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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 137
DEPARTMENT OF JUSTICE

FILED
10/09/2025 10:14 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Satisfactions of support awards processed by the Oregon Child Support Program

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

Amendments to these rules are needed to specify circumstances in which a satisfaction may result in a credit balance and clarify the process.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

none

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The department anticipates this rule will have little to no impact on racial equity in this state. Since the rule change seeks to clarify the satisfaction process and when the department will allow credit balances on child support cases without changing the underlying goals or functions, no impact on racial equity is anticipated.

FISCAL AND ECONOMIC IMPACT:

The amendments to these rules do not impact small or large businesses. Because the amendments do not require any changes for businesses, there will be no fiscal impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. Impact: none. 2. Cost of compliance: a. none; b. none; c. none.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

No small businesses were involved in the development of these rules because the amendments do not require any changes for small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The proposed rule changes clarify program policy and procedures. Although the Oregon Child Support Program did not convene a meeting of an advisory committee to review these revisions, the rule amendments were circulated to program partners. There was no controversy regarding the revisions.

RULES PROPOSED:
137-055-5220, 137-055-6120

AMEND: 137-055-5220

RULE SUMMARY: OAR 137-055-5220 (Satisfaction of Support Awards) This rule is being amended to clarify that an obligee may not satisfy more than the amount owed to them. Satisfactions included in orders filed in court or administrative orders issued by the Office of Administrative Hearings will be applied in full even if it causes a credit balance.

CHANGES TO RULE:

137-055-5220
Satisfaction of Support Awards ¶

The purpose of this rule is to define how the ~~Division of~~Oregon Child Support ~~(DCS)~~Program, administered by the Oregon Department of Justice, will credit "satisfactions of support award"s in certain circumstances. This rule must not be construed as limiting the authority of ~~DCS~~the department to approve or credit a satisfaction of support award in other lawful circumstances not specified in this rule. ¶
(1) For purposes of this rule, an obligee is any person entitled to receive support who is listed as a judgment creditor.¶
(2) When support payment records are kept by the ~~D~~department ~~of Justice~~, an obligee may satisfy amounts ~~indica~~owed to them and reflected on the case records as past due by ~~filing a properly-~~submitting a completed "satisfaction of support award" form ~~with~~to the administrator, subject to approval by ~~DCS~~the administrator under the provisions of this rule~~;~~ or in accordance with OAR 137-055-5240.¶
(~~2~~3) ~~When current support or arrears are assigned to the State of Oregon or to another jurisdiction, and the obligor is seeking credit for support payments not made through DCS:¶~~
~~(a) DCS and its attorneys have authority to approve~~Except as provided in paragraph (5) and (13), an obligee may not satisfy more than the amount owed to them and ~~sign~~if a satisfaction~~s.¶~~
~~(b) This authority may be exercised only when the obligee has signed a satisfaction of support award form which acknowledges that the support payment was received.¶~~
~~(3) DCS~~ of support award seeks to satisfy more than what is owed to the obligee, the administrator may reject it in part or in full. ¶
(4) The department and its attorneys have authority to sign and approve satisfactions of support award~~s~~ for money ~~paid through DCS as payment of assigned support.~~assigned to the State of Oregon and other jurisdictions. ¶
(~~4~~5) ~~DCS will record, on the case record, all properly-completed satisfactions of support award not assigned, and all satisfactions~~ All satisfactions ordered by a court, filed in court by an obligee, or that are the result of an administrative order issued by the Office of Administrative Hearings may be processed by the administrator and recordered ~~by a court or a hearing order, an~~on the case record in full, even if it causes the case to be in a credit balance.¶
(6) The administrator will record ~~all~~ satisfaction~~s for assigned support that are approved in accordance with this rule. DCS will also~~ of support award on the case record in the amount allowed by the department and promptly ~~forward~~file the satisfaction of support award form to the appropriate court administrator, together with a certificate stating the amount ~~of support satisfaction~~ entered on the case record. ¶
(~~5~~7) ~~Except when satisfied and approved by DCS and its attorneys or by a court or hearing order, DCS will not enter a satisfaction on a case record for support that has been assigned to the State of Oregon or another~~

~~jurisdiction.~~¶
~~(6) When DCS~~When the administrator rejects a satisfaction in part or in full as provided in section (~~5~~3) ~~above, DCS~~of this rule, the administrator will send written notice to the obligor and obligee~~,~~ by regular mail to the most recent address of record. Such notice will indicate the reason for the rejection.¶
(~~7~~8) All satisfactions must contain the following:¶
(a) The full names of both the obligor and the obligee;¶
(b) The name of the Oregon county circuit court where the support award was entered;¶
(c) The Oregon Child Support Program ~~support~~ case number~~,~~ or the circuit court case number;¶
(d) Either:¶
(A) The total dollar amount to be satisfied; or¶
(B) The period ~~of time~~ for which past due support is satisfied;¶
(e) A statement that the satisfaction is only for child support or spousal support;¶
(f) The signature of the obligee, except for those satisfactions approved under sections¶
~~(2~~ (4) and (~~3~~5) of this rule, where the obligee's signature is not required; and¶
(g) The date the form is signed.¶
(~~8~~9) All signatures on ~~"~~satisfactions of support award~~"~~ must be notarized, except ~~o~~when included in court orders.¶
(~~9~~10) Notwithstanding any other provision of this rule, ~~DCS~~the department has the authority to file and execute a satisfaction~~,~~ without the need to notarize such satisfaction~~,~~ when all ~~of~~ the following are true:¶
(a) The obligor provides a sworn affidavit that the support award has been paid in full~~,~~; and¶
(b) ~~DCS~~The department certifies that it has a complete payment record for the support award and that the payment records shows no arrears. ~~DCS~~The department will be considered to have a complete payment record if ~~DCS~~the department has kept the payment record for the support judgment from the date of the first support payment required under the award~~,~~ or if the obligee or the administrator established arrears for the ~~time~~ period when ~~DCS~~the department did not keep the payment record on the case.¶
(1~~0~~1) When ~~DCS~~the administrator receives a sworn affidavit under the provisions of subsection (~~9~~8)(a) of this rule, ~~DCS~~the department will examine its support records and determine if it has the authority under section (~~9~~10) of this rule to execute and file a satisfaction of support award. ~~DCS~~The administrator will promptly notify the obligor if ~~DCS~~the department determines that it does not have authority to execute and file a satisfaction of support award. ~~DCS~~The department will also determine if any amounts due for support were not assigned to the state. If ~~DCS~~the department determines that any amounts were not assigned to the state, ~~DCS~~the administrator will give notice to the obligee in the manner provided by ORS 25.085. The notice must inform the obligee that ~~DCS~~the program will execute and file the satisfaction of support award unless ~~DCS~~the program receives an objection and request for hearing within 30 days after the date of mailing the notice.¶
(1~~1~~2) If the obligee requests a hearing under section (1~~0~~1) of this rule, a contested case hearing will be conducted under ORS 183.310 to 183.502 before an administrative law judge.¶
(1~~2~~3) If support is owed to a child attending school ~~the obligee may only satisfy arrears as defined in OAR 137-055-5120~~who is not a judgment creditor, the child attending school can only agree to a credit for direct payment as defined in OAR 137-055-5120, however an obligee may satisfy arrears owed to a child attending school.
Statutory/Other Authority: ORS 18.225, 180.345
Statutes/Other Implemented: ORS 18.225 - 238, 25.020

AMEND: 137-055-6120

RULE SUMMARY: OAR 137-055-6120 (Satisfaction of Arrears for Less Than Full Payments) is being amended to remove redundant language and streamline the process.

CHANGES TO RULE:

137-055-6120
Satisfaction of Arrears for Less Than Full Payment ¶

(1) The D~~ivision of Child Support (DCS)~~epartment of Justice may satisfy all or any portion of child support arrears that are assigned to the State of Oregon or to any other jurisdiction~~, subject to the following:¶~~
~~(1) DCS may satisfy all or any portion of assigned arrears only if one or more of the following circumstances apply:~~ if one or more of the following circumstances apply: ¶
(a) An error or legal defect has occurred that indicates a reduction may be appropriate; ¶
(~~a~~b) The arrears are a substantial hardship to the ~~paying parent or that parent's~~obligor or their household; or ¶
(~~b~~c) A compromise of amounts owing will result in greater collection on the case, considering the maximum amount that ~~DCS~~the department could reasonably expect to collect from the obligor if no compromise was made and the probable costs of collecting that maximum amount; ~~or~~and¶
(~~c~~A) The obligor has entered into an agreement with ~~DCS~~the department to take steps to~~:¶~~
~~(A) E~~ enhance the ~~obligor's~~ir ability to pay child support; or ¶
(B) ~~Enhance t~~The obligor~~'s relationship with the child or children for whom the obligor owes the arrears.¶~~
~~(d) An error or legal defect has occurred that indicates a reduction may be appropriate.¶~~
~~(2) If all or any portion of the assigned arrears are the states temporarily assigned arrears as defined in OAR 137-055-6010, DCS may satisfy the amount only if the obligee consents and signs the appropriate "satisfaction of support judgment" for~~ has entered into an agreement with the department to take steps to enhance their ability to care for the child or children who reside with them. ¶
(~~3~~2) If all or any portion of the assigned arrears are assigned to another jurisdiction, ~~DCS~~the department may satisfy th~~at~~e assigned amount only with the approval of that jurisdiction. ¶
(~~4~~3) ~~DCS will not sign any satisfaction for less than full payment of arrears until:¶~~
~~(a) The obligor has paid the full amount agreed to as appropriate consideration,~~ For purposes of subsection (1)(c) of this rule, the department will not complete a satisfaction for less than ~~and~~ the ~~obligor's payment instrument has cleared the appropriate financial institutions; or¶~~
~~(b) DCS~~full payment of arrears unless the department has determined that the obligor has satisfactorily met~~,~~ or is complying with~~,~~ any agreement made with ~~DCS~~the department pursuant to this rule. ¶
(~~5~~4) ~~DCS~~The department will record a summary of each agreement to satisfy arrears for less than full payment on the appropriate electronic file on the case. ¶
(~~6~~5) Any satisfaction executed under this rule will be made pursuant to~~,~~ and in full compliance with~~,~~ ORS 18.228. ¶
(~~7~~6) The provisions of this rule notwithstanding, the obligee may satisfy all or any portion of unassigned arrears due to the obligee, pursuant to OAR 137-055-5220. ¶
(~~8~~7) Nothing in this rule precludes the administrator from negotiating a satisfaction of arrears due or potentially due to the obligee for less than full payment by the obligor, but such satisfaction will take effect only when the obligee consents and signs a "satisfaction of support judgment" pursuant to OAR 137-055-5220.
Statutory/Other Authority: ORS 180.345
Statutes/Other Implemented: ORS 18.400, 25.020, 25.080