to perform work
 29 or services for which compensation is given in periodic payments or otherwise.

30 [(8)] (7) “Income” is any monetary obligation in excess of \$4.99 after the fee described in ORS
 31 25.414 (6) has been deducted that is in the possession of a third party owed to a person and includes
 32 but is not limited to:

33 (a) Compensation paid or payable for personal services whether denominated as wages, salary,
 34 commission, bonus or otherwise;

35 (b) Periodic payments pursuant to a pension or retirement program;

36 (c) Cash dividends arising from stocks, bonds or mutual funds;

37 (d) Interest payments;

38 (e) Periodic payments from a trust account;

39 (f) Any program or contract to provide substitute wages during times of unemployment or disa-
 40 bility;

41 (g) Any payment pursuant to ORS chapter 657; or

42 (h) Amounts payable to independent contractors.

43 [(9) (8) “Obligee” has the meaning given that term in ORS 110.503.

44 [(10) (9) “Obligor” has the meaning given that term in ORS 110.503.

45 [(11) (10) “Order to withhold” means an order or other legal process that requires a withholder

1 to withhold support from the income of an obligor.

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

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

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

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

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

16 25.015. (1) The Department of Justice shall notify the parties to a support order that payment
 17 is to commence on the first due date following the date of the notice when:

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

21 (b) The department commences accounting services; and

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

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

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

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

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

36 25.020. (1) Support payments for or on behalf of any person that are ordered, registered or filed
 37 under [*ORS 25.501 to 25.556 or*] this chapter or ORS chapter 107, 108, 109, 110, 419B or 419C, unless
 38 otherwise authorized by ORS 25.030, shall be made to the Department of Justice as the state dis-
 39 bursement unit:

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

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

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

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

1 ORS 25.080;

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

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

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

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

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

12 (3)(a) When the administrator is providing [*support enforcement*] **child support** services under
13 ORS 25.080, the obligee may enter into an agreement with a collection agency, as defined in ORS
14 697.005, for assistance in collecting child support payments.

15 (b) The collection agency:

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

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

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

26 (D) Shall include in the agreement with the obligee a notice printed in type size equal to at least
27 12-point type that provides information on the fees, penalties, termination and duration of the
28 agreement.

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

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

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

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

43 (A) Date of issuance of the support order.

44 (B) Amount of the support order.

45 (C) Dates and amounts of payments.

1 (D) Dates and amounts of disbursements.
 2 (E) Payee of any disbursements.
 3 (F) Amount of any arrearage.
 4 (G) Source of any collection, to the extent allowed by federal law.
 5 (b) Nothing in this subsection limits the information the administrator may provide by law to a
 6 party who is not represented by an attorney.
 7 (7) Any pleading for the entry or modification of a support order must contain a statement that
 8 payment of support under a new or modified order will be by income withholding unless an excep-
 9 tion to payment by income withholding is granted under ORS 25.396.
 10 (8)(a) Except as provided in paragraphs (d) and (e) of this subsection, a judgment or order es-
 11 tablishing parentage or including a provision concerning support must contain:
 12 (A) The residence, mailing or contact address, final four digits of the Social Security number,
 13 telephone number and final four digits of the driver license number of each party;
 14 (B) The name, address and telephone number of all employers of each party;
 15 (C) The names and dates of birth of the joint children of the parties; and
 16 (D) Any other information required by rule adopted by the Chief Justice of the Supreme Court
 17 under ORS 1.002.
 18 (b) The judgment or order [*shall*] **must** also include notice that the obligor and obligee:
 19 (A) Must inform the court and the administrator in writing of any change in the information
 20 required by this subsection within 10 days after the change; and
 21 (B) May request that the administrator review the amount of support ordered after three years,
 22 or such shorter cycle as determined by rule of the Department of Justice, or at any time upon a
 23 substantial change of circumstances.
 24 (c) The administrator may require of the parties any additional information that is necessary for
 25 the provision of [*support enforcement*] **child support** services under ORS 25.080.
 26 (d)(A) Upon a finding, which may be made ex parte, that the health, safety or liberty of a party
 27 or child would unreasonably be put at risk by the disclosure of information specified in this sub-
 28 section or by the disclosure of other information concerning a child or party to a parentage or
 29 support proceeding or if an existing order so requires, a court or administrator or administrative
 30 law judge, when the proceeding is administrative, shall order that the information not be contained
 31 in any document provided to another party or otherwise disclosed to a party other than the state.
 32 (B) The Department of Justice shall adopt rules providing for similar confidentiality for infor-
 33 mation described in subparagraph (A) of this paragraph that is maintained by an entity providing
 34 [*support enforcement*] **child support** services under ORS 25.080.
 35 (e) The Chief Justice of the Supreme Court may, in consultation with the Department of Justice,
 36 adopt rules under ORS 1.002 to designate information specified in this subsection as confidential and
 37 require that the information be submitted through an alternate procedure to ensure that the infor-
 38 mation is exempt from public disclosure under ORS 192.355.
 39 (9)(a) Except as otherwise provided in paragraph (b) of this subsection, in any subsequent child
 40 support enforcement action, the court or administrator, upon a showing of diligent effort made to
 41 locate the obligor or obligee, may deem due process requirements to be met by [*mailing*] **providing**
 42 notice **by regular first class mail** to the last-known residential, mailing or employer address or
 43 contact address as provided in ORS 25.085.
 44 (b) Service of an order directing an obligor to appear in a contempt proceeding is subject to
 45 ORS 33.015 to 33.155.

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

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

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

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

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

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

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

17 (13) An obligor may apply to the Department of Justice for credit for payments made other than
 18 to the Department of Justice. If the party to whom unpaid support is owed does not provide the
 19 agreement or verification required by subsection (12) of this section, credit may be given pursuant
 20 to order of an administrative law judge assigned from the Office of Administrative Hearings after
 21 notice and opportunity to object and be heard are given to both the obligor and the party to whom
 22 unpaid support is owed. Notice shall be served upon the party to whom unpaid support is owed as
 23 provided by ORS 25.085. Notice to the obligor may be **provided** by *[regular mail at the address*
 24 *provided in the application for credit]* **regular first class mail or, if authorized by the obligor,**
 25 **by electronic mail or other electronic delivery method as described by the administrator by**
 26 **rule.** A hearing conducted under this subsection is a contested case hearing and ORS 183.413 to
 27 183.470 apply. Any party may seek a hearing de novo in the circuit court.

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

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

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

34 (b) Are consistent with federal regulations.

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

36 25.075. (1) Notwithstanding the provisions of ORS 25.080, the Department of Justice may enter
 37 into cooperative agreements with Indian tribes or tribal organizations within the borders of this
 38 state, if the Indian tribe or tribal organization demonstrates that the tribe or organization has an
 39 established tribal court system or a Court of Indian Offenses with the authority to:

40 (a) Establish parentage;

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

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

44 (2) The agreements must provide for the cooperative delivery of child support *[enforcement]*
 45 services and for the forwarding of all child support collections pursuant to the functions performed

1 by the tribe or organization to the department, or conversely, by the department to the tribe or
 2 organization, which shall distribute the child support collections in accordance with the agreement.

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

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

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

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

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

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

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

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

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

31 (a) Shall establish and enforce any child support obligation;

32 (b) Shall establish paternity;

33 (c) Shall enforce spousal support when the obligee is living with the obligor's child for whom
 34 [*support enforcement*] **child support** services are being provided and those services are funded in
 35 part by federal moneys;

36 (d) May enforce any other order or judgment for spousal support;

37 (e) Shall, on behalf of the state, initiate and respond to child support modification proceedings
 38 based upon a substantial change of circumstances;

39 (f) Shall, on behalf of the state, initiate and respond to child support modification proceedings
 40 based upon a modification conducted under ORS 25.287 concerning existing child support orders;

41 (g) Shall establish and enforce obligations to provide medical insurance coverage for dependent
 42 children;

43 (h) Shall ensure compliance with the provisions of 42 U.S.C. 651 to 669 and 45 C.F.R. Chapter
 44 III as authorized by state law;

45 (i) Shall carry out the policy of the State of Oregon regarding child support obligations as ex-

1 pressed in ORS 25.502; and

2 (j) Shall ensure that child support orders are in compliance with the formula established by this
3 chapter.

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

6 (6) The district attorney of any county and the Department of **Justice** may provide by agree-
7 ment for assumption by the Division of Child Support of the functions of the district attorney under
8 subsection (1) of this section or for redistribution between the district attorney and the Division of
9 Child Support of all or any portion of the duties, responsibilities and functions set forth in sub-
10 sections (1) and (4) of this section.

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

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

15 (b) If this state loses any federal funds due to the failure of a county governing body or district
16 attorney to either enter into an agreement under this subsection or to provide sufficient *[support*
17 *enforcement service]* **child support services**, the county shall be liable to the department for, and
18 the liability shall be limited to, the amount of money the state determines it lost because of the
19 failure. The state shall offset the loss from any moneys the state is holding for or owes the county
20 or from any moneys the state would pay to the county for any purpose.

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

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

30 (b) Increase the effectiveness of child support *[enforcement]* services provided by the district at-
31 torneys.

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

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

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

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

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

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

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

10 25.082. (1) When services are being provided under Title IV-D of the Social Security Act, the
11 [*enforcing agency*] **child support program** of this or any other state may subpoena financial records
12 and other information needed to establish parentage or to establish, modify or enforce a support
13 order. The subpoena may be served on a party or on a public or private entity. Service of the
14 subpoena may be by certified mail.

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

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

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

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

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

26 25.084. (1) The administrator may provide [*support enforcement*] **child support** services as de-
27 scribed in ORS 25.080 only if support rights have been assigned to the state or if a person has pro-
28 vided a written application to the administrator that:

29 (a) Is signed by the person; and

30 (b) Indicates that the person is applying for child support services.

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

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

36 25.085. [*(1) In any proceeding under ORS 25.080, service of legal documents upon an obligee may*
37 *be by regular mail to the address at which the obligee receives public assistance, to an address pro-*
38 *vided by the obligee on the obligee’s application for child support enforcement services or to any other*
39 *address given by the obligee. When service is authorized by regular mail under this section, proof of*
40 *service may be by notation upon the computerized case record made by the person making the mailing.*
41 *The notation must set forth the address to which the documents were mailed, the date they were mailed,*
42 *the description of the documents mailed and the name of the person making the notation.*]

43 (1)(a) **In any proceeding under ORS 25.080, legal documents may be served upon an**
44 **obligee by regular first class mail to the address at which the obligee receives public assist-**
45 **ance or an address provided by the obligee or, if authorized by the obligee, by electronic mail**

1 or other electronic delivery method as described by the administrator by rule.

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

5 (A) A description of the documents served;

6 (B) The name of the person who served the documents;

7 (C) The date that the person served the documents;

8 (D) The method of service used; and

9 (E) As applicable, the address or electronic mail address to which the documents were
 10 sent.

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

15 [(2) *Notwithstanding any other provision of ORS 25.501 to 25.556 or this chapter or ORS chapter*
 16 *110, when a case is referred to this state by a public child support agency of another state for action*
 17 *in this state, there is no requirement that an obligee, present in the initiating state and receiving child*
 18 *support enforcement services from that state, be served in any action taken in this state as a conse-*
 19 *quence of the interstate referral. In such cases the requirement to serve the obligee that would other-*
 20 *wise apply is satisfied by sending to the initiating agency in the other state, by regular mail, any*
 21 *documents that would otherwise be served upon the obligee.*]

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

27 (a) **The child support agency of the other state referred the case for action in this state;**

28 (b) **The action requiring service was taken in this state as a consequence of the inter-**
 29 **state referral; and**

30 (c) **The obligee is present in and receiving child support services from the other state.**

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

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

34 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
 35 child support case shall be referred to the Department of Justice for provision of collection, ac-
 36 counting and disbursement services if an application as described in ORS 25.084 is made to the
 37 district attorney or to the Division of Child Support and the case qualifies for [*support*
 38 *enforcement*] **child support** services under federal regulations and state law.

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

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

43 25.164. (1) If the payment method for support payments set forth in the support judgment does
 44 not require that payments be made through the Department of Justice, an application may be made
 45 to the department [*for support enforcement*] **to enroll in child support** services under this chapter

1 and under federal laws and regulations relating to support payments and enforcement of judgments.
 2 An application under this section may be made by an obligee, by an obligor, by a person having
 3 physical custody of a minor child or by a child attending school, as defined in ORS 107.108.

4 (2) An application under subsection (1) of this section must be in the form prescribed by ORS
 5 25.084.

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

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

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

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

16 25.167. This section establishes procedures for determining the amount of arrearage and for
 17 making a record of arrearage of support payments. All of the following apply to this section:

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

19 (a) Court order;

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

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

22 (d) Stipulation of the parties; or

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

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

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

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

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

38 (d) For objections to be valid under paragraph (c) of this subsection, the other party must file
 39 the objection with the court within 30 days from the date of service of the certificate and must [*mail*
 40 *or*] serve true copies of the objections on both the party who filed the certificate and **the entity**
 41 **responsible for child support services under ORS 25.080. Service under this paragraph may**
 42 **be by regular first class mail or, if authorized by the recipient, electronic mail or other**
 43 **electronic delivery method described by the administrator by rule.** [*either:*]

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

45 [(B) *If support rights are or have been assigned to the State of Oregon at any time within the last*

1 *five months or if arrears under the support judgment are so assigned, the Division of Child Support*
 2 *of the Department of Justice.]*

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

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

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

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

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

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

29 25.170. When a support obligation is more than one month in arrears, the Attorney General or
 30 a district attorney may upon motion obtain an order requiring the obligor to appear for the purpose
 31 of examination regarding the obligor's financial circumstances. The court shall require the obligor
 32 to appear at a time and date certain at such place as may be appropriate. The order to appear shall
 33 inform the obligor that the obligor's answers may be used in subsequent enforcement and possible
 34 criminal proceedings, and that the obligor has a right to be represented by an attorney at the ex-
 35 amination. The order shall be served upon the obligor in the same manner as service of summons.
 36 The order to appear shall also be [*served upon the obligee by regular mail*] **provided to the obligee**
 37 **by regular first class mail or, if authorized by the obligee, by electronic mail or other elec-**
 38 **tronic delivery method as described by the administrator by rule.** The obligee shall have the
 39 right to attend any such examination.

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

41 25.190. (1) The examination may be continued for further review of the obligor's financial cir-
 42 cumstances and employment, or the matter may be certified to the court for a contempt hearing on
 43 the issue of failure to pay support as ordered. If the examination is to be continued for further re-
 44 view or is to be certified to the court for a contempt hearing, the obligor shall be served at the
 45 examination with a notice stating the time, date and place for further examination or hearing before

1 the court. Service may be made by an employee of the Department of Justice or district attorney.

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

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

8 25.245. (1) Notwithstanding any other provision of Oregon law, a parent who is eligible for and
 9 receiving cash payments under ORS 412.001 to 412.069, Title IV-A of the Social Security Act, the
 10 general assistance program as provided in ORS chapter 411 or a general assistance program of an-
 11 other state or tribe, the Oregon Supplemental Income Program or the federal Supplemental Security
 12 Income Program shall be rebuttably presumed unable to pay child support and a child support obli-
 13 gation does not accrue unless the presumption is rebutted.

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

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

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

42 (5) If no objection is made, or if the court or administrative law judge finds that the presumption
 43 has not been rebutted, the Department of Justice shall discontinue billing the obligor for the period
 44 of time described in subsection (3) of this section and no arrearage shall accrue for the period dur-
 45 ing which the obligor is not billed. In addition, the entity providing [*support enforcement*] **child**

1 **support** services shall file with the circuit court in which the support order or judgment has been
2 entered a copy of the notice described in subsection (3) of this section or, if an objection is made
3 and the presumption is not rebutted, a copy of the administrative law judge's order.

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

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

8 (B) Stating that the payment of those benefits has terminated and that by operation of law bill-
9 ing and accrual of support resumes; and

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

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

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

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

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

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

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

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

37 25.247. (1) An obligor who is incarcerated for a period of 180 or more consecutive days shall be
38 rebuttably presumed unable to pay child support and a child support obligation does not accrue for
39 the duration of the incarceration unless the presumption is rebutted as provided in this section or
40 as determined by the court.

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

43 (3) Within 30 days following identification of an obligor described in subsection (1) of this sec-
44 tion whose child support obligation has not already been modified due to incarceration, the entity
45 responsible for [*support enforcement*] **child support** services under ORS 25.080 shall provide notice

1 of the presumption to the obligee and obligor and shall inform all parties to the support order that,
2 unless a party objects as provided in subsection (4) of this section, child support shall cease accruing
3 beginning with the first day of the first month that follows the obligor becoming incarcerated for a
4 period of at least 180 consecutive days and continuing through the support payment due in the last
5 month prior to the reinstatement of the support order as provided in subsection (8) of this section.
6 The entity shall serve the notice on the obligee in the manner provided for the service of summons
7 in a civil action, by certified mail, return receipt requested, or by any other mail service with de-
8 livery confirmation and shall [*serve the notice on*] **serve the notice to** the obligor by **regular** first
9 class mail to the obligor's last-known address **or, if authorized by the obligor, by electronic mail**
10 **or other electronic delivery method described by the administrator by rule.** The notice
11 [*shall*] **must** specify the month in which the obligor became incarcerated and [*shall*] **must** contain
12 a statement that the administrator represents the state and that low-cost legal counsel may be
13 available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 25.260. *[(1) As used in this section, "child support program" means:]*

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

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

33 *[(c) A district attorney; and]*

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

35 *[(2)]* (1) Unless otherwise authorized by law, child support records, including data contained in
36 the **Oregon** Child Support Program's automated system, are confidential and may be disclosed or
37 used only as necessary for the administration of the program.

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

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

41 *[(b)]* (2) **If an employee of the Oregon Child Support Program is required to report sus-**
42 **pected abuse, as defined in ORS 419B.005, that the employee discovered while providing pro-**
43 **gram services, the program may** extract and *[receive]* **exchange** information from other databases
44 as necessary to carry out the program's responsibilities under state and federal law.

45 *[(4)]* (3) The *[child support]* program may compare and share information with public and private

1 entities as necessary to *[perform]* **carry out** the program's responsibilities under state and federal
2 law.

3 [(5)] (4) The *[child support]* program may exchange information with state agencies administering
4 the following programs as necessary for the **Oregon** Child Support Program and the state agencies
5 to perform their responsibilities under state and federal law:

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

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

8 [(6)] (5) In addition to any penalty to which an individual may be subject under ORS 25.990, an
9 employee of the Department of Justice, of a district attorney or of the Department of Human Ser-
10 vices who discloses or uses the contents of any records in violation of subsection [(2)] (1) of this
11 section is subject to discipline, up to and including dismissal from employment.

12 [(7)] (6) The Department of Justice shall adopt rules consistent with federal regulations gov-
13 erning confidentiality of **Oregon** Child Support Program information.

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

15 25.270. The Legislative Assembly finds that:

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

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

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

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

27 (5) The Division of Child Support of the Department of Justice is the appropriate agency to es-
28 tablish the required formula.

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

30 25.287. (1)(a) The entity providing *[support enforcement]* **child support** services under ORS 25.080
31 may initiate proceedings to modify a support obligation to ensure that the support obligation is in
32 accordance with the formula established under ORS 25.275.

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

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

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

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

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

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

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

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

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

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

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

15 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
16 ceeding involving the child, including a proceeding brought under ORS 25.501 to 25.556, 107.085,
17 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025 or 419B.400 or ORS chapter 110; and

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

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

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

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

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

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

35 25.290. (1) In determining the disposable income of an obligor, the obligor may claim offsets
36 against gross receipts for ordinary and necessary business expenses and taxes directly related to the
37 income withheld. The obligor has the burden of proof and must furnish documentation to support
38 any offsets claimed.

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

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

44 25.325. (1) When a child support order with a medical support clause is entered, the court or the
45 enforcing agency may issue a qualified medical child support order as provided in section 609 of the

1 Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169). The qualified medical child
 2 support order shall direct the providing party's employer, or the plan administrator for the providing
 3 party's employee health care coverage, to enroll the providing party's child in the employee health
 4 benefit plan and direct the providing party's employer to withhold any required premium from the
 5 providing party's compensation.

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

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

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

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

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

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

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

27 25.333. (1)(a) When the enforcing agency issues a medical support notice under ORS 25.325, the
 28 enforcing agency shall notify the parties [*by regular mail to the last known addresses of the*
 29 *parties*]:

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

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

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

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

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

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

42 (b) The amount to be withheld for premiums is greater than is permissible under ORS 25.331;

43 (c) The alleged providing party is not the party from whom health care coverage is required;

44 or

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

1 employment.

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

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

10 (6) The initiation of proceedings to contest a medical support notice or an appeal of the en-
 11 forcing agency’s determination under this section does not stay the withholding of premiums.

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

13 25.335. When [*support enforcement*] **child support** services are being provided under ORS 25.080,
 14 the enforcing agency shall notify the employer when there is no longer in effect a support order
 15 requiring health care coverage for which the enforcing agency is responsible. However, termination
 16 of the health care coverage is governed by the health benefit plan’s provisions for termination and
 17 by applicable federal law.

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

19 25.378. (1) Except as otherwise provided in ORS 25.396, when a support order is entered or
 20 modified by the Division of Child Support, a district attorney, an administrative law judge or a cir-
 21 cuit court, including a juvenile court, the order [*shall*] **must** include a provision requiring the
 22 obligor to pay support by income withholding regardless of whether [*support enforcement*] **child**
 23 **support** services are being provided under ORS 25.080. In addition to the income withholding pro-
 24 vided for in this subsection, income withholding may be initiated in accordance with subsections (2)
 25 to (6) of this section.

26 (2) When an obligor is subject to a support order issued or registered in this state and fails to
 27 make payments at least equal to the amount of support payable for one month, a court or the ad-
 28 ministrator, whichever is appropriate, shall initiate income withholding without the need for a ju-
 29 dicial or administrative hearing and without the need for advance notice to the obligor of the
 30 withholding.

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

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

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

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

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

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

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

45 25.381. (1) Whenever **child support** services are being provided under ORS 25.080, support rights

1 are not and have not at any time during the past five months been assigned to this or another state,
 2 and no arrearages under a support order are so assigned, the administrator shall provide, upon re-
 3 quest of an obligor or obligee, services sufficient to permit establishment of income withholding
 4 under ORS 25.378, including services necessary to establish a support payment record under ORS
 5 25.164 and 25.167.

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

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

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

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

17 25.396. (1) When a court or the administrator enters or modifies a support order, the court or
 18 administrator may grant an exception to income withholding required under ORS 25.378 if the court
 19 or administrator makes a written finding that there is good cause not to require income withholding.
 20 Good cause exists when there is proof of timely payment of previously ordered support and when
 21 initiating or continuing income withholding would not be in the best interests of the child.

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

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

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

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

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

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

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

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

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

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

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

1 (7) The Department of Justice shall adopt rules and establish procedures to implement this sec-
 2 tion.

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

4 25.399. (1) When an order to withhold is issued under ORS 25.378, the party or entity initiating
 5 the action shall *[send notice of the order to withhold to the obligor by regular mail to the last-known*
 6 *address of the obligor. The notice must state]* **provide to the obligor a copy of the order to with-**
 7 **hold or a notice stating:**

8 (a) That withholding has commenced;

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

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

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

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

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

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

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

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

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

25 25.402. (1)(a) The party initiating the support action shall serve the order to withhold on the
 26 withholder. The order may be personally served upon the withholder or the withholder's registered
 27 agent, an officer of the corporation, bookkeeper, accountant, person responsible for payroll or local
 28 office manager or may be served by any type of mail which is calculated to give actual notice and
 29 is addressed to one of the persons listed above.

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

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

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

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

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

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

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

43 25.501. As used in ORS 25.501 to 25.556, unless the context requires otherwise:

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

45 *[(2)]* **(1)** "Court" means any circuit court of this state and any court in another state having

1 jurisdiction to determine the liability of persons for the support of another person.

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

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

8 [(5)] (3) "Dependent child" means any person under the age of 18 who is not otherwise
9 emancipated, self-supporting, married or a member of the Armed Forces of the United States. "De-
10 pendent child" also means a child attending school as defined in ORS 107.108.

11 [(6)] (4) "Office" means the office of the Division of Child Support or the office of the district
12 attorney.

13 [(7)] (5) "Parent" means:

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

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

16 (c) A stepparent when the person has an obligation to support a dependent child under ORS
17 108.045.

18 [(8)] (6) "Past support" means the amount of child support that could have been ordered and
19 accumulated as arrears against a parent for the benefit of a child for any period of time during
20 which the child was not supported by the parent and for which period no support order was in ef-
21 fect.

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

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

31 25.505. (1) In any individual case, commencing with the payment of public assistance, with the
32 application for [*enforcement*] **child support** services under ORS 25.080 by an individual not receiving
33 public assistance or upon receipt of a written request for enforcement of a support obligation from
34 [*the state agency of another state responsible for administering the federal child support enforcement*
35 *program*] **another jurisdiction's Title IV-D of the Social Security Act child support program**
36 **or an authorized foreign country as described in ORS 110.503 (5)**, the administrator may take
37 action under ORS 25.501 to 25.556. The administrator and, as appropriate, the administrative law
38 judge, may establish, modify and terminate support orders, require health care coverage for de-
39 pendent children, establish paternity and collect child support.

40 (2) The Department of Justice may make such rules as may be necessary or desirable for car-
41 rying out ORS 25.501 to 25.556.

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

43 25.511. (1)(a) At any time after the state is assigned support rights, a public assistance payment
44 is made, an application for [*enforcement*] **child support** services under ORS 25.080 is made by an
45 individual who is not a recipient of public assistance or a written request for enforcement of a

1 support obligation is received from [*the state agency of another state responsible for administering the*
 2 *federal child support enforcement program*] **another jurisdiction's Title IV-D of the Social Secu-**
 3 **urity Act child support program or an authorized foreign country as described in ORS 110.503**
 4 **(5)**, the administrator may, if there is no court order or administrative support order, issue a notice
 5 and [*finding of financial responsibility*] **proposed order**. The notice shall be served upon the parent
 6 in the manner prescribed for service of summons in a civil action, by certified mail, return receipt
 7 requested, or by any other mail service with delivery confirmation. Notices that involve the estab-
 8 lishment of paternity must be served by personal service. All notices may be personally served by
 9 the administrator.

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

14 (2) The administrator shall include in the notice:

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

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

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

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

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

22 (A) Whether there is pending in this state or any other jurisdiction any type of support pro-
 23 ceeding involving the dependent child, including a proceeding brought under ORS 25.287, 25.527,
 24 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025 or 419B.400 or ORS chapter 110;
 25 and

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

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

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

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

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

44 (h) A statement that if such a timely response is received by the appropriate office, either the
 45 parent or the obligee or both shall have the right to a hearing; and that if no timely written re-

1 sponse is received, the administrator may enter an order in accordance with the notice and [*finding*
2 *of financial responsibility*] **proposed order**;

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

6 (j) A reference to ORS 25.501 to 25.556;

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

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

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

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

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

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

16 (c) The child's date of birth;

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

18 (e) A statement that if the alleged parent or the obligee does not timely send to the office is-
19 suing the notice a written response that denies paternity and requests a hearing, then the adminis-
20 trator, without further notice to the alleged parent, or to the obligee, may enter an order that
21 declares and establishes the alleged parent as the legal parent of the child.

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

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

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

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

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

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

36 (a) If the paternity of the dependent child is established by the order, a declaration of that fact;

37 (b) The amount of monthly support to be paid, with directions on the manner of payment;

38 (c) The amount of past support to be ordered against the parent;

39 (d) Whether health care coverage is to be provided for the dependent child;

40 (e) The name of the caretaker relative or agency and the name and birthdate of the dependent
41 child for whom support is to be paid; and

42 (f) A statement that the property of the parent is subject to collection action, including but not
43 limited to wage withholding, garnishment and liens and execution thereon.

44 [(8) *The parent and the obligee shall be sent a copy of the order by regular mail addressed to the*
45 *last-known address of each of the parties or if applicable, to the last-known address of an attorney of*

1 *record for a party. The order is final, and action by the administrator to enforce and collect upon the*
 2 *order, including arrearages, may be taken from the date of issuance of the order.]*

3 **(8) The order is final, and action by the administrator to enforce and collect upon the**
 4 **order, including arrearages, may be taken from the date of issuance of the order. The ad-**
 5 **ministrator shall provide a copy of the order to the parent or, if applicable, the parent’s at-**
 6 **torney, and to the obligee or, if applicable, the obligee’s attorney, by:**

7 **(a) Regular first class mail addressed to the recipient’s last-known address; or**

8 **(b) If authorized by the recipient, by electronic mail or other electronic delivery method**
 9 **described by the administrator by rule.**

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

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

13 25.515. (1) Past support may not be ordered for any period of time prior to the later of:

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

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

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

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

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

32 25.527. (1) Any time *[support enforcement]* **child support** services are being provided under ORS
 33 25.080, the obligor, the obligee, the party holding the support rights or the administrator may move
 34 for the existing order to be modified under this section. The motion *[shall]* **must** be in writing in
 35 a form prescribed by the administrator, *[shall]* **must** set out the reasons for modification and
 36 *[shall]* **must** state the address of the party requesting modification.

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

38 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
 39 ceeding involving the dependent child, including a proceeding brought under ORS 25.287, 25.511,
 40 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025 or 419B.400 or ORS chapter 110;
 41 and

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

44 (3) The moving party shall include with the motion a certificate regarding any pending support
 45 proceeding and any existing support order other than the order the party is moving to modify. The

1 party shall use a certificate that is in a form prescribed by the administrator and include informa-
 2 tion required by the administrator and subsection (2) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

45 (A) There is a period of significant unemployment as that term is described in paragraph (b) of

1 this subsection; and

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

4 (b) Proceedings under this subsection may be initiated only when there is a period of significant
5 unemployment in Oregon. The Attorney General shall determine when a “period of significant un-
6 employment” exists in Oregon and designate the beginning and ending dates thereof. In making the
7 determination of when a period of significant unemployment exists in Oregon, the Attorney General
8 may consider whether there is in effect an “extended benefit period” as that term is defined in ORS
9 657.321.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (h) An order of suspension and temporary modification issued under this subsection is temporary
44 and remains in effect for six months from the date the order is filed under ORS 25.529 or until the
45 date specified in the notice provided under paragraph (i) of this subsection informing of the party’s

1 reemployment, whichever is earlier, at which time the preexisting support order or judgment be-
 2 comes immediately effective and payable on the first day of the following month unless an order of
 3 renewal is issued under paragraph (j) of this subsection.

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

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

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

21 25.540. (1) The administrator may issue a notice of intent to establish and enforce arrearages for
 22 any support order that is registered, filed or entered in this state. The notice must be served upon
 23 the obligor in the manner prescribed for service of summons in a civil action, mailed to the obligor
 24 at the obligor's last-known address by certified mail, return receipt requested, or **sent** by any other
 25 mail service with delivery confirmation. The administrator shall *[mail]* **provide** the notice to the
 26 obligee by regular **first class mail or, if authorized by the obligee, by electronic mail or other**
 27 **electronic delivery method as described by the administrator by rule.**

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

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

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

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

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

36 (e) A statement that the only basis upon which an obligor or an obligee may object to the
 37 enforcement of the arrearages is that the amount of the arrearages specified in the notice is incor-
 38 rect;

39 (f) A reference to ORS 25.501 to 25.556;

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

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

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

45 (3) If a timely written response setting forth objections and requesting a hearing is received by

1 the appropriate office, a hearing shall be held under ORS 25.513.

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

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

8 (6) Nothing in this section shall prevent the administrator from using other available enforce-
9 ment remedies at any time.

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

11 25.550. (1) The administrator may establish paternity of a child in the course of a support pro-
12 ceeding under ORS 25.501 to 25.556 when both parents sign statements that paternity has not been
13 legally established and that the male parent is the father of the child. The administrator may enter
14 an order which establishes paternity.

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

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

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

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

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

38 (a) Blood tests have been conducted;

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

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

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

44 (a) Shall certify the matter to court:

45 (A) Within 30 days of receipt by the administrator of a timely written objection to the entry of

1 an order by a party under subsection (5)(c) of this section;

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

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

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

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

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

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

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

24 25.552. (1) Except as provided in subsection (2) of this section, when a response denying
25 paternity and requesting a hearing is received pursuant to ORS 25.511 (3), or paternity is a valid
26 issue as determined by the administrator under ORS 25.550, the certification to the circuit court
27 shall be to the court in the judicial district where the parent or dependent child resides.

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

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

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

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

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

38 25.610. (1) Whenever [*support enforcement*] **child support** services are being provided, the ad-
39 ministrator may request the Department of Revenue, through the Department of Justice or its
40 designee, to collect past due child and spousal support from income tax refunds due to the obligor.
41 The request shall be based upon the payment record maintained under ORS 25.020.

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

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

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

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

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

7 (a) Of the proposed action;

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

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

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

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

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

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

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

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

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

29 25.759. Upon identification of a person subject to suspension under ORS 25.750 to 25.783, the
 30 administrator may issue a notice, sent by regular **first class** mail to both the address of record as
 31 shown in the records of the issuing entity and the address of record as shown on the administrator’s
 32 child support file **or, if authorized by the person, sent by electronic mail or other electronic**
 33 **delivery method as described by the administrator by rule.** Such notice *[shall]* **must** contain the
 34 following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 25.793. (1) Subject to the limitations provided in subsection (2) of this section, the Division of
19 Child Support of the Department of Justice may enter into agreements with other divisions of the
20 Department of Justice or with the Department of Revenue for the provision of information reported
21 to the Division of Child Support by an employer pursuant to ORS 25.790 regarding hiring or rehiring
22 or the engagement or reengagement of individuals in this state. The information may be used for
23 purposes other than **to establish** paternity [*establishment*] or child support [*enforcement*], including
24 but not limited to debt collection.

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

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

29 (b) The automated state directory of new hires required to be established by the division under
30 42 U.S.C. 653a.

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

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

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

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

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

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

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

42
43 **CONFORMING AMENDMENTS**

44
45 **SECTION 45.** ORS 18.005 is amended to read:

1 18.005. As used in this chapter:

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

4 (2) "Child support award" means a money award or agency order that requires the payment of
5 child support and that is entered under ORS [25.501 to 25.556,] 108.010 to 108.550, 416.310 to 416.340,
6 416.510 to 416.990 or 419B.400 or ORS chapter 25, 107, 109 or 110.

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

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

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

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

15 (7) "General judgment" means the judgment entered by a court that decides all requests for re-
16 lief in the action except:

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

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

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

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

23 (10) "Judgment lien" means:

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

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

28 (11) "Judgment remedy" means:

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

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

31 (12) "Legal authority" means:

32 (a) A statute;

33 (b) An Oregon Rule of Civil Procedure;

34 (c) A rule or order of the Chief Justice of the Supreme Court adopted under ORS 18.028; and

35 (d) All controlling appellate court decisions in effect December 31, 2003.

36 (13) "Limited judgment" means:

37 (a) A judgment entered under ORCP 67 B or 67 G;

38 (b) A judgment entered before the conclusion of an action in a circuit court for the partition
39 of real property, defining the rights of the parties to the action and directing sale or partition;

40 (c) An interlocutory judgment foreclosing an interest in real property; and

41 (d) A judgment rendered before entry of a general judgment in an action that disposes of at least
42 one but fewer than all requests for relief in the action and that is rendered pursuant to a legal au-
43 thority that specifically authorizes that disposition by limited judgment.

44 (14) "Money award" means a judgment or portion of a judgment that requires the payment of
45 money.

1 (15) "Person" includes a public body as defined in ORS 174.109.

2 (16) "Request for relief" means a claim, a charge in a criminal action or any other request for
3 a determination of the rights and liabilities of one or more parties in an action that a legal authority
4 allows the court to decide by a judgment.

5 (17) "Supplemental judgment" means a judgment that may be rendered after a general judgment
6 pursuant to a legal authority.

7 (18) "Support arrearage lien" means a lien that attaches to real property under the provisions
8 of ORS 18.150 (3) or 18.152 (3).

9 (19) "Support award" means a money award or agency order that requires the payment of child
10 or spousal support.

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

12 18.228. (1) If a support award is paid to the Department of Justice, the judgment creditor may
13 receive credit for satisfaction of the judgment only in the manner provided by this section. The de-
14 partment may provide judgment creditors with forms and instructions for satisfaction of support
15 awards under this section.

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

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

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

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

39 18.232. (1) In addition to or in lieu of the certificate and satisfaction document provided for in
40 ORS 18.228, the Department of Justice may execute and file a satisfaction document for a support
41 award requiring payment to the department if:

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

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

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

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

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

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

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

18 18.358. (1) As used in this section:

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

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

23 (c) "Permitted contribution" means:

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

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

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

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

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

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

37 (d) "Retirement plan" means:

38 (A) A pension plan and trust, including a profit sharing plan, that is described in sections 401(a),
39 401(c), 401(k), 403 and 457 of the Internal Revenue Code, including that portion attributable to con-
40 tributions made by or attributable to a beneficiary;

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

43 (C) Any pension not described in subparagraphs (A) and (B) of this paragraph granted to any
44 person in recognition or by reason of a period of employment by or service for the Government of
45 the United States or any state or political subdivision of any state, or any municipality, person,

1 partnership, association or corporation.

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

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

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

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

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

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

17 18.838. Instructions to garnishees must be in substantially the following form:

18
19
20 INSTRUCTIONS TO GARNISHEE

21
22 Except as specifically provided in these instructions, you must complete and deliver the
23 Garnishee Response within seven calendar days after you receive the writ of garnishment. If the
24 writ does not comply with Oregon law, the writ is not effective to garnish any property of the
25 Debtor, but you still must complete and deliver the Garnishee Response. You must complete and
26 deliver the response even though you cannot determine from the writ whether you hold any property
27 or owe any debt to the Debtor. If the seventh calendar day is a Saturday, Sunday or legal holiday,
28 you must deliver your response on or before the next following day that is not a Saturday, Sunday
29 or legal holiday.

30
31 The writ is not effective, and you need not make a Garnishee Response, if:

- 32
33 • You do not receive the writ within 60 days after the date of issuance shown on the face of
34 the writ.
35
36 • You do not receive an original writ of garnishment or a copy of the writ.

37
38 Statutes that may affect your rights and duties under the writ can be found in ORS 18.600 to
39 18.850.

40
41 NOTE: The Garnishor may be the Creditor, the attorney for the Creditor or some other person
42 who is authorized by law to issue the writ of garnishment. See the writ to determine who the
43 Garnishor is.

44
45 STEP 1. FILL OUT THE GARNISHEE RESPONSE.

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

4
 5 Completing Part I of the Garnishee Response. If you discover before you deliver your response
 6 that a bankruptcy petition has been filed by or on behalf of the Debtor, and the bankruptcy petition
 7 was filed after a judgment was entered against the Debtor or after the debt otherwise became sub-
 8 ject to garnishment (see the date specified in the writ), you must put a check by the appropriate
 9 statement in Part I. If a bankruptcy petition has been filed, you should not make any payments to
 10 the Garnishor unless the court orders otherwise. You need not complete any other part of the re-
 11 sponse, but you still must sign the response and deliver it in the manner described in Step 2 of these
 12 instructions.

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

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

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

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

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

36 If you receive notice of a challenge to the garnishment before you send your response, you must
 37 complete and deliver your response as otherwise required by these instructions. However, see Step
 38 3 of these instructions regarding payment of money or delivery of property after receipt of notice
 39 of a challenge to the garnishment.

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

44
 45 Completing Part II of the Garnishee Response (employers only). You must fill in Part II of the

1 response if you employ the Debtor on the date the writ of garnishment is delivered to you, or if you
 2 previously employed the Debtor and still owe wages to the Debtor on the date the writ is delivered
 3 to you.

4
 5 Wages affected. Except as provided below, the writ garnishes all wages that you owe to the
 6 Debtor for work performed before the date you received the writ, even though the wages will not
 7 be paid until a later date. The writ also garnishes all wages that are attributable to services per-
 8 formed during the 90-day period following the date you received the writ, even though you would
 9 not pay the Debtor for all or part of those services until after the end of the 90-day period. Wages
 10 subject to garnishment under the writ include all amounts paid by you as an employer, whether on
 11 an hourly, weekly or monthly basis, and include commission payments and bonuses.

12
 13 Example 1: Debtor A is employed by you and is paid a monthly salary on the first day of
 14 each month. You receive a writ of garnishment on July 17. The writ garnishes all wages
 15 that you owe to Debtor A for work performed on or before July 17. If Debtor A was paid
 16 on July 1 for services performed in the month of June, the writ garnishes Debtor A's salary
 17 for the period beginning July 1 and ending October 15 (90 days after receipt of the writ).

18
 19 The writ does not garnish any wages you owe to a Debtor for a specific pay period if:

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

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

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

26 If any wages are not garnishable by reason of the issuance of instructions to a financial insti-
 27 tution or a payroll administrator as described above, you must so note in the Garnishee Response.
 28 Thereafter, you must pay to the Garnishor all wages that are subject to garnishment that are at-
 29 tributable to services performed by the Debtor during the 90-day period following the date you re-
 30 ceived the writ.

31
 32 Calculation of wages subject to garnishment. A Wage Exemption Calculation form is attached
 33 to the writ of garnishment. You must use this form to calculate the amount of the Debtor's wages
 34 that is subject to garnishment. You should read the instructions printed on the Wage Exemption
 35 Calculation form to determine the normal wage exemption and the minimum wage exemption for
 36 each payment you make under the writ.

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

42
 43 Payment of amount subject to garnishment. Payments under the writ must be made at the fol-
 44 lowing times, unless the amount owing on the judgment or other debt is fully paid before the final
 45 payment is made or the writ is released:

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

7
 8 Example 2: Using the facts given in Example 1, when you next make any payment of wages
 9 to Debtor A after you receive the writ on July 17, you must complete the Wage Exemption
 10 Calculation form and send the form to the Garnishor along with all amounts determined to
 11 be subject to garnishment that are attributable to the period covered by the payment. If you
 12 pay Debtor A on August 1, the payment will be for all wages attributable to the period be-
 13 ginning July 1 and ending July 31.

14
 15 (b) Unless the writ of garnishment is satisfied or released, during the 90-day period following the
 16 date you received the writ, you must pay to the Garnishor all wages that are determined to be
 17 subject to garnishment whenever you issue a paycheck to the Debtor. If the Debtor is paid on a
 18 weekly basis, you must make payment under the writ on a weekly basis. If the Debtor is paid on a
 19 monthly basis, you must make payment under the writ on a monthly basis. If the amount paid to the
 20 Debtor varies from paycheck to paycheck, or changes at any time from the amount being paid at the
 21 time the writ was delivered to you, you must perform a new wage exemption computation to deter-
 22 mine the amount of wages subject to garnishment under the writ. You must send a copy of the new
 23 Wage Exemption Calculation form with your payment to the Garnishor.

24
 25 Example 3: Using the facts given above, as you make each subsequent payment of wages to
 26 Debtor A you must make a payment of that portion of the Debtor’s wages that are subject
 27 to garnishment. If you continue to pay Debtor A on the first of each month, payments must
 28 be made on September 1 and October 1.

29
 30 (c) Upon the expiration of the 90-day period, you must make a final payment to the Garnishor
 31 for all wages that were owing to the Debtor for the work performed by the Debtor through the 90th
 32 day following your receipt of the writ. This payment may be made at the time of the Debtor’s next
 33 paycheck. You will need to complete another Wage Exemption Calculation form to determine the
 34 amount of the wages subject to garnishment.

35
 36 Example 4: Using the facts given above, you must make a final payment for the wages owing
 37 to Debtor A for the period beginning October 1 and ending October 15. You may make this
 38 payment at the time you issue Debtor A’s paycheck on November 1, but you must make the
 39 payment at any time you issue a paycheck to Debtor A after October 15. Be sure that in
 40 completing the wage exemption computation for the final payment you adjust the minimum
 41 exemption amount to take into account the fact that the period covered is only 15 days of
 42 the full month (see instructions on Wage Exemption Calculation form).

43
 44 Processing fee. You may collect a \$2 processing fee for each week of wages, or fraction of a
 45 week of wages, for which a payment is made under the writ. The fee must be collected after you

1 make the last payment under the writ. The fee must be withheld from the wages of the debtor, and
 2 is in addition to the amounts withheld for payment to the Garnishor under the writ or under any
 3 other writ you have received.

4
 5 If you receive more than one writ of garnishment. If you receive a second writ of garnishment
 6 for the same Debtor from another Garnishor, the first writ will have priority for wages. The priority
 7 of the first writ lasts for the 90-day period following delivery of that writ to you, or until the first
 8 writ is paid in full, whichever comes first. In your response to the second writ, you must put a check
 9 by the appropriate statement in Part II and indicate the date on which the first writ will expire (90
 10 days after the date you received the writ). You should make no payments under the second writ
 11 until expiration of the first writ. The expiration date of the second writ is 90 days after the date
 12 you received the second writ; the expiration date is not affected by any delay in payment attribut-
 13 able to the priority of the first writ.

14
 15 STEP 2. DELIVER THE GARNISHEE RESPONSE.

16
 17 You must deliver your Garnishee Response and copies of the response in the manner provided
 18 in this step. The response and copies may be mailed or delivered personally.

19
 20 You must complete and deliver the Garnishee Response within seven calendar days after you
 21 receive the writ of garnishment. If the seventh calendar day is a Saturday, Sunday or legal holiday,
 22 you must deliver your response on or before the next following day that is not a Saturday, Sunday
 23 or legal holiday.

24
 25 If you are required to hold any property under the writ or make any payment under the writ,
 26 either at the time of making your response or later, you must:

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

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

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

33
 34 If you are not required to hold any property under the writ or make any payment under the
 35 writ, either at the time of making your response or later, you must:

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

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

40
 41 STEP 3. DELIVER THE FUNDS OR OTHER PROPERTY.

42
 43 As long as the writ is in effect, you may be liable to the Creditor if you pay any debt or turn
 44 over any property to the Debtor except as specifically allowed by law. If you have any money or
 45 property of the Debtor in your possession, control or custody at the time of delivery of the writ, or

1 owe any debt to the Debtor, you must pay the money or hold the property as required by this step.
 2 Exceptions to this requirement are listed below.

3
 4 IF YOU ARE HOLDING MONEY FOR THE DEBTOR OR OWE A DEBT THAT IS CUR-
 5 RRENTLY DUE, you must pay the money to the Garnishor with your response. You must send your
 6 payment to the Garnishor at the address indicated on the writ under Important Addresses. Make
 7 your check payable to the Garnishor.

8
 9 IF YOU OWE A DEBT TO THE DEBTOR THAT WILL BECOME DUE WITHIN 45 DAYS
 10 AFTER THE DATE YOU RECEIVED THE WRIT, you must send your payment directly to the
 11 Garnishor at the address provided in the writ when the debt becomes due. Make your check payable
 12 to the Garnishor.

13
 14 IF YOU ARE HOLDING PROPERTY THAT BELONGS TO THE DEBTOR, OR OWE A DEBT
 15 TO THE DEBTOR THAT WILL NOT BECOME DUE WITHIN 45 DAYS AFTER THE DATE YOU
 16 RECEIVED THE WRIT, you must keep the property or debt in your possession, control or custody
 17 until you receive written notice from the Sheriff. The Sheriff's notice will tell you what to do with
 18 the property or debt. If you have followed all of the instructions in the writ and you receive no
 19 notice from the Sheriff within 30 days after the date on which you delivered your Garnishee Re-
 20 sponse, you may treat the writ as being of no further force or effect.

21
 22 EXCEPTIONS:

23
 24 1. Challenge to garnishment or specific directions from court. If you are making any payments
 25 under the garnishment and before making a payment you receive notice of a challenge to the
 26 garnishment from the court, or receive a specific direction from the court to make payments to the
 27 court, you must send or deliver the payment directly to the court administrator. If the money is
 28 currently due when you receive the notice, send the payment promptly to the court. If the payment
 29 is for a debt that is payable within 45 days after you receive the writ, make the payment to the
 30 court promptly when it becomes due. If you make payment by check, make the check payable to the
 31 State of Oregon. Because you may be liable for any payment that does not reach the court, it is
 32 better not to send cash by mail.

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

36
 37 2. Previous writ of garnishment. If you receive a second writ of garnishment for the same Debtor
 38 from another Garnishor, the first writ will have priority and you need not make payments or deliver
 39 property under the second writ to the extent that compliance with the first writ will reduce or
 40 eliminate the payment of money or delivery of property that you would otherwise make under the
 41 garnishment. You must still deliver a Garnishee Response to the second writ, and must commence
 42 payment under the second writ as soon as the first writ is satisfied or expires.

43
 44 3. Offset for payment of underlying lien. If you owe a debt to the Debtor and the Debtor owes
 45 a debt to the holder of an underlying lien on your property, you may be able to offset the amount

1 payable to the underlying lienholder. See ORS 18.620.

2
3 4. Subsequent events:

4
5 (a) Bankruptcy. If you make your response and then discover that a voluntary or involuntary
6 bankruptcy petition has been filed by or on behalf of the Debtor after the judgment was entered
7 against the Debtor or after the debt otherwise became subject to garnishment (see date in writ), you
8 may not make any further payments or delivery of property under the writ unless the court orders
9 otherwise. If you have not delivered all property that is subject to garnishment under this writ when
10 you discover that a bankruptcy petition has been filed, you must mail the following notice to the
11 Garnishor and to the Debtor.

12
13 (b) Order to withhold income. If you make your response and then receive an order to withhold
14 income that has priority over the writ, you may make payments or deliver property under the writ
15 only after payment of the amounts required under the order to withhold income. If you have not
16 delivered all property that is subject to garnishment under this writ when you receive an order to
17 withhold income that has priority, you must mail the following notice to the Garnishor and to the
18 Debtor.

19 _____
20
21 SUPPLEMENTAL GARNISHEE
22 RESPONSE

23
24 TO: The Garnishor and the Debtor

25
26 RE: Writ of garnishment received _____, 2__ (date), in the case of _____ (Plaintiff)
27 vs. _____ (Defendant), Circuit Court of _____ County, Oregon, Case No. _____.

28
29 The undersigned Garnishee furnished a Garnishee Response to this writ of garnishment on
30 _____, 2__ (date). Since that time (check appropriate statement):

31
32 ___ I have discovered that a voluntary or involuntary bankruptcy petition has been filed by or
33 on behalf of the Debtor after the judgment was entered against the Debtor or after the debt
34 otherwise became subject to garnishment.

35
36 ___ I have received an order to withhold income of the Debtor by reason of a support obligation.
37 Under ORS 25.375, the order to withhold income has priority over any other legal process
38 under Oregon law against the same income. The withholding of income pursuant to the or-
39 der to withhold income might reduce or eliminate subsequent payments under the
40 garnishment. (Provide details, including the name of the agency serving the order to with-
41 hold, the date the order was served on you and the amounts to be withheld.)

42
43 Dated _____, 2__

44 _____
45

1 Name of Garnishee

2

3

4 Signature

5

6

7 Address

8

9

10

SPECIAL INSTRUCTIONS FOR BANKS
AND OTHER FINANCIAL INSTITUTIONS

11

12

13

(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.

14

15

16

17

(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.

18

19

(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.

20

21

22

23

24

(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.

25

26

27

28

29

(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:

30

31

32

33

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

34

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

35

(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.

36

37

38

39

(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:

40

41

42

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

43

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

44

45

(c) You must conduct a garnishment account review.

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

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

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

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

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

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

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

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

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

23 (b) The amount by which the sum of all payments described in (4) above exceeds the base pro-
 24 tected account balance.

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

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

32
 33 If the Garnishor fails to pay the search fee required by ORS 18.790 and you do not employ the
 34 Debtor, you are not required to deliver a Garnishee Response and you may deal with any property
 35 of the Debtor as though the garnishment had not been issued.

36
 37 If the Debtor owes a debt to you that was due at the time you received the writ of garnishment,
 38 you may be able to offset the amount of that debt. See ORS 18.795. You must note that you have
 39 made the offset in Part I of the Garnishee Response (under "Other") and specify the amount that
 40 was offset.

41
 42 Before making a payment under the writ, you may first deduct any processing fee that you are
 43 allowed under ORS 18.790. If you are required to conduct a garnishment account review, you may
 44 not charge or collect a processing fee against any amount that is not subject to garnishment, and
 45 may not charge or collect a garnishment processing fee against any amounts in the account after

1 the date that you conduct the review.

2
 3 You need not deliver any property contained in a safe deposit box unless the Garnishor pays
 4 you in advance for the costs that will be incurred in gaining entry to the box. See ORS 18.792.

5
 6 If you are required to conduct a garnishment account review and you determine from the review
 7 that one or more of the payments listed in ORS 18.785 (2)(c)(B) have been deposited into the Debtor's
 8 account by direct deposit or electronic payment during the lookback period described in ORS 18.785
 9 (2)(d), and that there is a positive balance in the account, you must issue a notice to the account
 10 holder in substantially the form set forth in ORS 18.847. The notice must be issued directly to the
 11 account holder or to a fiduciary who administers the account and receives communications on behalf
 12 of the account holder. The notice must be sent separately to the account holder and may not be
 13 included with other materials being provided to the account holder that do not relate to the
 14 garnishment. You must send the notice to the account holder within three business days after you
 15 complete the garnishment account review. You may issue one notice with information related to
 16 multiple accounts of a single account holder.

17
 18
 19 **SECTION 50.** ORS 18.867 is amended to read:

20 18.867. (1) If *[support enforcement]* **child support** services are being provided under ORS 25.080,
 21 the administrator as defined in ORS 25.010 may issue a writ of execution for the support award
 22 portion of the judgment for which *[support enforcement]* **child support** services are being provided.
 23 A copy of the writ of execution must be filed with the circuit court of the county in which the
 24 judgment was entered or recorded. A writ of execution issued under this section must be executed
 25 by the sheriff in the same manner as a writ issued by the court administrator.

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

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

29 21.185. The filing fees described in ORS 21.135, 21.145, 21.155 and 21.160 may not be charged to
 30 a district attorney or to the Division of Child Support of the Department of Justice for the filing
 31 of any proceeding related to the provision of *[support enforcement]* **child support** services as de-
 32 scribed in ORS 25.080.

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

34 25.011. As used in *[ORS 25.501 to 25.556 and]* ORS chapters 25, 106, 107, 108, 109 and 110, when
 35 a person is required to provide an address, "address" means a residence, mailing or contact address
 36 in the same state as the person's home.

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

38 25.089. (1) As used in this section, "child support judgment" means the terms of a judgment or
 39 order of a court, or an order that has been filed under ORS 25.529, that provide for past or current
 40 child support, including medical support as defined in ORS 25.321. "Child support judgment" does
 41 not include any term of a judgment or order that deals with matters other than child support.

42 (2)(a) A child support judgment originating under ORS 25.529 has all the force, effect and attri-
 43 butes of a circuit court judgment. The judgment lien created by a child support judgment originating
 44 under ORS 25.529 applies to all arrearages owed under the underlying order from the date the ad-
 45 ministrator or administrative law judge entered, filed or registered the underlying order under ORS

1 25.501 to 25.556 or ORS chapter 110.

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

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

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

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

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

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

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

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

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

32 (a) The child support judgment was issued without prior notice to the issuing court, adminis-
33 trator or administrative law judge that:

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

36 (B) There existed in this state or any other jurisdiction another child support judgment involv-
37 ing the child; or

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

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

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

44 25.091. (1) As used in this section:

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

1 (b) “Governing child support judgment” means a child support judgment issued in this state that
 2 addresses child support, including medical support as defined in ORS 25.321, and is entitled to ex-
 3 clusive prospective enforcement or modification with respect to any earlier child support judgment
 4 issued in this state.

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

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

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

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

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

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

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

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

30 (B) There existed in this state or any other jurisdiction another child support judgment involv-
 31 ing the child; or

32 (c) The last-issued child support judgment was issued after an earlier child support judgment and
 33 did not enforce, modify or set aside the earlier child support judgment in accordance with ORS
 34 25.089.

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

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

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

45 (b) Notwithstanding ORS 25.089 (3), the court shall issue a governing child support judgment

1 addressing child support, including medical support as defined in ORS 25.321, for the benefit of the
2 child.

3 (8) The governing child support judgment must include:

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

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

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

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

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

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

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

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

21 (10) When the governing child support judgment is entered as described in ORS 18.075, the
22 noncontrolling terms of each earlier child support judgment are terminated. However, subject to
23 subsection (11) of this section, the entry of the governing child support judgment does not affect any
24 child support payment arrearage or any liability related to medical support, as defined in ORS
25 25.321, that has accrued under a child support judgment before the governing child support judgment
26 is entered.

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

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

38 (13) This section applies to any judicial proceeding in which child support may be awarded or
39 modified under this chapter or ORS chapter 107, 108 or 109 or ORS [25.501 to 25.556,] 125.025,
40 419B.400, 419B.923 or 419C.610.

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

42 25.321. As used in ORS 25.321 to 25.343:

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

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

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

6 (4) "Enforcing agency" means the administrator.

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

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

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

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

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

18 (10) "Plan administrator" means:

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

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

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

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

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

26 107.108. (1) As used in this section:

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

28 (A) Is unmarried;

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

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

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

33 (b) "Regularly scheduled break" means:

34 (A) A summer semester or term;

35 (B) A period of time not exceeding four months between graduation from or completion of school
 36 and the beginning of the next regularly scheduled term, semester or course of study at school;

37 (C) A period of time between the end and beginning of regularly scheduled consecutive school
 38 semesters, terms or courses of study; or

39 (D) Any other scheduled break between courses of study that is defined by the school as a reg-
 40 ularly scheduled break.

41 (c) "School" means:

42 (A) An educational facility such as a high school, community college, four-year college or uni-
 43 versity;

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

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

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

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

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

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

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

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

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

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

18 (a) Is a necessary party to a judicial proceeding under ORS 107.085, 107.135, 107.431, 108.110,
 19 109.103 or 109.165 in which the child's parents are parties and the court has authority to order or
 20 modify support for a child attending school; and

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

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

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

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

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

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

7 (B) Written consent that:

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

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

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

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

19 (c) If an order of nondisclosure of information has been entered concerning the child under ORS
20 25.020, the child may provide the information described in paragraph (a)(B) of this subsection in the
21 manner established by the department by rule.

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

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

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

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

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

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

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

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

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

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

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

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

45 (ii) Proof that the written consent required by subsection (6)(a)(B) of this section has been pro-

1 vided to the parent ordered to pay support; and

2 (D) Thirty days have passed since the department provided the notice to the child and the de-
3 partment has not received:

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

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

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

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

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

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

26 (11)(a) If **child support** services are being provided under ORS 25.080 and the department has
27 suspended a support obligation under subsection (8) of this section or reinstated a support obligation
28 under subsection (9) of this section, a party may request administrative review of the action within
29 30 days after the date of the notice that the department has suspended or reinstated the support
30 obligation.

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

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

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

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

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

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

45 (14) A support order that provides for the support or maintenance of a child attending school

1 is intended to recognize the importance of continuing education for a child over 18 years of age who
 2 does not benefit from an intact family or who has been removed from the household. While support
 3 may serve to supplement the resources available to the child attending school, it is not intended to
 4 replace other resources or meet all of the financial needs of a child attending school.

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

6 107.835. (1) When a court enters a judgment, order or modification of a judgment or order under
 7 ORS [25.501 to 25.556 or] 163.760 to 163.777 or ORS chapter 25, 107, 108, 109 or 110, the court shall
 8 allow any party to the judgment or order to include in the judgment or order a waiver of personal
 9 service in a subsequent contempt proceeding in order to maintain the confidentiality of the party's
 10 residential address. In the waiver, the party shall give a contact address for service of process and
 11 select one of the following methods of substituted service:

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

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

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

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

21 107.840. (1) The State Court Administrator shall establish a procedure applicable to every court
 22 in this state that ensures that the Social Security numbers of parties to a proceeding under ORS
 23 107.085 or 107.485 are kept confidential and exempt from public inspection.

24 (2) The procedure established under this section must:

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

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

31 (c) Comply with the requirements of 42 U.S.C. 666 relating to provision of Social Security num-
 32 bers.

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

34 109.015. If public assistance[, *as defined in ORS 25.501,*] is provided for any dependent child, the
 35 administrator[, *as defined in ORS 25.010,*] may initiate proceedings under ORS chapter 18, 107, 108,
 36 109, 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
 37 for the child from one or both parents or from any other person legally responsible for the support
 38 of the child, including a guardian or conservator. In any proceeding under any statute cited in this
 39 section, the obligee is a party.

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

41 109.252. (1) Unless the court or administrator finds good cause not to proceed in a proceeding
 42 under ORS 25.501 to 25.556, 109.124 to 109.230 or 419B.609, in which parentage is a relevant fact,
 43 the court or administrator, as defined in ORS 25.010, upon the court's or administrator's own initi-
 44 ative or upon suggestion made by or on behalf of any person whose blood is involved may, or upon
 45 motion of any party to the action made at a time so as not to delay the proceedings unduly shall,

1 order the mother, child, alleged father and any other named respondent who may be the father to
 2 submit to blood tests. If any person refuses to submit to such tests, the court or administrator may
 3 resolve the question of parentage against such person or enforce the court's or administrator's order
 4 if the rights of others and the interests of justice so require.

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

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

11 238.445. (1) Except as provided in this section, the right of a person to a pension, an annuity
 12 or a retirement allowance, to the return of contribution, the pension, annuity or retirement allow-
 13 ance itself, any optional benefit or death benefit, or any other right accrued or accruing to any
 14 person under the provisions of this chapter or ORS chapter 238A, and the money in the various
 15 funds created by ORS 238.660 and 238.670, shall be exempt from garnishment and all state, county
 16 and municipal taxes heretofore or hereafter imposed, except as provided under ORS chapter 118,
 17 shall not be subject to execution, garnishment, attachment or any other process or to the operation
 18 of any bankruptcy or insolvency law heretofore or hereafter existing or enacted, and shall be un-
 19 assignable.

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

22 (3) Unless otherwise ordered by a court under ORS 25.387, the exemption from execution or
 23 other process granted under this section applies to 50 percent of amounts paid under this chapter
 24 and ORS chapter 238A if the execution or other process is issued for a support obligation or an
 25 order or notice entered or issued under [*ORS 25.501 to 25.556 or*] ORS chapter 25, 107, 108, 109, 110,
 26 419B or 419C.

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

28 308.290. (1)(a) Except as provided in paragraph (b) of this subsection, every person and the
 29 managing agent or officer of any business, firm, corporation or association owning, or having in
 30 possession or under control taxable personal property shall make a return of the property for ad
 31 valorem tax purposes to the assessor of the county in which the property has its situs for taxation.
 32 As between a mortgagor and mortgagee or a lessor and lessee, however, the actual owner and the
 33 person in possession may agree between them as to who shall make the return and pay the tax, and
 34 the election shall be followed by the person in possession of the roll who has notice of the election.
 35 Upon the failure of either party to file a personal property tax return on or before March 15 of any
 36 year, both parties shall be jointly and severally subject to the provisions of ORS 308.296.

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

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

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

40 (C) Residential floating structures, if no new property or new improvements, as defined in ORS
 41 308.149, have been added to the floating structures since the prior January 1.

42 (2) Every person and the managing agent or officer of any business, firm, corporation or asso-
 43 ciation owning or in possession of taxable real property shall make a return of the property for ad
 44 valorem tax purposes when so requested by the assessor of the county in which the property is sit-
 45 uated.

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

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

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

16 (4) All returns shall be filed on or before March 15 of each year.

17 (5)(a) In lieu of the returns required under subsection (1)(a) or (2) of this section, every person
 18 and the managing agent or officer of any business, firm, corporation or association owning or having
 19 in possession or under control taxable real and personal property that is state-appraised industrial
 20 property as defined in ORS 306.126 shall file a combined return of the real and personal property
 21 with the Department of Revenue.

22 (b) The contents and form of the return shall be as prescribed by rule of the department. Any
 23 form shall comply with ORS 308.297. Notwithstanding ORS 308.875, a manufactured structure that
 24 is a part of a state-appraised industrial property shall be included in a combined return.

25 (c) In order that the county assessor may comply with ORS 308.295, the department shall provide
 26 a list to the assessor of all combined returns that are required to be filed with the department under
 27 this subsection but that were not filed on or before the due date.

28 (d) If the department has delegated appraisal of the state-appraised industrial property to the
 29 county assessor under ORS 306.126 (3), the department shall notify the person otherwise required
 30 to file the combined return under this subsection as soon as practicable after the delegation that the
 31 combined return is required to be filed with the assessor.

32 (e) Notwithstanding subsection (2) of this section, a combined return of real and personal prop-
 33 erty that is state-appraised industrial property shall be filed with the department on or before March
 34 15 of each year.

35 (6) A return is not in any respect controlling on the county assessor or on the Department of
 36 Revenue in the assessment of any property. On any failure to file the required return, the property
 37 shall be listed and assessed from the best information obtainable from other sources.

38 (7)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 are
 39 confidential records of the Department of Revenue or the county assessor's office in which the re-
 40 turns are filed or of the office to which the returns are forwarded under paragraph (b) of this sub-
 41 section.

42 (b) The assessor or the department may forward any return received in error to the department
 43 or the county official responsible for appraising the property described in the return.

44 (c) Notwithstanding paragraph (a) of this subsection, a return described in paragraph (a) of this
 45 subsection may be disclosed to:

1 (A) The Department of Revenue or its representative;

2 (B) The representatives of the Secretary of State or to an accountant engaged by a county under
3 ORS 297.405 to 297.555 for the purpose of auditing the county's personal property tax assessment
4 roll (including adjustments to returns made by the Department of Revenue);

5 (C) The county assessor, the county tax collector, the assessor's representative or the tax
6 collector's representative for the purpose of:

7 (i) Collecting delinquent real or personal property taxes; or

8 (ii) Correctly reflecting on the tax roll information reported on returns filed by a business op-
9 erating in more than one county or transferring property between counties in this state during the
10 tax year;

11 (D) Any reviewing authority to the extent the return being disclosed relates to an appeal
12 brought by a taxpayer;

13 (E) The Division of Child Support of the Department of Justice or a district attorney to the
14 extent the return being disclosed relates to a case for which the Division of Child Support or the
15 district attorney is providing [*support enforcement*] **child support** services under ORS 25.080; or

16 (F) The Legislative Revenue Officer for the purpose of preparation of reports, estimates and
17 analyses required by ORS 173.800 to 173.850.

18 (d) Notwithstanding paragraph (a) of this subsection:

19 (A) The Department of Revenue may exchange property tax information with the authorized
20 agents of the federal government and the several states on a reciprocal basis, or with county
21 assessors, county tax collectors or authorized representatives of assessors or tax collectors.

22 (B) Information regarding the valuation of leased property reported on a property return filed
23 by a lessor under this section may be disclosed to the lessee or other person in possession of the
24 property. Information regarding the valuation of leased property reported on a property return filed
25 by a lessee under this section may be disclosed to the lessor of the property.

26 (8) If the assessed value of any personal property in possession of a lessee is less than the
27 maximum amount described in ORS 308.250 (2)(a), the person in possession of the roll may disregard
28 an election made under subsection (1)(a) of this section and assess the owner or lessor of the prop-
29 erty.

30 (9) As used in this section:

31 (a) "Commercial floating structure" means a floating structure that is used exclusively for the
32 production of income or for commercial purposes.

33 (b) "Floating structure" means any structure supported on water by a flotation system that is
34 secured to a pier, pilings, walkway or ramp.

35 (c)(A) "Residential floating structure" means a floating structure that is for noncommercial
36 residential use.

37 (B) "Residential floating structure" includes, but is not limited to, floating homes, boathouses
38 and tenders.

39 (d) "Taxable personal property" includes, but is not limited to, commercial floating structures.

40 **SECTION 63.** ORS 314.840 is amended to read:

41 314.840. (1) The Department of Revenue may:

42 (a) Furnish any taxpayer, representative authorized to represent the taxpayer under ORS 305.239
43 or person designated by the taxpayer under ORS 305.193, upon request of the taxpayer, represen-
44 tative or designee, with a copy of the taxpayer's income tax return filed with the department for
45 any year, or with a copy of any report filed by the taxpayer in connection with the return, or with

1 any other information the department considers necessary.

2 (b) Publish lists of taxpayers who are entitled to unclaimed tax refunds.

3 (c) Publish statistics so classified as to prevent the identification of income or any particulars
4 contained in any report or return.

5 (d) Disclose a taxpayer's name, address, telephone number, refund amount, amount due, Social
6 Security number, employer identification number or other taxpayer identification number to the ex-
7 tent necessary in connection with collection activities or the processing and mailing of correspond-
8 ence or of forms for any report or return required in the administration of any local tax under ORS
9 305.620 or any law imposing a tax upon or measured by net income.

10 (2) The department also may disclose and give access to information described in ORS 314.835
11 to:

12 (a) The Governor of the State of Oregon or the authorized representative of the Governor with
13 respect to an individual who is designated as being under consideration for appointment or reap-
14 pointment to an office or for employment in the office of the Governor. The information disclosed
15 shall be confined to whether the individual:

16 (A) Has filed returns with respect to the taxes imposed by ORS chapter 316 for those of not
17 more than the three immediately preceding years for which the individual was required to file an
18 Oregon individual income tax return.

19 (B) Has failed to pay any tax within 30 days from the date of mailing of a deficiency notice or
20 otherwise respond to a deficiency notice within 30 days of its mailing.

21 (C) Has been assessed any penalty under the Oregon personal income tax laws and the nature
22 of the penalty.

23 (D) Has been or is under investigation for possible criminal offenses under the Oregon personal
24 income tax laws. Information disclosed pursuant to this paragraph shall be used only for the purpose
25 of making the appointment, reappointment or decision to employ or not to employ the individual in
26 the office of the Governor.

27 (b) An officer or employee of the Oregon Department of Administrative Services duly authorized
28 or employed to prepare revenue estimates, or a person contracting with the Oregon Department of
29 Administrative Services to prepare revenue estimates, in the preparation of revenue estimates re-
30 quired for the Governor's budget under ORS 291.201 to 291.224, or required for submission to the
31 Emergency Board or the Joint Interim Committee on Ways and Means, or if the Legislative As-
32 sembly is in session, to the Joint Committee on Ways and Means, and to the Legislative Revenue
33 Officer or Legislative Fiscal Officer under ORS 291.342, 291.348 and 291.445. The Department of
34 Revenue shall disclose and give access to the information described in ORS 314.835 for the purposes
35 of this paragraph only if:

36 (A) The request for information is made in writing, specifies the purposes for which the request
37 is made and is signed by an authorized representative of the Oregon Department of Administrative
38 Services. The form for request for information shall be prescribed by the Oregon Department of
39 Administrative Services and approved by the Director of the Department of Revenue.

40 (B) The officer, employee or person receiving the information does not remove from the premises
41 of the Department of Revenue any materials that would reveal the identity of a personal or corpo-
42 rate taxpayer.

43 (c) The Commissioner of Internal Revenue or authorized representative, for tax administration
44 and compliance purposes only.

45 (d) For tax administration and compliance purposes, the proper officer or authorized represen-

1 tative of any of the following entities that has or is governed by a provision of law that meets the
2 requirements of any applicable provision of the Internal Revenue Code as to confidentiality:

3 (A) A state;

4 (B) A city, county or other political subdivision of a state;

5 (C) The District of Columbia; or

6 (D) An association established exclusively to provide services to federal, state or local taxing
7 authorities.

8 (e) The Multistate Tax Commission or its authorized representatives, for tax administration and
9 compliance purposes only. The Multistate Tax Commission may make the information available to
10 the Commissioner of Internal Revenue or the proper officer or authorized representative of any
11 governmental entity described in and meeting the qualifications of paragraph (d) of this subsection.

12 (f) The Attorney General, assistants and employees in the Department of Justice, or other legal
13 representative of the State of Oregon, to the extent the department deems disclosure or access
14 necessary for the performance of the duties of advising or representing the department pursuant to
15 ORS 180.010 to 180.240 and the tax laws of the state.

16 (g) Employees of the State of Oregon, other than of the Department of Revenue or Department
17 of Justice, to the extent the department deems disclosure or access necessary for such employees
18 to perform their duties under contracts or agreements between the department and any other de-
19 partment, agency or subdivision of the State of Oregon, in the department's administration of the
20 tax laws.

21 (h) Other persons, partnerships, corporations and other legal entities, and their employees, to
22 the extent the department deems disclosure or access necessary for the performance of such others'
23 duties under contracts or agreements between the department and such legal entities, in the
24 department's administration of the tax laws.

25 (i) The Legislative Revenue Officer or authorized representatives upon compliance with ORS
26 173.850. Such officer or representative shall not remove from the premises of the department any
27 materials that would reveal the identity of any taxpayer or any other person.

28 (j) The Department of Consumer and Business Services, to the extent the department requires
29 such information to determine whether it is appropriate to adjust those workers' compensation
30 benefits the amount of which is based pursuant to ORS chapter 656 on the amount of wages or
31 earned income received by an individual.

32 (k) Any agency of the State of Oregon, or any person, or any officer or employee of such agency
33 or person to whom disclosure or access is given by state law and not otherwise referred to in this
34 section, including but not limited to the Secretary of State as Auditor of Public Accounts under
35 Article VI, section 2, of the Oregon Constitution; the Department of Human Services pursuant to
36 ORS 412.094; the Division of Child Support of the Department of Justice and district attorney re-
37 garding cases for which they are providing [*support enforcement*] **child support** services under ORS
38 25.080; the State Board of Tax Practitioners, pursuant to ORS 673.710; and the Oregon Board of
39 Accountancy, pursuant to ORS 673.415.

40 (L) The Director of the Department of Consumer and Business Services to determine that a
41 person complies with ORS chapter 656 and the Director of the Employment Department to determine
42 that a person complies with ORS chapter 657, the following employer information:

43 (A) Identification numbers.

44 (B) Names and addresses.

45 (C) Inception date as employer.

1 (D) Nature of business.

2 (E) Entity changes.

3 (F) Date of last payroll.

4 (m) The Director of the Oregon Health Authority to determine that a person has the ability to
5 pay for care that includes services provided by the Oregon State Hospital, or the Oregon Health
6 Authority to collect any unpaid cost of care as provided by ORS chapter 179.

7 (n) Employees of the Employment Department:

8 (A) To the extent the Department of Revenue deems disclosure or access to information on a
9 combined tax report filed under ORS 316.168 is necessary to performance of their duties in admin-
10 istering the tax imposed by ORS chapter 657; or

11 (B) For the purpose of detecting the occurrence of identity theft or fraud through the examina-
12 tion of the following taxpayer particulars:

13 (i) Individual taxpayer identification number.

14 (ii) Name, address and date of birth.

15 (iii) Employer name, employer identification number and amount of wages paid.

16 (iv) Self-employment income amount and source.

17 (v) Other particulars of the return as defined in ORS 314.835, at the discretion of the Director
18 of the Department of Revenue, on a case-by-case basis.

19 (o) The State Fire Marshal to assist the State Fire Marshal in carrying out duties, functions and
20 powers under ORS 453.307 to 453.414, the employer or agent name, address, telephone number and
21 standard industrial classification, if available.

22 (p) Employees of the Department of State Lands or State Treasurer for the purposes of returning
23 unclaimed property and identifying, locating and publishing lists of taxpayers entitled to unclaimed
24 refunds under ORS 98.302 to 98.436.

25 (q) In addition to the disclosure allowed under ORS 305.225, state or local law enforcement
26 agencies to assist in the investigation or prosecution of the following criminal activities:

27 (A) Mail theft of a check, in which case the information that may be disclosed shall be limited
28 to the stolen document, the name, address and taxpayer identification number of the payee, the
29 amount of the check and the date printed on the check.

30 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department
31 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information
32 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-
33 dress and taxpayer identification number of the payee, the amount of the check, the date printed
34 on the check and the altered name and address.

35 (r) The United States Postal Inspection Service or a federal law enforcement agency, including
36 but not limited to the United States Department of Justice, to assist in the investigation of the fol-
37 lowing criminal activities:

38 (A) Mail theft of a check, in which case the information that may be disclosed shall be limited
39 to the stolen document, the name, address and taxpayer identification number of the payee, the
40 amount of the check and the date printed on the check.

41 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department
42 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information
43 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-
44 dress and taxpayer identification number of the payee, the amount of the check, the date printed
45 on the check and the altered name and address.

1 (s) The United States Financial Management Service, for purposes of facilitating the offsets de-
2 scribed in ORS 305.612.

3 (t) A municipal corporation of this state for purposes of assisting the municipal corporation in
4 the administration of a tax of the municipal corporation that is imposed on or measured by income,
5 wages or net earnings from self-employment. Any disclosure under this paragraph may be made only
6 pursuant to a written agreement between the Department of Revenue and the municipal corporation
7 that ensures the confidentiality of the information disclosed.

8 (u) A consumer reporting agency, to the extent necessary to carry out the purposes of ORS
9 314.843.

10 (v) The Public Employees Retirement Board, to the extent necessary to carry out the purposes
11 of ORS 238.372 to 238.384, and to any public employer, to the extent necessary to carry out the
12 purposes of ORS 237.635 (3) and 237.637 (2).

13 (w) The Secretary of State for the purpose of initiating or supporting a recommendation under
14 ORS 60.032 (3) or 63.032 (3) to administratively dissolve a corporation or limited liability company
15 that the Director of the Department of Revenue determines has failed to comply with applicable tax
16 laws of the state.

17 (x)(A) A multijurisdictional information sharing organization formed with oversight by the
18 Internal Revenue Service to combat identity theft and fraud, if the Department of Revenue is a
19 member of the organization; and

20 (B) Tax preparation software vendors that are members of an organization described in subpar-
21 agraph (A) of this paragraph, if information described in ORS 314.835 is shared for the purpose of
22 investigating industry leads of potential identity theft or fraud.

23 (y) The State Treasurer, for the purpose of providing employer responses, as indicated on annual
24 withholding reports submitted to the Department of Revenue, about whether an employer offers a
25 qualified retirement savings plan as listed in ORS 178.215.

26 (z) The Oregon 529 Savings Board, for the purpose of facilitating the establishment of accounts
27 by personal income taxpayers under ORS 178.335 within the Oregon 529 Savings Network through
28 the use of income tax return forms.

29 (3)(a) Each officer or employee of the department and each person described or referred to in
30 subsection (2)(a), (b), (f) to (L), (n) to (q) or (w) of this section to whom disclosure or access to the
31 tax information is given under subsection (2) of this section or any other provision of state law,
32 prior to beginning employment or the performance of duties involving such disclosure or access,
33 shall be advised in writing of the provisions of ORS 314.835 and 314.991, relating to penalties for the
34 violation of ORS 314.835, and shall as a condition of employment or performance of duties execute
35 a certificate for the department, in a form prescribed by the department, stating in substance that
36 the person has read these provisions of law, that the person has had them explained and that the
37 person is aware of the penalties for the violation of ORS 314.835.

38 (b) The disclosure authorized in subsection (2)(r) of this section shall be made only after a
39 written agreement has been entered into between the Department of Revenue and the person de-
40 scribed in subsection (2)(r) of this section to whom disclosure or access to the tax information is
41 given, providing that:

42 (A) Any information described in ORS 314.835 that is received by the person pursuant to sub-
43 section (2)(r) of this section is confidential information that may not be disclosed, except to the ex-
44 tent necessary to investigate or prosecute the criminal activities described in subsection (2)(r) of
45 this section;

1 (B) The information shall be protected as confidential under applicable federal and state laws;
2 and

3 (C) The United States Postal Inspection Service or the federal law enforcement agency shall
4 give notice to the Department of Revenue of any request received under the federal Freedom of In-
5 formation Act, 5 U.S.C. 552, or other federal law relating to the disclosure of information.

6 (4) The Department of Revenue may recover the costs of furnishing the information described
7 in subsection (2)(L), (m) and (o) to (q) of this section from the respective agencies.

8 **SECTION 64.** ORS 350.278 is amended to read:

9 350.278. (1) A public university listed in ORS 352.002 may not disclose the Social Security num-
10 ber of a student who is attending the public university.

11 (2) Subsection (1) of this section does not apply if the public university discloses the Social Se-
12 curity number:

13 (a) At the request of a law enforcement agency or an agency providing [*support enforcement*]
14 **child support** services under ORS 25.080;

15 (b) After obtaining written permission for the disclosure from the student to whom the number
16 refers;

17 (c) In the payment of wages or benefits;

18 (d) In the payment or collection of taxes or of a debt owed by the student to whom the number
19 refers;

20 (e) For purposes of statistical analysis; or

21 (f) As otherwise required by law.

22 **SECTION 65.** ORS 350.280 is amended to read:

23 350.280. (1) A community college as defined in ORS 341.005 may not disclose the Social Security
24 number of a student who is attending the college.

25 (2) Subsection (1) of this section does not apply if the college discloses the Social Security
26 number:

27 (a) At the request of a law enforcement agency or an agency providing [*support enforcement*]
28 **child support** services under ORS 25.080;

29 (b) After obtaining written permission for the disclosure from the student to whom the number
30 refers;

31 (c) In the payment of wages or benefits;

32 (d) In the payment or collection of taxes or of a debt owed by the student to whom the number
33 refers; or

34 (e) For purposes of statistical analysis.

35 **SECTION 66.** ORS 413.175 is amended to read:

36 413.175. (1) For the protection of applicants for and recipients of public assistance and medical
37 assistance, as defined in ORS 414.025, except as otherwise provided in this section, the Oregon
38 Health Authority may not disclose or use the contents of any public assistance or medical assistance
39 records, files, papers or communications for purposes other than those directly connected with the
40 administration of the public assistance and medical assistance programs or necessary to assist public
41 assistance or medical assistance applicants and recipients in accessing and receiving other govern-
42 mental or private nonprofit services, and these records, files, papers and communications are con-
43 sidered confidential subject to the rules of the authority. In any judicial or administrative
44 proceeding, except proceedings directly connected with the administration of public assistance,
45 medical assistance or child support [*enforcement*] **services**, their contents are considered privileged

1 communications.

2 (2) Nothing in this section prohibits the disclosure or use of contents of records, files, papers
 3 or communications for purposes directly connected with the establishment and enforcement of sup-
 4 port obligations pursuant to Title IV-D of the Social Security Act.

5 (3) Nothing in this section prohibits the disclosure of the address, Social Security number and
 6 photograph of any applicant or recipient to a law enforcement officer at the request of the officer.
 7 To receive information pursuant to this section, the officer must furnish the agency the name of the
 8 applicant or recipient and advise that the applicant or recipient:

9 (a) Is fleeing to avoid prosecution, custody or confinement after conviction for a felony;

10 (b) Is violating a condition of probation or parole; or

11 (c) Has information that is necessary for the officer to conduct the official duties of the officer
 12 and the location or apprehension of the applicant or recipient is within such official duties.

13 (4) Nothing in this section prohibits disclosure of information between the authority and the
 14 Department of Human Services for the purpose of administering public assistance and medical as-
 15 sistance programs that the authority and the department are responsible for administering.

16 **SECTION 67.** ORS 419B.806 is amended to read:

17 419B.806. (1) As used in this section, “consolidated” means that actions are heard before one
 18 judge of the circuit court to determine issues regarding a child or ward.

19 (2) In any action filed in the juvenile court in which the legal or physical custody of a child or
 20 ward is at issue and there is also a child custody, parenting time, visitation, restraining order,
 21 filiation or Family Abuse Prevention Act action involving the child or ward in a domestic relations,
 22 filiation or guardianship proceeding, the matters shall be consolidated. Actions must be consol-
 23 idated under this subsection regardless of whether the actions to be consolidated were filed or ini-
 24 tiated before or after the filing of the petition under ORS 419B.100.

25 (3) Consolidation does not merge the procedural or substantive law of the individual actions.
 26 Parties to the individual consolidated actions do not have standing, solely by virtue of the consol-
 27 idation, in every action subject to the order of consolidation. Parties must comply with provisions
 28 for intervention or participation in a particular action under the provisions of law applicable to that
 29 action.

30 (4) Upon entry of an order of consolidation, all pending issues pertaining to the actions subject
 31 to the order shall be heard together in juvenile court. The court shall hear the juvenile matters first
 32 unless the court finds that it is in the best interest of the child or ward to proceed otherwise.

33 (5) A judge shall make and modify orders and findings in actions subject to the order of con-
 34 solidation upon the filing of proper motions and notice as provided by law applicable to the actions.
 35 Any findings, orders or modifications must be consistent with the juvenile court orders, and persons
 36 who were parties to the juvenile court action may not relitigate issues in consolidated actions.

37 (6) The judge shall set out separately from orders entered under this chapter or ORS chapter
 38 419C any orders or judgments made in other actions subject to the consolidation order. The trial
 39 court administrator shall file the orders and judgments in the appropriate actions subject to the
 40 consolidation order. An order or judgment in an individual juvenile court action is final if it finally
 41 disposes of the rights and duties of the parties to that action, without reference to whether the order
 42 or judgment disposes of the rights and duties of the parties to another action with which the action
 43 has been consolidated.

44 (7)(a) When the actions described in subsection (2) of this section exist in two or more circuit
 45 courts, the judges assigned to the actions shall confer to determine the appropriate court in which

1 to consolidate and hear the actions. The judges shall confer not later than 10 judicial days after a
 2 court has received notice of the existence of an action in another circuit court.

3 (b) If the judges agree on the circuit court in which the actions should be consolidated, the
 4 judges shall take such action as is necessary to consolidate the actions in the circuit court.

5 (c) If the judges do not agree on the circuit court in which the actions should be consolidated,
 6 the actions must be consolidated in the court in which the juvenile action is filed or, if more than
 7 one juvenile action is pending, in the court in which the first juvenile action was filed.

8 (8) Nothing in this section requires the consolidation of any administrative proceeding under
 9 [ORS 25.501 to 25.556 or] ORS chapter 25 with a juvenile court or other action.

10 **SECTION 68.** ORS 432.098 is amended to read:

11 432.098. (1) The Director of the Oregon Health Authority shall adopt by rule a form of a vol-
 12 untary acknowledgment of paternity that includes the minimum requirements specified by the United
 13 States Secretary of Health and Human Services. When the form is signed by both biological parents
 14 and witnessed by a third party, the form establishes parentage for all purposes when filed with the
 15 State Registrar of the Center for Health Statistics, provided there is no second parent already
 16 named in the report of live birth. Establishment of parentage under this section is subject to the
 17 provisions and the requirements in ORS 109.070. When there is no second parent named on the
 18 child's record of live birth, the filing of such voluntary acknowledgment of paternity form shall
 19 cause the state registrar to place the name of the parent who has signed the voluntary acknowl-
 20 edgment of paternity form on the record of live birth of the child or, if appropriate, establish a re-
 21 placement for the record containing the name of the child's parent, as that parent is named in the
 22 voluntary acknowledgment of paternity form. When signed by both parents in the health care facility
 23 of the child's birth within five days after the birth, the voluntary acknowledgment of paternity form
 24 is not a sworn document. When thus signed, a staff member of the health care facility shall witness
 25 the signatures of the parents. In all other circumstances, the form is a sworn document. The filing
 26 of the voluntary acknowledgment of paternity form created by this section is subject to the payment
 27 of any fees that may apply.

28 (2) The voluntary acknowledgment of paternity form must contain:

29 (a) A statement of rights and responsibilities including any rights afforded to a minor parent;

30 (b) A statement of the alternatives to and consequences of signing the acknowledgment;

31 (c) Instructions on how to file the form with the state registrar and information about any fee
 32 required;

33 (d) Lines for the Social Security numbers and addresses of the parents; and

34 (e) A statement that the rights, responsibilities, alternatives and consequences listed on the ac-
 35 knowledgment were read to the parties prior to signing the acknowledgment.

36 (3) Upon request, the state registrar shall provide a copy of any voluntary acknowledgment of
 37 paternity form to the state agency responsible for administration of the child support [*enforcement*]
 38 program created under Title IV-D of the Social Security Act. The duty imposed upon the state
 39 registrar by this section is limited to records of live birth executed and filed with the state registrar
 40 after October 1, 1995.

41 **SECTION 69.** ORS 657.855 is amended to read:

42 657.855. (1) Except as provided in this section, benefits due under this chapter may not be as-
 43 signed, pledged, encumbered, released or commuted. Benefits due under this chapter shall, except
 44 as otherwise provided in this chapter, be exempt from all claims of creditors and from levy, exe-
 45 cution and attachment or remedy for recovery or collection of a debt, and the exemption may not

1 be waived. No agreement by an individual to waive the individual's rights under this chapter is
2 valid.

3 (2) The exemption from execution or other process granted under this section applies to only
4 50 percent of benefits payable under this chapter if the execution or other process is issued for a
5 child support obligation or an order or notice entered pursuant to [ORS 25.501 to 25.556 or] ORS
6 chapter 25, 107, 108, 109, 110, 419B or 419C and the child support obligation or the order or notice
7 is being enforced pursuant to a plan approved under Title IV-D of the Social Security Act.

8 **SECTION 70.** ORS 657B.400 is amended to read:

9 657B.400. (1) Except as provided in subsections (2) to (7) and (10) of this section, all information
10 in the records of the Employment Department or a third party administrator pertaining to the ad-
11 ministration of this chapter:

12 (a) Is confidential and for the exclusive use and information of the Director of the Employment
13 Department in administering this chapter;

14 (b) May not be used in any court action or in any proceeding pending in the court unless the
15 director or the State of Oregon is a party to the action or proceeding or unless the action or pro-
16 ceeding concerns the establishment, enforcement or modification of a support obligation and
17 [support] **child support** services are being provided by the Division of Child Support of the De-
18 partment of Justice or the district attorney pursuant to ORS 25.080; and

19 (c) Is exempt from disclosure under ORS 192.311 to 192.478.

20 (2) The Employment Department may disclose information:

21 (a) To the extent necessary for the payment of benefits or collection of contributions due under
22 this chapter:

23 (A) To any claimant or employer; or

24 (B) To a legal representative or other designee authorized by a claimant or employer in ac-
25 cordance with any rules adopted by the director regarding the receipt of confidential information
26 on behalf of a claimant or employer.

27 (b) Upon request to the United States Attorney's Office. Under this paragraph, the Employment
28 Department may disclose an individual's employment and wage information in response to a federal
29 grand jury subpoena or for the purpose of collecting civil and criminal judgments issued by a federal
30 court, including restitution and special assessment fees. The information disclosed is confidential
31 and may not be used for any other purpose. The costs of disclosing information under this paragraph
32 shall be paid by the United States Attorney's Office.

33 (3) At the discretion of the director and subject to an interagency agreement, the Employment
34 Department may disclose, upon request, information:

35 (a) To state or local child support enforcement agencies enforcing child support obligations for
36 the purposes of establishing child support obligations, locating individuals owing child support obli-
37 gations and collecting child support obligations from those individuals. The information disclosed is
38 confidential and may not be used for any other purpose. The costs of disclosing information under
39 this paragraph shall be paid by the child support enforcement agency.

40 (b) To agencies participating in an income and eligibility verification system for the purpose of
41 verifying an individual's eligibility for benefits, or the amount of benefits, under a state or federal
42 program such as unemployment insurance, temporary assistance for needy families, medical assist-
43 ance, supplemental nutrition assistance, Supplemental Security Income, child support enforcement
44 or Social Security. The information disclosed is confidential and may not be used for any other
45 purpose. The costs of disclosing information under this paragraph shall be paid by the requesting

1 agency.

2 (c) To officers and employees of the United States Department of Housing and Urban Develop-
3 ment and to representatives of a state or local public housing agency for the purpose of determining
4 an individual's eligibility for benefits, or the amount of benefits, under a housing assistance program.
5 The information disclosed is confidential and may not be used for any other purpose. The costs of
6 disclosing information under this paragraph shall be paid by the requesting agency.

7 (4) At the discretion of the director and subject to an interagency agreement, the Employment
8 Department may disclose information secured from employers:

9 (a) To state agencies, federal agencies, local government agencies, public universities listed in
10 ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the
11 extent necessary to properly carry out governmental planning, performance measurement, program
12 analysis, socioeconomic analysis or policy analysis functions performed under applicable law and at
13 the discretion of the director and subject to an interagency agreement. The information disclosed
14 is confidential and may not be disclosed by the agencies or universities in any manner that would
15 identify individuals, claimants, employees or employers. If the information disclosed under this par-
16 agraph is not prepared for the use of the Employment Department, the costs of disclosing the in-
17 formation shall be paid by the agency or university requesting the information.

18 (b) As part of a geographic information system. Points on a map may be used to represent eco-
19 nomic data, including the location, employer size and industrial classification of businesses in
20 Oregon. Information presented as part of a geographic information system may not give specific
21 details regarding a business's address, actual employment or proprietary information. If the infor-
22 mation disclosed under this paragraph is not prepared for the use of the Employment Department,
23 the costs of disclosing the information shall be paid by the party requesting the information.

24 (5) At the discretion of the director and subject to an interagency agreement, the Employment
25 Department may disclose information received from an employer, an employee or a claimant:

26 (a) To public employees in the performance of their duties under state or federal laws relating
27 to the payment of family and medical leave insurance benefits.

28 (b) Pursuant to an informed consent, received from the employer, employee or claimant, to dis-
29 close the information.

30 (c) To the Bureau of Labor and Industries for the purpose of performing duties under ORS
31 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or 659A. The
32 information disclosed may include the names and addresses of employers and employees, payroll data
33 of employers and employees, and information obtained for an appeal from a determination under a
34 plan approved under ORS 657B.210. The information disclosed is confidential and may not be used
35 for any other purpose. If the information disclosed under this paragraph is not prepared for the use
36 of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

37 (d) To the Department of Revenue for the purpose of performing its duties under ORS 293.250
38 or under the revenue and tax laws of this state and identifying potential identity theft and fraud.
39 The information disclosed may include the names and addresses of employers and employees, payroll
40 data of employers and employees, and particulars, as defined in ORS 314.835. The information dis-
41 closed is confidential and may not be disclosed by the Department of Revenue in any manner that
42 would identify an employer or employee except to the extent necessary to carry out the
43 department's duties under ORS 293.250 or in auditing or reviewing any report or return required
44 or permitted to be filed under the revenue and tax laws administered by the department. The De-
45 partment of Revenue may not disclose any information received to any private collection agency or

1 for any other purpose. If the information disclosed under this paragraph is not prepared for the use
2 of the Employment Department, the costs of disclosing the information shall be paid by the Depart-
3 ment of Revenue.

4 (e) To the Department of Consumer and Business Services for the purpose of performing its du-
5 ties under ORS chapters 654, 656 and 731. The information disclosed may include, but is not limited
6 to, the name, address, number of employees and standard industrial classification code of an em-
7 ployer and payroll data of employers and employees. The information disclosed is confidential and
8 may not be disclosed by the Department of Consumer and Business Services in any manner that
9 would identify an employer or employee except to the extent necessary to carry out the
10 department's duties under ORS chapters 654, 656 and 731, including administrative hearings and
11 court proceedings in which the Department of Consumer and Business Services is a party. If the
12 information disclosed under this paragraph is not prepared for the use of the Employment Depart-
13 ment, the costs of disclosing the information shall be paid by the Department of Consumer and
14 Business Services.

15 (f) To the Construction Contractors Board for the purpose of performing its duties under ORS
16 chapter 701. The information disclosed to the board may include the names and addresses of em-
17 ployers and status of their compliance with this chapter. If the information disclosed under this
18 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
19 information shall be paid by the board.

20 (g) To the Department of Transportation to assist the department in carrying out its duties re-
21 lating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665,
22 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code, or in auditing or
23 reviewing any report or return required or permitted to be filed under the revenue and tax laws
24 administered by the department. The information disclosed may include the names and addresses of
25 employers and employees and payroll data of employers and employees. The information disclosed
26 is confidential and may not be disclosed by the Department of Transportation in any manner that
27 would identify an employer or employee except to the extent necessary to carry out the
28 department's duties relating to collection of delinquent and liquidated debts or in auditing or re-
29 viewing any report or return required or permitted to be filed under the revenue and tax laws ad-
30 ministered by the department. The Department of Transportation may not disclose any information
31 received to any private collection agency or for any other purpose. If the information disclosed un-
32 der this paragraph is not prepared for the use of the Employment Department, the costs of disclosing
33 the information shall be paid by the Department of Transportation.

34 (h) To the Department of Human Services and the Oregon Health Authority to assist the de-
35 partment and the authority in the collection of debts that the department and the authority are
36 authorized by law to collect. The information disclosed may include the names and addresses of
37 employers and employees and payroll data of employers and employees. The information disclosed
38 is confidential and may not be disclosed by the Department of Human Services or the Oregon Health
39 Authority in any manner that would identify an employer or employee except to the extent neces-
40 sary for the collection of debts as described in this paragraph. The Department of Human Services
41 and the Oregon Health Authority may not disclose information received under this paragraph to a
42 private collection agency or use the information for a purpose other than the collection of debts as
43 described in this paragraph. If the information disclosed under this paragraph is not prepared for
44 the use of the Employment Department, the costs of disclosing the information shall be paid by the
45 Department of Human Services or the Oregon Health Authority.

1 (i) To the State Treasurer useful for the purpose of performing the State Treasurer's duties un-
2 der ORS 98.302 to 98.436, 98.992, 113.235 and 116.253. The information disclosed is confidential and
3 may not be used by the State Treasurer for any other purpose. If the information disclosed under
4 this paragraph is not prepared for the use of the Employment Department, the costs of disclosing
5 the information shall be paid by the State Treasurer.

6 (6) At the discretion of the director and subject to an interagency agreement, the director may
7 disclose information to a public official in the performance of the public official's official duties ad-
8 ministering or enforcing laws within the public official's authority and to an agent or contractor of
9 a public official. The public official shall agree to assume responsibility for misuse of the information
10 by the public official's agent or contractor.

11 (7) At the discretion of the director, the director may disclose information to a contractor pur-
12 suant to a contract for actuarial services. The contractor shall agree to assume responsibility for
13 misuse of the information by the contractor's agent.

14 (8) Any officer appointed by or any employee of the director who discloses confidential infor-
15 mation, except with the authority of the director, pursuant to rules or as otherwise required by law,
16 may be disqualified from holding any appointment or employment with the Employment Department.

17 (9) Any person or any officer or employee of an entity to whom information is disclosed by the
18 Employment Department under this section who divulges or uses the information for any purpose
19 other than that specified in the provision of law or agreement authorizing the use or disclosure may
20 be disqualified from performing any service under contract or from holding any appointment or em-
21 ployment with the state agency that engaged or employed that person, officer or employee. The
22 Employment Department may immediately cancel or modify any information-sharing agreement with
23 an entity when a person or an officer or employee of that entity discloses confidential information,
24 other than as specified in law or agreement.

25 (10) At the discretion of the director, the director may disclose information to an employee or
26 officer within any division of the Employment Department as necessary to conduct research, compile
27 aggregate data from the information received and any other purpose deemed necessary by the di-
28 rector to assist the director in carrying out the duties under this chapter or other duties under ORS
29 chapter 657.

30 (11) The director may adopt any rules necessary to implement this section.

31 **SECTION 71.** ORS 659.830 is amended to read:

32 659.830. (1) An employee benefit plan may not include any provision which has the effect of
33 limiting or excluding coverage or payment for any health care for an individual who would other-
34 wise be covered or entitled to benefits or services under the terms of the employee benefit plan
35 because that individual is provided, or is eligible for, benefits or services pursuant to a plan under
36 Title XIX of the Social Security Act. This section applies to employee benefit plans, whether spon-
37 sored by an employer or a labor union.

38 (2) A group health plan is prohibited from considering the availability or eligibility for medical
39 assistance in this or any other state under 42 U.S.C. 1396a (section 1902 of the Social Security Act),
40 herein referred to as Medicaid, when considering eligibility for coverage or making payments under
41 its plan for eligible enrollees, subscribers, policyholders or certificate holders.

42 (3) To the extent that payment for covered expenses has been made under the state Medicaid
43 program for health care items or services furnished to an individual, in any case where a third party
44 has a legal liability to make payments, the state is considered to have acquired the rights of the
45 individual to payment by any other party for those health care items or services.

1 (4) An employee benefit plan, self-insured plan, managed care organization or group health plan,
2 a third party administrator, fiscal intermediary or pharmacy benefit manager of the plan or organ-
3 ization, or other party that is, by statute, contract or agreement legally responsible for payment of
4 a claim for a health care item or service, may not deny a claim submitted by the state Medicaid
5 agency under subsection (3) of this section based on the date of submission of the claim, the type
6 or format of the claim form or a failure to present proper documentation at the point of sale that
7 is the basis of the claim if:

8 (a) The claim is submitted by the agency within the three-year period beginning on the date on
9 which the health care item or service was furnished; and

10 (b) Any action by the agency to enforce its rights with respect to the claim is commenced within
11 six years of the agency's submission of the claim.

12 (5) An employee benefit plan, self-insured plan, managed care organization or group health plan,
13 a third party administrator, fiscal intermediary or pharmacy benefit manager of the plan or organ-
14 ization, or other party that is, by statute, contract or agreement legally responsible for payment of
15 a claim for a health care item or service, must provide to the state Medicaid agency or coordinated
16 care organization described in ORS 414.591, upon the request of the agency or contractor, the fol-
17 lowing information:

18 (a) The period during which a Medicaid recipient, the spouse or dependents may be or may have
19 been covered by the plan or organization;

20 (b) The nature of coverage that is or was provided by the plan or organization; and

21 (c) The name, address and identifying numbers of the plan or organization.

22 (6) A group health plan may not deny enrollment of a child under the health plan of the child's
23 parent on the grounds that:

24 (a) The child was born out of wedlock;

25 (b) The child is not claimed as a dependent on the parent's federal tax return; or

26 (c) The child does not reside with the child's parent or in the group health plan service area.

27 (7) Where a child has health coverage through a group health plan of a noncustodial parent, the
28 group health plan must:

29 (a) Provide such information to the custodial parent as may be necessary for the child to obtain
30 benefits through that coverage;

31 (b) Permit the custodial parent or the provider, with the custodial parent's approval, to submit
32 claims for covered services without the approval of the noncustodial parent; and

33 (c) Make payments on claims submitted in accordance with paragraph (b) of this subsection di-
34 rectly to the custodial parent, to the provider or, if a claim is filed by the state Medicaid agency,
35 directly to the state Medicaid agency.

36 (8) Where a parent is required by a court or administrative order to provide health coverage for
37 a child, and the parent is eligible for family health coverage, the group health plan is required:

38 (a) To permit the parent to enroll, under the family coverage, a child who is otherwise eligible
39 for the coverage without regard to any enrollment season restrictions;

40 (b) If the parent is enrolled but fails to make application to obtain coverage for the child, to
41 enroll the child under family coverage upon application of the child's other parent, the state agency
42 administering the Medicaid program or the state agency administering 42 U.S.C. 651 to 669, the
43 child support [*enforcement*] program; and

44 (c) Not to disenroll or eliminate coverage of the child unless the group health plan is provided
45 satisfactory written evidence that:

1 (A) The court or administrative order is no longer in effect; or

2 (B) The child is or will be enrolled in comparable health coverage through another insurer
3 which will take effect not later than the effective date of disenrollment.

4 (9) A group health plan may not impose requirements on a state agency that has been assigned
5 the rights of an individual eligible for medical assistance under Medicaid and covered for health
6 benefits from the plan if the requirements are different from requirements applicable to an agent or
7 assignee of any other individual so covered.

8 (10)(a) In any case in which a group health plan provides coverage for dependent children of
9 participants or beneficiaries, the plan must provide benefits to dependent children placed with par-
10 ticipants or beneficiaries for adoption under the same terms and conditions as apply to the natural,
11 dependent children of the participants and beneficiaries, regardless of whether the adoption has
12 become final.

13 (b) A group health plan may not restrict coverage under the plan of any dependent child adopted
14 by a participant or beneficiary, or placed with a participant or beneficiary for adoption, solely on
15 the basis of a preexisting condition of the child at the time that the child would otherwise become
16 eligible for coverage under the plan if the adoption or placement for adoption occurs while the
17 participant or beneficiary is eligible for coverage under the plan.

18 (11) As used in this section:

19 (a) "Child" means, in connection with any adoption, or placement for adoption of the child, an
20 individual who has not attained 18 years of age as of the date of the adoption or placement for
21 adoption.

22 (b) "Group health plan" means a group health plan as defined in 29 U.S.C. 1167.

23 (c) "Placement for adoption" means the assumption and retention by a person of a legal obli-
24 gation for total or partial support of a child in anticipation of the adoption of the child. The child's
25 placement with a person terminates upon the termination of such legal obligations.

26 **SECTION 72.** ORS 659.835 is amended to read:

27 659.835. Where a parent is required by a court or administrative order to provide health cover-
28 age that is available through an employer doing business in this state, the employer shall:

29 (1) Permit the parent to enroll under family coverage a child who is otherwise eligible for cov-
30 erage without regard to any enrollment season restrictions.

31 (2) If the parent is enrolled but fails to make application to obtain coverage of the child, enroll
32 the child under family coverage upon application by the child's other parent, by the state agency
33 administering the Medicaid program or the state agency administering 42 U.S.C. 651 to 669, the
34 child support [*enforcement*] program.

35 (3) Not disenroll or eliminate coverage of a child unless the employer is provided satisfactory
36 written evidence that:

37 (a) The court order is no longer in effect;

38 (b) The child is or will be enrolled in comparable coverage which will take effect no later than
39 the effective date of disenrollment; or

40 (c) The employer has eliminated family health coverage for all of its employees.

41 (4) Withhold from the employee's compensation the employee's share, if any, of premiums for
42 health coverage and pay this amount to the insurance provider.

43 **SECTION 73.** ORS 743B.470 is amended to read:

44 743B.470. (1) For the purposes of this section:

45 (a) "Health insurer" or "insurer" means an employee benefit plan, self-insured plan, managed

1 care organization or group health plan, a third party administrator, fiscal intermediary or pharmacy
2 benefit manager of the plan or organization, or other party that is by statute, contract or agreement
3 legally responsible for payment of a claim for a health care item or service.

4 (b) "Medicaid" means medical assistance provided under 42 U.S.C. 1396a (section 1902 of the
5 Social Security Act).

6 (2) A health insurer is prohibited from considering the availability or eligibility for medical as-
7 sistance in this or any other state under Medicaid when considering eligibility for coverage or
8 making payments under its group or individual plan for eligible enrollees, subscribers, policyholders
9 or certificate holders.

10 (3) To the extent that payment for covered expenses has been made under the state Medicaid
11 program for health care items or services furnished to an individual, in any case when a third party
12 has a legal liability to make payments, the state is considered to have acquired the rights of the
13 individual to payment by any other party for those health care items or services.

14 (4) An insurer may not deny a claim submitted by the state Medicaid agency, a prepaid managed
15 care health services organization, as defined in ORS 414.025, or a coordinated care organization, as
16 defined in ORS 414.025, under subsection (3) of this section based on the date of submission of the
17 claim, the type or format of the claim form or a failure to present proper documentation at the point
18 of sale that is the basis of the claim if:

19 (a) The claim is submitted by the agency, the prepaid managed care health services organization
20 or the coordinated care organization within the three-year period beginning on the date on which
21 the health care item or service was furnished; and

22 (b) Any action by the agency, the prepaid managed care health services organization or the
23 coordinated care organization to enforce its rights with respect to the claim is commenced within
24 six years of the agency's or organization's submission of the claim.

25 (5) An insurer must provide to the state Medicaid agency, a prepaid managed care health ser-
26 vices organization or a coordinated care organization, upon request, the following information:

27 (a) The period during which a Medicaid recipient, the spouse or dependents may be or may have
28 been covered by the plan;

29 (b) The nature of coverage that is or was provided by the plan; and

30 (c) The name, address and identifying numbers of the plan.

31 (6) An insurer may not deny enrollment of a child under the group or individual health plan of
32 the child's parent on the ground that:

33 (a) The child was born out of wedlock;

34 (b) The child is not claimed as a dependent on the parent's federal tax return; or

35 (c) The child does not reside with the child's parent or in the insurer's service area.

36 (7) When a child has group or individual health coverage through an insurer of a noncustodial
37 parent, the insurer must:

38 (a) Provide such information to the custodial parent as may be necessary for the child to obtain
39 benefits through that coverage;

40 (b) Permit the custodial parent or the provider, with the custodial parent's approval, to submit
41 claims for covered services without the approval of the noncustodial parent; and

42 (c) Make payments on claims submitted in accordance with paragraph (b) of this subsection di-
43 rectly to the custodial parent, the provider or, if a claim is filed by the state Medicaid agency, a
44 prepaid managed care health services organization or a coordinated care organization, directly to
45 the agency or the organization.

1 (8) When a parent is required by a court or administrative order to provide health coverage for
2 a child, and the parent is eligible for family health coverage, the insurer must:

3 (a) Permit the parent to enroll, under the family coverage, a child who is otherwise eligible for
4 the coverage without regard to any enrollment season restrictions;

5 (b) If the parent is enrolled but fails to make application to obtain coverage for the child, enroll
6 the child under family coverage upon application of the child's other parent, the state agency ad-
7 ministering the Medicaid program or the state agency administering 42 U.S.C. 651 to 669, the child
8 support [*enforcement*] program; and

9 (c) Not disenroll or eliminate coverage of the child unless the insurer is provided satisfactory
10 written evidence that:

11 (A) The court or administrative order is no longer in effect; or

12 (B) The child is or will be enrolled in comparable health coverage through another insurer
13 which will take effect not later than the effective date of disenrollment.

14 (9) An insurer may not impose requirements on a state agency that has been assigned the rights
15 of an individual eligible for medical assistance under Medicaid and covered for health benefits from
16 the insurer if the requirements are different from requirements applicable to an agent or assignee
17 of any other individual so covered.

18 (10) The provisions of ORS 743A.001 do not apply to this section.

19 **SECTION 74.** ORS 25.554 is amended to read:

20 25.554. (1) As used in this section, "blood tests" has the meaning given that term in ORS 109.251.

21 (2) No later than one year after an order establishing paternity is entered under ORS 25.529 and
22 if blood tests have not been completed, a party may apply to the administrator to have the issue of
23 paternity reopened and for an order for blood tests.

24 (3) No later than one year after a voluntary acknowledgment of paternity is filed in this state
25 and if blood tests have not been completed, a party to the acknowledgment, or the Department of
26 Human Services if the child named in the acknowledgment is in the care and custody of the de-
27 partment under ORS chapter 419B, may apply to the administrator for services under ORS 25.080
28 and for an order for blood tests.

29 (4) Upon receipt of a timely application, the administrator shall order:

30 (a) The mother and the male party to submit to blood tests; and

31 (b) The person having physical custody of the child to submit the child to blood tests.

32 (5) If a party refuses to comply with an order under subsection (4) of this section, the issue of
33 paternity shall, upon the motion of the administrator, be resolved against that party by an order of
34 the court either affirming or setting aside the order establishing paternity or the voluntary ac-
35 knowledgment of paternity.

36 (6) If the results of the blood tests exclude the male party as the biological father of the child,
37 the administrator may file a motion with the court for an order setting aside the order establishing
38 paternity or the voluntary acknowledgment of paternity and for a judgment of nonpaternity.

39 (7) Support paid before an order establishing paternity or a voluntary acknowledgment of
40 paternity is set aside under this section may not be returned to the payer.

41 (8) The administrator shall send a court-certified true copy of a judgment of nonpaternity to the
42 State Registrar of the Center for Health Statistics. Upon receipt of the judgment, the state registrar
43 shall correct any records maintained by the state registrar that indicate that the male party is the
44 parent of the child.

45 (9) The **Oregon** Child Support Program shall pay any state registrar fees and any costs for blood

1 tests ordered under this section, subject to recovery from the party who requested the tests.

2 **SECTION 75.** ORS 98.352 is amended to read:

3 98.352. (1) A holder of property presumed abandoned under ORS 98.302 to 98.436 and 98.992 shall
 4 deliver to the State Treasurer the report described in subsection (2) of this section and shall pay
 5 or deliver to the State Treasurer, for deposit in the Unclaimed Property and Estates Fund, all
 6 property presumed abandoned, except that for the following funds the holder is not required to de-
 7 liver the funds presumed abandoned to the State Treasurer:

8 (a) Funds transferred to the General Fund under ORS 293.455 (1)(a).

9 (b) Funds in the possession of the **Oregon** Child Support Program described in ORS 180.345.

10 (c) Funds described in ORS 9.725 (3) or 98.386 (2) that are held in lawyer trust accounts or in
 11 the possession of the Oregon State Bar.

12 (2) A report must include:

13 (a) Except with respect to traveler's checks and money orders, the name, if known, and address,
 14 if known, of each person appearing from the records of the holder to be the owner of any property
 15 of value of \$50 or more presumed abandoned under ORS 98.302 to 98.436 and 98.992;

16 (b) In case of unclaimed funds of life insurance corporations, the full name of the insured or
 17 annuitant and last-known address according to the life insurance corporation's records;

18 (c) The nature and identifying number, if any, or description of the property and the amount
 19 appearing from the records to be due, except that items of value under \$50 each may be reported
 20 in aggregate;

21 (d) The date when the property became payable, demandable, or returnable, and the date of the
 22 last transaction with the owner with respect to the property; and

23 (e) Other information that the State Treasurer prescribes by rule as necessary for the adminis-
 24 tration of ORS 98.302 to 98.436 and 98.992.

25 (3) If the holder of property presumed abandoned is a successor to other holders or has had a
 26 name change while holding the property, the holder shall file with the report all prior known names
 27 and addresses and effective dates of changes.

28 (4) The holder shall file the report after October 1, but no later than November 1, of each year
 29 for accounts dormant as of June 30. Upon written request from any person required to file a report,
 30 the State Treasurer may postpone the reporting date. All records are exempt from public review for
 31 12 months from the time the property is reportable and for 24 months after the property has been
 32 remitted to the State Treasurer. All lists of records or property held by a government or public
 33 authority under ORS 98.336 are exempt from public review until 24 months after the property is
 34 remitted to the State Treasurer.

35 (5) If the holder of property presumed abandoned under ORS 98.302 to 98.436 and 98.992 knows
 36 the whereabouts of the owner and if the owner's claim is not barred by the statute of limitations,
 37 the holder shall, before filing the report, communicate with the owner and take necessary steps to
 38 prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the
 39 whereabouts of the owner at least 60 days before filing the report.

40 (6) If the property presumed abandoned is a lawyer trust account established by an attorney or
 41 law firm, the report required by this section must indicate that the account is a lawyer trust ac-
 42 count.

43 (7) The holder shall verify the accuracy of the information contained in the report. Verification
 44 must be executed by a partner if made by a partnership, by an officer if made by an unincorporated
 45 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 unan-

1 anticipated change in circumstances that reduces the earning capacity of the paying spouse.

2 (b) If the judgment provided for a termination or reduction of spousal support at a designated
3 age in anticipation of the commencement of pension, Social Security or other entitlement payments,
4 and if the obligee is unable to obtain the anticipated entitlement payments, that inability is suffi-
5 cient change in circumstances for the court to reconsider its order of support.

6 (c) If Social Security is considered in lieu of spousal support or partial spousal support, the
7 court shall determine the amount of Social Security the party is eligible to collect. The court shall
8 take into consideration any pension, retirement or other funds available to either party to effect an
9 equitable distribution between the parties and shall also take into consideration any reduction of
10 entitlement caused by taking early retirement.

11 (4) In considering under this section whether a change in circumstances exists sufficient for the
12 court to reconsider spousal or child support provisions of a judgment, the following provisions apply:

13 (a) The court or administrator, as defined in ORS 25.010, shall consider income opportunities and
14 benefits of the respective parties from all sources, including but not limited to:

15 (A) The reasonable opportunity of each party, the obligor and obligee respectively, to acquire
16 future income and assets.

17 (B) Retirement benefits available to the obligor and to the obligee.

18 (C) Other benefits to which the obligor is entitled, such as travel benefits, recreational benefits
19 and medical benefits, contrasted with benefits to which the obligee is similarly entitled.

20 (D) Social Security benefits paid to a child, or to a representative payee administering the funds
21 for the child's use and benefit, as a result of the obligor's disability or retirement if the benefits:

22 (i) Were not previously considered in the child support order; or

23 (ii) Were considered in an action initiated before May 12, 2003.

24 (E) Apportioned Veterans' benefits or Survivors' and Dependents' Educational Assistance under
25 38 U.S.C. chapter 35 paid to a child, or to a representative payee administering the funds for the
26 child's use and benefit, as a result of the obligor's disability or retirement if the benefits:

27 (i) Were not previously considered in the child support order; or

28 (ii) Were considered in an action initiated before May 12, 2003.

29 (b) An obligee's conviction for the attempted murder or conspiracy to commit the murder of the
30 obligor qualifies as a change in circumstances sufficient for reconsideration of support provisions.

31 (c) If the motion for modification is one made by the obligor to reduce or terminate support, and
32 if the obligee opposes the motion, the court shall not find a change in circumstances sufficient for
33 reconsideration of support provisions, if the motion is based upon a reduction of the obligor's fi-
34 nancial status resulting from the obligor's taking voluntary retirement, partial voluntary retirement
35 or any other voluntary reduction of income or self-imposed curtailment of earning capacity, if it is
36 shown that such action of the obligor was not taken in good faith but was for the primary purpose
37 of avoiding the support obligation. In any subsequent motion for modification, the court shall deny
38 the motion if the sole basis of the motion for modification is the termination of voluntarily taken
39 retirement benefits and the obligor previously has been found not to have acted in good faith.

40 (d) The court shall consider the following factors in deciding whether the actions of the obligor
41 were not in "good faith":

42 (A) Timing of the voluntary retirement or other reduction in financial status to coincide with
43 court action in which the obligee seeks or is granted an increase in spousal support.

44 (B) Whether all or most of the income producing assets and property were awarded to the
45 obligor, and spousal support in lieu of such property was awarded to the obligee.

1 (C) Extent of the obligor's dissipation of funds and assets prior to the voluntary retirement or
 2 soon after filing for the change of circumstances based on retirement.

3 (D) If earned income is reduced and absent dissipation of funds or large gifts, whether the
 4 obligor has funds and assets from which the spousal support could have been paid.

5 (E) Whether the obligor has given gifts of substantial value to others, including a current
 6 spouse, to the detriment of the obligor's ability to meet the preexisting obligation of spousal support.

7 (5) Upon terminating a duty of spousal support, a court shall make specific findings of the basis
 8 for the termination and shall include the findings in the judgment.

9 (6) Any modification of child or spousal support granted because of a change of circumstances
 10 may be ordered effective retroactive to the date the motion for modification was served or to any
 11 date thereafter.

12 (7) The judgment is final as to any installment or payment of money that has accrued up to the
 13 time the nonmoving party, other than the state, is served with a motion to modify the judgment.
 14 The court may not modify any portion of the judgment that provides for any payment of money, ei-
 15 ther for minor children or for the support of a party, that has accrued before the motion is served.
 16 However:

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

21 (b) The court may allow, as provided in the rules of the **Oregon** Child Support Program, a
 22 dollar-for-dollar credit against child support arrearages for any Social Security or Veterans' benefits
 23 paid retroactively to the child, or to a representative payee administering the funds for the child's
 24 use and benefit, as a result of an obligor's disability or retirement.

25 (8) In a proceeding under subsection (1) of this section, the court may assess against either party
 26 a reasonable attorney fee and costs for the benefit of the other party. If a party is found to have
 27 acted in bad faith, the court shall order that party to pay a reasonable attorney fee and costs of the
 28 defending party.

29 (9) Whenever a motion to establish, modify or terminate child support or satisfy or alter support
 30 arrearages is filed and the child support rights of one of the parties or of a child of both of the
 31 parties have been assigned to the state, a true copy of the motion shall be served by mail or per-
 32 sonal delivery on the Administrator of the Division of Child Support of the Department of Justice
 33 or on the branch office providing support services to the county in which the motion is filed.

34 (10)(a) Except as provided in ORS 109.701 to 109.834, the courts of Oregon, having once acquired
 35 personal and subject matter jurisdiction in a domestic relations action, retain such jurisdiction re-
 36 gardless of any change of domicile.

37 (b) The courts of Oregon, in a proceeding to establish, enforce or modify a child support order,
 38 shall recognize the provisions of the federal Full Faith and Credit for Child Support Orders Act (28
 39 U.S.C. 1738B).

40 (11) In a proceeding under this section to reconsider provisions in a judgment relating to cus-
 41 tody or parenting time, the court may consider repeated and unreasonable denial of, or interference
 42 with, parenting time to be a substantial change of circumstances.

43 (12) In a proceeding under this section to reconsider provisions in a judgment relating to par-
 44 enting time, the court may suspend or terminate a parent's parenting time with a child if the court
 45 finds that the parent has abused a controlled substance and that the parenting time is not in the

1 best interests of the child. If a court has suspended or terminated a parent’s parenting time with
 2 a child for reasons described in this subsection, the court may not grant the parent future parenting
 3 time until the parent has shown that the reasons for the suspension or termination are resolved and
 4 that reinstated parenting time is in the best interests of the child. Nothing in this subsection limits
 5 the court’s authority under subsection (1)(a) of this section.

6 (13) In a proceeding under this section to reconsider provisions in a judgment relating to cus-
 7 tody, temporary placement of the child by the custodial parent pursuant to ORS 109.056 (3) with the
 8 noncustodial parent as a result of military deployment of the custodial parent is not, by itself, a
 9 change of circumstances. Any fact relating to the child and the parties occurring subsequent to the
 10 last custody judgment, other than the custodial parent’s temporary placement of the child pursuant
 11 to ORS 109.056 (3) with the noncustodial parent, may be considered by the court when making a
 12 change of circumstances determination.

13 (14) Within 30 days after service of notice under subsection (1) of this section, the party served
 14 shall file a written response with the court.

15 (15)(a) It is the policy of this state:

16 (A) To encourage the settlement of cases brought under this section; and

17 (B) For courts to enforce the terms of settlements described in paragraph (b) of this subsection
 18 to the fullest extent possible, except when to do so would violate the law or would clearly
 19 contravene public policy.

20 (b) In a proceeding under subsection (1) of this section, the court may enforce the terms set
 21 forth in a stipulated order or judgment signed by the parties, an order or judgment resulting from
 22 a settlement on the record or an order or judgment incorporating a settlement agreement:

23 (A) As contract terms using contract remedies;

24 (B) By imposing any remedy available to enforce an order or judgment, including but not limited
 25 to contempt; or

26 (C) By any combination of the provisions of subparagraphs (A) and (B) of this paragraph.

27 (c) A party may seek to enforce an agreement and obtain remedies described in paragraph (b)
 28 of this subsection by filing a motion, serving notice on the other party in the manner provided by
 29 ORCP 7 and, if a remedy under paragraph (b)(B) of this subsection is sought, complying with the
 30 statutory requirements for that remedy. All claims for relief arising out of the same acts or omis-
 31 sions must be joined in the same proceeding.

32 (d) Nothing in paragraph (b) or (c) of this subsection limits a party’s ability, in a separate pro-
 33 ceeding, to file a motion to modify an order or judgment under subsection (1) of this section or to
 34 seek enforcement of an ancillary agreement to the order or judgment.

35 **SECTION 77.** ORS 180.345 is amended to read:

36 180.345. (1) The Department of Justice is responsible for the administration, supervision and
 37 operation of the program authorized by Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.),
 38 hereinafter the **Oregon** Child Support Program. The Administrator of the Division of Child Support
 39 of the Department of Justice is the **Oregon** Child Support Program Director for the State of Oregon.

40 (2) The Department of Justice, by and through the director, may:

41 (a) Enter into cooperative agreements with appropriate courts, law enforcement officials, district
 42 attorneys, Indian tribes or tribal organizations and state agencies to provide assistance in carrying
 43 out **services provided by the Oregon** Child Support Program [*services*] and any other matters of
 44 common concern;

45 (b) Provide billing, receipting, record keeping, accounting and distribution services for child and

1 spousal support cases that receive services required under state and federal law;

2 (c) Maintain the state plan required under federal law and act as the liaison for the **Oregon**
3 Child Support Program with the United States Department of Health and Human Services;

4 (d) Establish policy and adopt rules for the operation of the **Oregon** Child Support Program by
5 the Department of Justice and by entities entering into cooperative agreements under this section;

6 (e) Conduct performance and program audits of entities entering into cooperative agreements
7 under this section; and

8 (f) Perform any other act necessary or desirable to ensure the effective administration of the
9 **Oregon** Child Support Program under state and federal law.

10 (3) The Department of Justice shall accept and disburse federal funds made available to the
11 state for provision of the **Oregon** Child Support Program and all related functions in a manner
12 consistent with federal law. The department may retain the state share of moneys recovered under
13 child support assignments for the administration of the **Oregon** Child Support Program as allowed
14 under federal regulations.

15 (4) It is the policy of the **Oregon** Child Support Program to inform persons served by the pro-
16 gram, in a manner consistent with federal law, of resources not provided by the program that are
17 available for assistance in family law matters including, but not limited to, services provided
18 through the courts of this state, the Oregon State Bar, law schools and legal service providers that
19 receive funding from the Legal Services Program established under ORS 9.572. The program shall
20 consult with the local family law advisory committees established under ORS 3.434 to ensure that
21 eligible individuals are aware of the services offered by the program. The policy described in this
22 subsection shall be incorporated into staff training and is applicable to all entities that have entered
23 into cooperative agreements with the Department of Justice under this section.

24 (5) The director shall ensure that **Oregon** Child Support Program policy and rules, to the max-
25 imum extent practicable, meet the needs of the majority of families served by the program. The di-
26 rector shall guide program staff regarding implementation of the policy and rules.

27
28 **REPEALS**

29
30 **SECTION 78. ORS 25.575, 25.576, 25.577 and 25.710 are repealed.**

31
32 **MISCELLANEOUS**

33
34 **SECTION 79. The unit captions used in this 2025 Act are provided only for the conven-**
35 **ience of the reader and do not become part of the statutory law of this state or express any**
36 **legislative intent in the enactment of this 2025 Act.**

37 _____