



PERMANENT ADMINISTRATIVE ORDER

DOJ 58-2020
CHAPTER 137
DEPARTMENT OF JUSTICE

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AMEND: 137-055-4080

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RULE SUMMARY: OAR 137-055-4080 is amended to provide that if a parent submits two dishonored payments within a 12-month period, their electronic payment withdrawal (EPW) will be canceled, and they will be able to request to requalify 12 months after their second dishonored payment.

CHANGES TO RULE:

137-055-4080

Exceptions to Income Withholding ¶

- (1) An exception to income withholding may be granted in any case as set out in ORS 25.396.¶
- (2) The administrator may allow payment by electronic funds transfer (EFT) as an exception to income withholding if:¶
 - (a) The obligee consents to payment by EFT; or¶
 - (b) The only payee on the case is a child attending school (CAS) under ORS 107.108 and OAR 137-055-5110, and the CAS consents to payment by EFT; and¶
 - (c) The obligor submits a completed request for payment by EFT on a form provided by the Division of Child Support (DCS); and¶
 - (d) The obligor continues to pay the amount due for current support each month until DCS activates the EFT; and¶
 - (e) The obligor has not been disqualified from payment by EFT under sections (9)(a) or (9)(d) of this rule in the last 12 months.¶
- (3) If payment by EFT is allowed as provided in section (2) of this rule, payment by electronic payment withdrawal (EPW) may be allowed only if:¶
 - (a) The obligor's financial institution is a participant in the National Automated Clearinghouse Association; ¶
 - (b) The request for EPW:¶

- (A) Is signed by all signatories to the obligor's account at the financial institution; and¶
- (B) Establishes both a monthly withdrawal date, ~~no later than the monthly support due date~~, and the amount to be paid on each withdrawal date thereafter.¶
- (4) Payment by EPW will not be allowed if the order is a contingency order as provided in ORS 416.417, unless the child is in the care of the Oregon Youth Authority.¶
- (5) If the EFT request is approved, DCS will notify the parties by mail, including the initial withdrawal date.¶
- (6) An obligor may make additional payments by EFT even if the obligor does not qualify for an exception to withholding, as long as the obligor designates a withdrawal date.¶
- (7) The administrator will not process a request to obtain consent to payment by EFT if the obligee or ~~child attending school~~ the CAS has failed to consent at any time within the previous six months.¶
- (8) The administrator will terminate income withholding when:¶
 - (a) There is no longer a current order for support and all arrears have been paid or satisfied; or¶
 - (b) The court or administrator allows an exception to withholding pursuant to ORS 25.396 and this rule.¶
- (9) The administrator will reinstate income withholding and cancel payment by EFT if:¶
 - (a) At least one month of arrears accrues;¶
 - (b) The obligor cancels the request to pay by EFT; ~~or~~¶
 - (c) The obligee, or if appropriate, CAS, withdraws their consent to the EFT and the administrator agrees that the EFT should be canceled; or¶
 - (d) The obligor submits two dishonored payments within the last 12 months.

Statutory/Other Authority: ORS 25.396, 25.427, 180.345

Statutes/Other Implemented: ORS 25.378, 25.396