



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 137
DEPARTMENT OF JUSTICE

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: 2025 legislation implementation

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/28/2025 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 implement 2025 legislation.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2025 Oregon House Bill 3348 (<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/HB3348>)
and Senate Bill 163 (<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB163>)

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

The department anticipates that changes due to the implementation of HB 3348 (2025) may advance racial equity. The Oregon Child Support Program has played a critical role in the lives of Oregon families for 50 years. In that time, child support practices, public policies, and the lives of the people we serve have evolved. By implementing HB 3348 (2025), the program is demonstrating our commitment to providing the right services at the right time to support parents in supporting their children. To better fulfill our mission of supporting parents to support children, we seek to modernize outdated language, make small adjustments to expand access to justice, and close gaps in services.

The impact on racial equity from amendments due to the implementation of SB 163 (Uniform Parentage Act (UPA)) (2025) is unknown at this time. The UPA has positively modernized parentage law to reflect the diversity of modern families and eliminated the legal distinction between children based on their parents' marital status; however, the UPA and associated child support systems still interact with broader societal inequalities that disproportionately affect racial and ethnic minority families.

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):

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.

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

The proposed rule changes implement 2025 legislation. 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:

137-055-1020, 137-055-1060, 137-055-1070, 137-055-1080, 137-055-1100, 137-055-1120, 137-055-1140, 137-055-1200, 137-055-1320, 137-055-1500, 137-055-1600, 137-055-1800, 137-055-2060, 137-055-2080, 137-055-2120, 137-055-2170, 137-055-2320, 137-055-2340, 137-055-2360, 137-055-2380, 137-055-3020, 137-055-3040, 137-055-3060, 137-055-3080, 137-055-3100, 137-055-3120, 137-055-3140, 137-055-3220, 137-055-3290, 137-055-3360, 137-055-3400, 137-055-3410, 137-055-3420, 137-055-3640, 137-055-3660, 137-055-4060, 137-055-4300, 137-055-4420, 137-055-4455, 137-055-4500, 137-055-4640, 137-055-5025, 137-055-5030, 137-055-5040, 137-055-5400

AMEND: 137-055-1020

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1020

Oregon Child Support Program Definitions ¶¶

~~¶ Except as otherwise provided, the following definitions apply to OAR 137-055-1040 through 137-055-7190:¶¶~~

~~(1) Unless otherwise stated, a "Administrator" means either the Administrator of the Division of Child Support of the Department of Justice or a district attorney, or the administrator's or a district attorney's authorized representative. ¶¶~~

~~(2) "Assignee" means the Oregon Department of Human Services (ODHS), the Oregon Health Authority (OHA), the Division of Child Support, or equivalent agencies in any other state or Tribe to which support rights for a person are assigned. ¶¶~~

~~(3) "Assignment" or "Assigned" means all or a portion of support payments owed to a person will be kept by the state if the person or a beneficiary of the person is receiving Temporary Assistance for Needy Families (TANF) cash assistance or foster care services. Support payments will be distributed as provided in OAR 137-055-6022. Additionally, if a person receives Title XIX medical assistance, medical support rights are assigned. ¶¶~~

~~(4) "Beneficiary" means any child, spouse, or former spouse for whom an obligor has been ordered (or has agreed) to pay support, under a court or administrative order, or a voluntary agreement. ¶¶~~

~~(5) "Child support award" means a money award or administrative order that requires the payment of child support. ¶¶~~

~~(6) "Child support program services" means services provided for the purposes of OAR 137-055-1040 through 137-055-7190 and ORS Chapter 25, and includes, but is not limited to, establishment of parentage, establishment,~~

modification, and enforcement of child support orders, enforcement of spousal support orders when the program is enforcing child support for the same obligee, receipting of support payments, disbursement of support payments, and maintaining accounting records.¶

(7) "Class order" means a support order for multiple children that does not specify an amount of support per child and requires the payment of the entire amount until the last child attains majority or until the order is prospectively modified.¶

(78) "Court order" means any judgment or order of the court requiring an obligor to provide child or spousal and/or health care coverage, for specified beneficiaries.¶

(89) "Court-ordered amount" or "COA" means the periodic payment amount, usually monthly, ordered by the administrator, an administrative law judge or by a court for support. The COA can be either the amount for each beneficiary on a support case, or the total amount for all beneficiaries in a single support case.¶

(910) "District Attorney" or "DA" means the district attorney for an Oregon county responsible for providing services under ORS 25.080. ¶

(101) "Division of Child Support" or "DCS" is the division of the Oregon Department of Justice that is responsible for providing services under ORS 25.080.¶

(142) "Guidelines" refers to the guidelines, the formula, and related provisions established by DCS, in OAR 137-050-0705 through 137-050-0765.¶

(123) "Income withholding" means a judicial or administrative process under which an obligor's employer, trustee, or other provider of income is ordered to withhold a specified percentage, or a specified amount, from each and every paycheck or benefit payment of an obligor, for the purpose of paying current and past-due support. Income withholding is distinguished from garnishment as follows: income withholding will occur continuously under a single order and is not subject to claim of exemption; a garnishment occurs for only a limited duration under a single writ and is subject to certain property exemptions provided by law. ¶

(134) "Initiating agency" means a state or Tribal IV-D agency, or a child support agency in a reciprocating foreign country, in which an individual has applied for or is receiving child support services.¶

(145) "Intergovernmental" means a case or action that involves a Tribe, another country, or another state's child support agency.¶

(156) "Issuing jurisdiction" means the state, Tribe or reciprocating foreign country in which a tribunal issues a support order or renders a judgment determining parentage and includes an "issuing state" as defined in ORS 110.503(13).¶

(167) "Judgment lien" means the effect of a judgment on real property for the county in which the judgment is entered, or such other county where the lien is recorded, and includes any support arrearage lien attaching to real property.¶

(178) "Judgment remedy" means the ability of a judgment creditor to enforce a judgment, including enforcement through a judgment lien.¶

(189) "Legal proceeding" means any action related to the support order that requires service of documents on the parties. For the purposes of OAR 137-055-1140 and 137-055-1160, legal proceeding means a proceeding initiated by the administrator.¶

(1920) "Medicaid" refers to Title XIX of the Social Security Act (see the definition under "Title XIX").¶

(201) "Money award" means a judgment or portion of a judgment that requires the payment of money. ~~A money award will always refer to a sum certain and will not require a payment in installments.~~¶

(242) "Oregon Child Support Program," "Child Support Program," or "CSP" is the program authorized under Title IV-D of the Social Security Act to provide child support enforcement services required by federal and state law. The Child Support Program director in Oregon is the Administrator of the Division of Child Support. The Oregon Child Support Program includes the Division of Child Support and those district attorneys that contract to provide services described in ORS 25.080.¶

(223) "Oregon Department of Human Services" or "ODHS" is the state's health and human services agency. The ODHS is responsible for public assistance programs such as TANF, Supplemental Nutrition Assistance Program or SNAP (food stamps), child-protective services, and foster care and adoption programs.¶

(234) "Oregon Health Authority" or "OHA" is the state's Medicaid agency for administration of funds from Title XIX and XXI of the Social Security Act and to administer medical assistance under ORS Chapter 414.¶

(245) "Party" means an obligor, obligee, or a child attending school under ORS 107.108 and OAR 137-055-5110, and includes any person who has been joined to the proceeding.¶

(256) "Responding agency" means the agency that is providing services in response to a referral from an initiating agency in an intergovernmental case.¶

(267) "Subsequent child" means a child whose paternity or support has not been established and who is born to the same parents of another child, or who has not been included in a support order for another child with the same parties.¶

(278) "Support" means monetary payments, health care coverage payments or premiums, cash medical payments

or other benefits or payments that a person has been ordered by a court or by administrative process, or has voluntarily agreed, to provide for the benefit and maintenance of another person.¶¶

(289) "Support arrearage lien" means a lien that attaches to real property when an installment becomes due under the terms of a support award and is not paid.¶¶

(2930) "Support award" means a money award or administrative order that requires the payment of child or spousal support.¶¶

(301) "Support order" means a judgment or order, whether temporary, final, or subject to modification, that reflects an obligation to contribute to the support of a child, a spouse or a former spouse, and requires an obligor to provide monetary support, health care, arrears or reimbursement. A support order may include related costs and fees, interest, income withholding, attorney fees and other relief.¶¶

(312) "TANF" means Temporary Assistance for Needy Families, a public assistance program that provides case management and cash assistance to low-income families with minor children. It is designed to promote personal responsibility and accountability for parents. The goal of the program is to reduce the number of families living in poverty through employment services and community resources. Title IV-A of the Social Security Act is the specific provision that gives grants to states and Tribes for aid and services to needy families with dependent children.¶¶

(323) "Tiered order" means an order that includes an amount of support to be paid if an adult child becomes a child attending school under ORS 107.108 and OAR 137-055-5110.¶¶

(334) "Title IV-A" refers to Title IV-A of the Social Security Act, which is the specific provision that gives grants to states and Tribes for aid and services to needy families with dependent children (see TANF). Applicants for assistance from IV-A programs are automatically referred to their state IV-D agency to identify and locate the non-custodial parent, establish paternity or a child support order, and obtain child support payments. ¶¶

(345) "Title IV-D" refers to Title IV-D of the Social Security Act, which requires each state to create a program to locate noncustodial parents, establish paternity, establish and enforce child support obligations, and collect, distribute and disburse support payments. Recipients of IV-A (TANF), IV-E (foster care), and XIX (Medicaid) assistance are referred to their state's IV-D child support program. States must also accept applications from families who do not receive assistance, if requested, to assist in collection of child support. Title IV-D also established the federal Office of Child Support Services.¶¶

(356) "Title IV-E" refers to Title IV-E of the Social Security Act, which established a federal-state program known as Foster Care that provides financial support to a person, family, or institution that is raising a child or children who is not their own. The funding for IV-E foster care programs is primarily from federal sources. ¶¶

(367) "Title XIX", known as Medicaid, refers to Title XIX of the Social Security Act, which mandates health care coverage by states for TANF recipients and certain other means-tested categories of persons. Within broad national guidelines that the federal government provides, each state: establishes its own eligibility standards; determines the type, amount, duration, and scope of services; sets the rate of payment for services; and administers its own program. In Oregon, the program is administered by OHA.

Statutory/Other Authority: ORS 18.005, 180.345

Statutes/Other Implemented: ORS 25.080

AMEND: 137-055-1060

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1060

Uniform Application for Child Support Services ¶

- (1) The administrator will provide a standard application form to any person requesting child support services. Except for the application form, the notice required under section (3) of this rule, and any statements necessary to respond to inquiries about these forms, or as provided in OAR 137-055-5110, no other written or oral statements concerning an applicant's qualification for services nor any contract for service will be offered. ¶
- (2) The application form must: ¶
- (a) Contain a statement that the applicant is requesting child support services; and ¶
 - (b) Require the applicant's signature. ¶
- (3) The administrator will provide a notice to applicants for child support ~~enforcement~~ services, which includes the following information: ¶
- (a) The applicant's rights and responsibilities; ¶
 - (b) An explanation of activities for which fees are charged; ¶
 - (c) Policies on cost recovery; and ¶
 - (d) Policies on distribution and disbursement of collections. ¶
- (4) A standardized application form and the notice required under section (3) will be readily available to the public in each Oregon Child Support Program office: ¶
- (a) The administrator will provide a standardized application form, and the notice required under section (3), upon request to any individual who requests services in person; ¶
 - (b) When a request for child support services is made in writing or by telephone, the administrator will send the individual a standardized application form and the notice required under section (3), within five working days from the date the request is made. ¶
- (5) The administrator will accept an application as it is filed, on the day it is received. ¶
- (6) The administrator will create a case on the computerized system within two working days of receipt of the application providing circumstances beyond the control of the administrator do not occur. ¶
- (7) The administrator will provide the notice required under section (3) of this rule: ¶
- (a) If the requesting individual or a beneficiary of such person is not receiving assistance in the form of Temporary Assistance for Needy Families (TANF) cash assistance, Medicaid, or foster care services, along with a standard application form; ¶
 - (b) If the requesting individual or a beneficiary of such person receives assistance in the form of TANF cash assistance, Medicaid, or foster care services, within 20 calendar days of referral from the Oregon Department of Human Services (ODHS). ¶
- (8) Once an application for child support services is accepted, if necessary for establishment or enforcement purposes, the administrator will solicit additional relevant information by means of a form approved by the administrator.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080

AMEND: 137-055-1070

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1070

Provision of Services ¶

(1) For the purposes of this rule, the following definitions apply:¶

(a) A "IV-D case" means a case in which services are being provided pursuant to ORS 25.080.¶

(b) A "non-IV-D case" means a case that does not meet the criteria for a IV-D case, but the administrator will maintain a record of the dollar amounts received and disbursed. No other accounting services or legal actions will be provided.¶

(c) A "full services case" means a case in which all of the necessary services required under ORS 25.080(4) are provided.¶

(d) A "limited services case" means either a case in which one jurisdiction needs limited assistance from another jurisdiction as defined in 45 CFR 303.7, or a case in which the only service requested under ORS 25.080 is ~~paternity establishment~~ of parentage for a minor child.¶

(2) When any Oregon judgment or support order for child support or child support with spousal support is received but no application for services has been received, the administrator will:¶

(a) Create a non-IV-D case on the child support automated system, if one does not already exist, to receive and disburse payments in accordance with OAR 137-055-6021; and¶

(b) Send the parties a letter explaining why disbursement only services will be provided. The letter must include a statement that the parties may apply for child support enforcement services at any time if the order includes a provision for child support.¶

(3) When any Oregon judgment or support order for child support or child support with spousal support is received and no application for services has been received, but either the obligor or obligee has requested services sufficient for the establishment of income withholding as provided in ORS 25.381(2)(a), the administrator will:¶

(a) Create a non-IV-D case on the child support automated system, if one does not already exist;¶

(b) Establish income withholding under ORS 25.378; ¶

(c) Receive and disburse payments in accordance with OAR 137-055-6021; and¶

(d) Send the parties a letter explaining why disbursement only services will be provided. The letter must include a statement that the parties may apply for child support enforcement services at any time if the order includes a provision for child support.¶

(4) If the provisions of subsection (2) or (3) apply and a party subsequently completes an application or other written request for child support enforcement services, the administrator will process the application or request in accordance with OAR 137-055-1060.¶

(5) When any Oregon judgment or support order is received that requires payment of spousal support only, the administrator will process the order pursuant to OAR 137-055-2045.¶

(6) When a person applies for services under OAR 137-055-1060 for establishment or enforcement of a child support order, and the case is a full services case, the administrator will:¶

(a) Perform all mandated services under state and federal law; and¶

(b) Determine which non-mandated services will be provided and may consider input from the applicant in making that determination.¶

(7)(a) When a person applies for services under OAR 137-055-1060 and there is more than one parent obligated to pay support, the applicant may apply for services to establish and collect support from only one parent or from both parents.¶

(b) A separate application under OAR 137-055-1060 is required for each parent from whom the applicant wishes to pursue support.¶

(8) A parent or alleged parent applying to establish ~~paternity~~ parentage only, as described in subsection (1)(d), must complete an application for services in substantially the same form as an application under OAR 137-055-1060.¶

(9) When a parent or alleged parent applies to establish ~~paternity~~ parentage only, as described in subsection (1)(d), the administrator will accept the application and provide limited services if:¶

(a) The administrator has jurisdiction to establish ~~paternity~~ parentage;¶

(b) There is no legal presumption of parentage under ORS 109.070;¶

(c) ~~Paternity~~ parentage is not already established;¶

(d) The child does not receive public assistance; and¶

(e) The administrator is not already providing full services.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.020, 25.080, 25.140, 25.164, 25.381, 107.108

AMEND: 137-055-1080

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1080

Fees ¶¶

- (1) As used in this rule, "reporting year" means October 1 of one year through September 30 of the following year.¶¶
- (2) As required by 45 CFR 302.33, the Oregon Child Support Program will assess:¶¶
 - (a) A \$1 application fee on behalf of each applicant whose family is not receiving assistance in the form of TANF cash assistance, Medicaid, or foster care services and who applies to the Oregon Child Support Program for child support enforcement services;¶¶
 - (b) A \$35 annual fee for each support case where:¶¶
 - (A) The obligee, child, or a child attending school as defined in OAR 137-055-5110, has never received assistance under a state or Tribal program funded under Title IV-A of the Social Security Act;¶¶
 - (B) At least \$550 of child support has been disbursed to the family in the reporting year; and¶¶
 - (C) Oregon is not providing services at the request of another state pursuant to 45 CFR 303.7.¶¶
- (3) The Department of Justice may collect the fee specified in subsection (2)(a) of this rule from each applicant by deducting it from any unassigned support receipted by the Department.¶¶
- (4) Notwithstanding any other provision of the Oregon Child Support Program administrative rules, and except as provided in section (5), the Department of Justice may collect the fee specified in subsection (2)(b) of this rule from each obligee or child attending school, if applicable, by deducting it from any unassigned child support receipted by the Department.¶¶
- (5) Fees specified in subsection (2)(b) of this rule may not be collected from an applicant or child attending school, if applicable, who is a resident of a foreign country.¶¶
- (6) Fees recovered pursuant to section (4) of this rule may be recovered on a pro rata basis from both the obligee and any child attending school if the provisions of OAR 137-055-5110 apply.¶¶
- (7) Once a fee has been collected, it will not be returned, even if the obligee, child, or a child attending school later receives TANF.

Statutory/Other Authority: ORS 180.345, 45 CFR 302.33

Statutes/Other Implemented: ORS 25.080, 25.150

AMEND: 137-055-1100

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1100

Continuation of Services ¶

(1) When a family's assistance grant is closed, services under ORS 25.080 will automatically be continued. The Division of Child Support (DCS) will notify the support obligee and any child attending school under 107.108 and OAR 137-055-5110, in writing, of the services to be provided and the consequences of receiving those services, including a listing of available services, fees, the state's policy on cost recovery and its distribution policies. The Division of Child Support will notify the obligee, and the child attending school that subject to the obligor or child attending school's right to request services:¶

(a) An obligee or applicant for services may request that child support enforcement services no longer be provided. If the obligee or applicant so requests, and there is no assignment of arrears to the state, case closure procedures pursuant to OAR 137-055-1120 may be initiated. ¶

(b) An obligee may also request under OAR 137-055-1090 that support enforcement services no longer be provided for either the obligee or the state.¶

(c) A child attending school who is an applicant for services may, under subsection (1)(a), request that child support enforcement services no longer be provided on ~~his or her~~their behalf. A child attending school who is not an applicant for services may discontinue all child support enforcement services on ~~his or her~~their behalf by redirecting ~~his or her~~their support to the obligee under OAR 137-055-5110(4)(b).¶

(2) In cases where current child support is not assigned to the state but medical support is assigned to the state, the obligee may elect to not pursue establishment of a child support obligation other than medical child support. In those cases, if the obligee so elects, the administrator will provide only those services necessary to establish and enforce an order for medical child support, including establishment of ~~paternity~~parentage where necessary.¶

(3) If a case has been closed pursuant to this rule, an obligee or applicant may at any time request the child support case be reopened by completing a new application for services. ¶

(4) If a case is reopened or reactivated after it was closed or enforcement of support was suspended, the administrator may immediately resume enforcement of the case balance the administrator stopped enforcing at the time the case was closed or enforcement of support was suspended.

Statutory/Other Authority: ORS 25.080, 180.345

Statutes/Other Implemented: ORS 25.080

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1120

Case Closure ¶¶

(1) The administrator may elect to close a case if the case meets at least one of the following criteria and supporting documentation for the case closure decision is maintained in the case record:¶¶

(a) There is no longer a current support order and arrearages are under \$500 or unenforceable under state law; ¶¶

(b) There is no longer a current support order and all arrearages in the case are assigned to the state;¶¶

(c) There is no longer a current support order, the children have reached the age of majority, the obligor is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and that parent has no income or assets available above the subsistence level that could be levied or attached for support;¶¶

(d) The obligor or alleged father is deceased and no further action, including a levy against the estate, can be taken;¶¶

(e) The obligor is living with the minor child (as the primary caregiver or in an intact two-parent household), and the administrator has determined that services are not appropriate or are no longer appropriate;¶¶

(f) ~~Paternity~~parentage cannot be established because:¶¶

(A) The child is at least 18 years old and an action to establish ~~paternity~~parentage has not been initiated;¶¶

(B) A genetic test or a court or an administrative process has excluded the alleged ~~father~~genetic parent and no other alleged ~~father~~parent can be identified; ¶¶

(C) The administrator has determined that it would not be in the best interests of the child to establish ~~paternity~~parentage in a case involving incest or rape, or in any case where legal proceedings for adoption are pending. For the purposes of this paragraph, a determination by the Oregon Department of Human Services that ~~paternity~~parentage establishment is not in the best interests of the child will be considered a determination by the administrator; or¶¶

(D) The identity of the ~~biological father~~genetic parent is unknown and cannot be identified after diligent efforts, including at least one interview by the administrator with the recipient of services;¶¶

(g) The obligor's location is unknown, and the administrator has made diligent efforts using multiple sources to locate the obligor, in accordance with 45 CFR 303.3, all of which have been unsuccessful: ¶¶

(A) Over a two-year period when there is sufficient information to initiate an automated locate effort; or¶¶

(B) Over a six-month period when there is not sufficient information to initiate an automated locate effort; or¶¶

(C) After a one-year period when there is sufficient information to initiate an automated locate effort, but locate interfaces are unable to verify a Social Security number;¶¶

(h) The administrator has determined that throughout the duration of the child's minority (or after the child has reached the age of majority), the obligor cannot pay support and shows no evidence of support potential because the parent has been institutionalized in a psychiatric facility, is incarcerated, or has a medically verified total and permanent disability. The administrator must also determine that the obligor has no income or assets available above the subsistence level that could be levied or attached for support; ¶¶

(i) The obligor's sole income is from: ¶¶

(A) Supplemental Security Income (SSI) payments; or ¶¶

(B) Both SSI payments and either Social Security Disability Insurance (SSDI) or Social Security Retirement (SSR) benefits.¶¶

(j) The obligor is a citizen of and lives in a foreign country, does not work for the federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets; and there is no federal or state treaty or reciprocity with the country;¶¶

(k) The state parent locator service has provided location-only services as requested under 45 CFR 302.35(c)(3);¶¶

(L) The non-TANF recipient of services requests closure of a case and there is no assignment to the state of medical support or of arrearages that accrued under a support order;¶¶

(m) The administrator has completed a ~~paternity~~parentage-only limited service application;¶¶

(n) The Oregon Department of Human Services, Oregon Health Authority, or the administrator, pursuant to OAR 137-055-1090, has made a finding of good cause or other exceptions to cooperation with the Oregon Child Support Program and has determined that ~~child support enforcement may not proceed~~services may not be provided without risk of harm to the child or caretaker relative;¶¶

(o) In a non-TANF case, or a Medicaid case when cooperation with the Oregon Child Support Program is not required of the recipient of services, the administrator is unable to contact the recipient despite a good faith effort

to contact the recipient through at least two different methods;¶¶

(p) In a non-TANF case, or a Medicaid case when cooperation with the Oregon Child Support Program is not required of the recipient of services, the administrator documents the circumstances of the recipient's noncooperation and an action by the recipient of services is essential for the next step in providing IV-D services; ¶¶

(q) The administrator documents failure by the initiating agency to take an action that is essential for the next step in providing services; ¶¶

(r) The initiating agency has notified the administrator that the initiating state has closed its case;¶¶

(s) The initiating agency has notified the administrator that its intergovernmental services are no longer needed; ¶¶

(t) The Oregon Department of Human Services or Oregon Health Authority has referred a case to the Oregon Child Support Program that is inappropriate to establish, enforce, or continue to enforce a child support order and the custodial or noncustodial parent has not applied for services; or¶¶

(u) The obligee is deceased and no trustee or personal representative has requested services to collect arrears despite a good faith effort to contact a representative of the obligee through at least two different methods.¶¶

(2) For the purposes of this rule, subsistence level means the income or assets of the obligor is at or below the amount of income designated as the parent's self-support reserve, as defined in OAR 137-050-0745.¶¶

(3) The administrator will close a case and maintain supporting documentation for the case closure decision when the following criteria have been met: ¶¶

(a) The child is eligible for health care services from the Indian Health Service (IHS); and¶¶

(b) The IV-D case was opened because of a Medicaid referral based solely upon health care services, including the Purchased/Referred Care Program, provided through an Indian health program.¶¶

(4) The administrator will provide notice of case closure and case reopening: ¶¶

(a) In cases meeting the criteria in subsections (1)(a) through (j), (1)(n) through (p), and (1)(u) of this rule, the administrator will notify the recipient of services in writing 60 calendar days prior to closure of the case of the administrator's intent to close the case.¶¶

(b) In an intergovernmental case meeting the criteria for closure under subsection (1)(q) of this rule, the administrator will notify the initiating agency in a record 60 calendar days prior to closure of the case of the administrator's intent to close the case.¶¶

(c) The case will be kept open if the recipient of services or the initiating agency supplies information in response to the notice provided under subsection (4)(a) or (b) of this section that could lead to the establishment of paternity or a support order or enforcement of an order, or, in the instance of subsection (1)(o) of this section, if contact is reestablished with the recipient of services.¶¶

(d) For cases to be closed in accordance with subsection (1)(m) of this rule, the administrator must notify the recipient of services in writing 60 calendar days prior to closure of the case of the administrator's intent to close the case. This notice must also provide information regarding reapplying for child support services and the consequences of receiving services, including any state fees, cost recovery, and distribution policies. If the recipient reapplies for child support services in a case that was closed in accordance with subsection (1)(m) of this section, the recipient must complete a new application for IV-D services and pay any applicable fee. ¶¶

(e) If the administrator elects to close a case pursuant to subsections (1)(a) through (e), (1)(g) through (j), (1)(n) through (p) and (1)(u) of this rule, the administrator will notify any child attending school in writing at least 60 days prior to closure of the case of the intent to close the case.¶¶

(f) If the administrator elects to close a case pursuant to subsections (1)(a) through (c), (1)(e), (1)(h) through (j), (1)(m), (1)(o), (1)(p) and (1)(u) of this rule, the administrator will notify the obligor in writing at least 60 days prior to closure of the case of the intent to close the case.¶¶

(g) If the administrator elects to close a case pursuant to subsections (1)(k), (1)(L) or (1)(r) through (t) of this rule, the administrator is not required to notify any party of the intent to close the case. However, if the case is closed pursuant to subsection (1)(L), (1)(r) or (1)(s), the administrator will send a courtesy notice to the parties advising the reason for closure.¶¶

(h) If the case is closed, the former recipient of services or any party to the case may request at a later date that the case be reopened if there is a change in circumstances that could lead to the establishment of ~~paternity~~parentage or a support order or enforcement of an order by completing a new application for IV-D services and paying any applicable fee.¶¶

(i) For notices under subsections (4)(a) and (d) through (g) of this rule, if the recipient of services or any party to the case specifically authorizes consent for electronic notifications, the administrator may elect to notify the recipient of services electronically of the administrator's intent to close the case. The Oregon Child Support Program must maintain documentation of the recipient's consent in the case record. ¶¶

(5) For notices under subsections (4)(a) and (4)(d) through (f) of this rule, a case may be closed immediately if:¶¶

(a) All parties agree to waive the notice of intent to close and the 60-day objection period when the notice of intent to close has not yet been sent; or¶¶

(b) All parties agree to waive the remainder of the 60-day objection period when the notice of intent to close has already been sent.

Statutory/Other Authority: ORS 25.080, 180.345

Statutes/Other Implemented: ORS 25.020, 25.080

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization. It also implements amendments made to ORS 25.785, enacted by HB 3348 to conform with ORS 670.406, which allows licensing agencies to share a parent's federal Individual Taxpayer Identification Number (ITIN) with the Oregon Child Support Program when a Social Security number is not available. This rule is also being amended to implement 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created.

CHANGES TO RULE:

137-055-1140

Confidentiality of Records in the Oregon Child Support Program ¶¶

- (1)(a) As used in this rule, "employee" means a person employed by the Oregon Department of Justice (DOJ) or a District Attorney office that provides Oregon Child Support Program services; ¶¶
- (b) "Party" has the meaning given in OAR 137-055-1020 and includes the party's attorney or licensed paralegal, as provided in ORS 25.010(2). ¶¶
- (2) For purposes of this rule, "case record" means information contained in Oregon Child Support Program computer systems, electronic data storage, and paper files, including but not limited to: ¶¶
- (a) The names of the obligor, beneficiary, and obligee or other payee; ¶¶
- (b) The addresses of the obligor, beneficiary, and obligee or other payee; ¶¶
- (c) The contact address and address of service of the obligee, beneficiary, or obligor; ¶¶
- (d) The name and address of the obligor's or obligee's employer; ¶¶
- (e) The Social Security numbers of the obligor, the obligee, and beneficiaries; ¶¶
- (f) The record of all legal and collection actions taken on the case; ¶¶
- (g) The record of all billings, payments, distribution, and disbursement of payments; ¶¶
- (h) The narrative record; ¶¶
- (i) The contents of any paper file relating to a child support case; and ¶¶
- (j) All information extracted from other agencies' electronic records, as defined in ORS 84.004. ¶¶
- (3) Except as provided in section (5) of this rule, child support case records are confidential and may not be disclosed or used except for purposes directly connected to the administration of the program. ¶¶
- (4) For purposes of this rule, "purposes directly connected to the administration of the program" include the following: ¶¶
- (a) The disclosure of information necessary to process an Oregon Child Support Program legal action. ¶¶
- (b) Information shared as provided in 45 CFR 303.21, ORS 25.260(5), OAR 137-055-1320, and 137-055-1360, or another agency rule; ¶¶
- (c) Information shared as required by state or federal law; ¶¶
- (d) The disclosure of information to elected federal and state legislators, the Governor, or the county commissioners to address a constituent complaint. ¶¶
- (A) Elected federal and state legislators and the Governor are considered to be within the chain of oversight of the Oregon Child Support Program. Information about a child support case may be shared with these elected officials and their staff in response to issues brought by constituents who are parties to the case; ¶¶
- (B) County commissioners serve as representatives for their constituents and are entitled to receive information necessary to respond to questions or concerns about child support cases received from their constituents. District Attorneys are DOJ subrecipients. Therefore, Oregon Child Support Program Director's Office and Constituent Services may also respond to constituent issues brought by county commissioners on District Attorney administered child support cases where the constituent is a party. ¶¶
- (e) The disclosure of information to a party's interpreter. ¶¶
- (f) The disclosure of information to the executor of an estate or personal representative of a deceased party that the deceased party would have been entitled to receive. ¶¶
- (g) The disclosure of information to a bankruptcy trustee for the administration of a debtor's bankruptcy case. ¶¶
- (h) The disclosure of information to a private industry council as provided in 42 USC 654a(f)(5). ¶¶
- (A) The information released under this subsection may be provided to a private industry council only for the purpose of identifying and contacting noncustodial parents regarding their participation in welfare-to-work grants under 42 USC 603(a)(5). ¶¶
- (B) For the purposes of this subsection, "private industry council" means, with respect to a service delivery area,

the private industry council or local workforce development board established for the service delivery area pursuant to the Workforce Innovation and Opportunity Act (29 USC 3111 et seq.). "Private industry council" includes workforce centers and one-stop career centers.¶

(h) The disclosure of information about a child support case to a party to that case; however, disclosure of personal information about another party outside of a legal proceeding is still subject to the redaction requirements in section (6) of this rule.¶

(i) The disclosure of payment and other accounting information to a former child attending school to whom arrears are owed, if relevant to the child.¶

(j) The disclosure of information to law enforcement regarding a case in which alleged criminal activity involving the program is being investigated or prosecuted.¶

(k) The disclosure of information that is determined by the Director of the Oregon Child Support Program or designee to be sufficiently program related.¶

(5) Upon request, the program may, to the extent that it does not interfere with meeting its own obligations and subject to such requirements as the federal Office of Child Support Services may prescribe, disclose confidential information to state agencies as necessary to assist them to carry out their responsibilities under plans and programs funded under titles IV (including Tribal programs under title IV), XIX, or XXI of the Social Security Act and the Supplemental Nutrition Assistance Program (SNAP), including:¶

(a) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plan or program; and¶

(b) Information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child under circumstances which indicate that the child's health or welfare is threatened.¶

(6) Except as specifically required or authorized by law, only records related to the program's administration of a case will be released, and the following personal information about the parties and child unrelated to a purpose under section (4) of this rule should be redacted from documents before release. Information about a party does not need to be redacted when releasing information to that party. ¶

(a) Residence or mailing address; ¶

(b) Social Security number or individual tax identification number; ¶

(c) Phone number; ¶

(d) Employer's name, address, or phone number;¶

(e) Financial institution account information;¶

(f) Driver license number; ¶

(g) Date of birth; ¶

(h) Child care provider's name or address; and¶

(i) Any other information which may identify the location of the minor child or party.¶

(7) All but the last four digits must be redacted from information described in subsections (6)(b), ~~(6)(e)~~, or ~~(6)(f)~~ of this rule whenever the information is released unless the full number is specifically required or authorized by law or is otherwise necessary.¶

(8) A party may obtain case status and payment history through their Oregon Child Support Program online account.¶

(9) Where there is a finding of risk and order for nondisclosure of information pursuant to OAR 137-055-1160, all non-disclosable information must be redacted before documents are released. ¶

(10) Requestors may be required to pay for the actual costs of employee time and materials to produce copies of case records before documents are released. ¶

(11) Information that would normally be disclosed to a party to a child support case can be disclosed to a third party if: ¶

(a) The party has granted written consent to release the information to the third party and the third party provides the party's Social Security number, child support case number, or other identifying information sufficient to verify their identity as the authorized third party; ¶

(b) The party has granted verbal consent to release the information to the third party, applicable for the single phone call or conversation during which the party provided consent; or¶

(c) The person has power of attorney for the party, the duration and scope of which authorizes release of the requested information from a case record at the time that the person requests such information. The power of attorney remains in effect until a written request to withdraw it is submitted by either the party or the designated person, unless otherwise noted on the power of attorney. Each time the person designated by the power of attorney contacts the program on behalf of the party, they must provide the party's Social Security number, child support case number, or other identifying information sufficient to verify the person's identity.¶

(12) A child support case account balance is derived from the child support judgment, which is public information, and from the record of payments, which is not. Therefore, the case balance is not public information, is

confidential, and may not be released to anyone who is not a party to the case except as otherwise provided in this rule. ¶

(13) Information obtained from the Internal Revenue Service or the Oregon Department of Revenue is subject to confidentiality rules imposed by those agencies even if those rules are more restrictive than the standards set in this rule and may not be released for purposes other than those specified by those agencies. ¶

(14) Criminal record information obtained from the Law Enforcement Data System or any other law enforcement source may be used for child support purposes only and may not be disclosed to parties or any other person or agency outside of the program. Information about the prosecution of child support related crimes initiated by the program may be released to parties in the child support case. ¶

(15) Employees with access to computer records or records of any other nature available to them as employees may not access such records that pertain to their own child support case or the child support case of any relative or other person with whom the employee has a personal or business association. No employee may perform casework on their own child support case or the case of any relative or other person with whom the employee has a personal or business association. ¶

(16)(a) When an employee has reasonable cause to believe that a child has suffered abuse as defined in ORS 419B.005(1)(a), the employee may make a report to the Oregon Department of Human Services and must make a report if abuse is witnessed while providing program services. The report may include otherwise confidential information except information from the Internal Revenue Service or a financial institution data match, unless independently verified. ¶

(b) If the child's safety is at immediate risk, a report may be made to law enforcement pursuant to section (21) of this rule. ¶

(17) Employees who are subject to the Oregon Rules of Professional Conduct must comply with those rules regarding mandatory reporting of child abuse. ¶

(18) If an employee discloses or uses the contents of any child support records, files, papers, or communications in violation of this rule, the employee is subject to progressive discipline, up to and including dismissal from employment. ¶

(19) To ensure knowledge of the requirements of this rule, employees with access to computer records or records of any other nature available to them as employees are required annually to: ¶

(a) Review this rule and the program's automated tutorial on confidentiality; ¶

(b) Complete with 100 percent success the program's automated examination on confidentiality; and ¶

(c) Complete the certificate acknowledging confidentiality requirements. The certificate of completion must be in the form prescribed by the program. ¶

(20)(a) For DOJ employees, each certificate of completion must be maintained in a manner accessible by DOJ Human Resources and the employee's supervisor; ¶

(b) For District Attorney employees, each certificate of completion must be kept in accordance with county personnel practices. ¶

(21) Notwithstanding any other provision of this rule, an employee may provide child support confidential information to a local law enforcement agency when the employee reasonably believes or a local law enforcement agency asserts that it is necessary to prevent death or physical harm to any person.

Statutory/Other Authority: ORS 25.260, 180.345

Statutes/Other Implemented: ORS 25.260, 127.005, 411.320

AMEND: 137-055-1200

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1200

Use of Social Security Number by the Child Support Program ¶

(1) Under the provisions of 42 USC 405(c)(2)(C), individuals who are affected by the Oregon Child Support Program-~~CSP~~ will be required to provide their s~~S~~ocial s~~S~~ecurity numbers to the administrator.¶

(2) Social s~~S~~ecurity numbers provided under this rule will be used by the administrator as necessary for the following purposes:¶

(a) The identification of individuals who are affected by the administration of the ~~CSP~~program;¶

(b) The establishment, modification and enforcement of child and medical support obligations;¶

(c) The accounting, distribution and disbursement of support payments;¶

(d) The administration of the general public assistance laws of the State of Oregon.¶

(3) The ~~CSP~~program will provide written notice to individuals who are required to provide a s~~S~~ocial s~~S~~ecurity number under section (1) of this rule that will include the following:¶

(a) That providing the s~~S~~ocial s~~S~~ecurity number is mandatory;¶

(b) The authority for such requirement; and¶

(c) The purpose(s) for which the s~~S~~ocial s~~S~~ecurity number will be used.¶

(4) When the s~~S~~ocial s~~S~~ecurity number for an individual is obtained from a source other than that individual, there is no requirement that the ~~CSP~~program provide additional notice to the individual regarding disclosure or use of such s~~S~~ocial s~~S~~ecurity number.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.020, 25.081, 25.785

AMEND: 137-055-1320

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1320

Access to FPLS for Purposes of Parentage Establishment; Child Support Establishment, Modification or Enforcement; or Determining Who Has or May Have Parental Rights ¶

(1) For the purposes of this rule and OAR 137-055-1360, the following definitions apply:¶

(a) "FPLS" means the Federal Parent Locator Service operated by the United States Department of Health and Human Services.¶

(b) "Original requestor" means a party to a paternity parentage or child support case who is seeking FPLS information, directly, through an attorney, or through court request.¶

(c) "Custodial Parent" includes a caretaker or caretaker relative as defined in OAR 461-120-0610.¶

(d) "Legal Guardian" means a person appointed as a guardian under ORS chapter 125 or similar provision.¶

(e) "Reasonable evidence of possible domestic violence" means:¶

(A) A record on the Oregon Judicial Information Network or the Law Enforcement Data System that an order of protection has or had been issued against the original requestor in favor of the person being sought; or¶

(B) A record that the person being sought has or had been granted good cause pursuant to ORS 412.024 not to establish paternity parentage or to establish or enforce a support order against the original requestor; or¶

(C) A record that the person being sought has or had been granted an order for nondisclosure of information or an ACP order for nondisclosure of information pursuant to OAR 137-055-1160 in a case where the original requestor is or was the other party in a legal action.¶

(f) "Reasonable evidence of possible child abuse" means that there is a record with the Oregon Department of Human Services child welfare program that the original requestor has been investigated for alleged abuse of any child.¶

(2) For the purposes of this rule, an authorized person is:¶

(a) A custodial parent, legal guardian, attorney, or agent of a child (other than a child receiving Temporary Assistance for Needy Families (TANF)), seeking to establish parentage or to establish, modify or enforce a support order.¶

(b) A court or agent of the court which has the authority to issue an order of paternity parentage or support and maintenance of a child or to serve as the initiating court to seek such an order from another state; or¶

(c) A state agency responsible for administering an approved child welfare plan or an approved foster care and adoption assistance plan.¶

(3) An authorized person as defined in section (2) of this rule, may request information to facilitate the discovery or location of any individual:¶

(a) Who is under an obligation to pay child support;¶

(b) Against whom a child support obligation is sought;¶

(c) To whom a child support obligation is owed; or¶

(d) Who has or may have parental rights with respect to a child.¶

(4) If available from FPLS, the information that may be provided about an individual described in subsections (3)(a)-(d) of this rule includes:¶

(a) The address and verification of the social security number of the individual sought;¶

(b) The name, address and federal employer identification number of the employer of the individual sought; and¶

(c) Information about income from employment and benefits from employment, including health care coverage.¶

(5) A request pursuant to this rule must be made in writing directly to the Division of Child Support (DCS) and must contain:¶

(a) The purposes for which the information is requested;¶

(b) The full name, social security number (if known) and date of birth or approximate date of birth of the individual sought;¶

(c) The full name and date of birth and social security number of the person making the request;¶

(d) Whether the individual is or has been a member of the armed forces or if the individual is receiving federal compensation or benefits, if known;¶

(e) If the request is from the court, the signature of the judge or agent of the court; and¶

(f) If the request is from an individual not receiving TANF, the individual must attest:¶

(A) That the request is made to obtain information or facilitate discovery for the purpose of establishing parentage or establishing, modifying or enforcing child support obligations;¶

- (B) That the information will be used solely for those reasons and will be kept confidential; and¶
- (C) If the individual is a parent, that he or she is the parent with physical custody of the child.¶
- (6) The request may be made on a form adopted by the Oregon Child Support Program-~~(CSP)~~ and available from any CSPprogram office.¶
- (7) When DCS receives a request from an authorized person pursuant to subsections (2)(a) or (2)(b) of this rule, it will determine if there is any record of possible domestic violence by the original requestor against the individual sought or any record of possible child abuse by the original requestor.¶
- (8) If reasonable evidence of domestic violence or child abuse is found pursuant to section (7) or FPLS does not return information due to a family violence indicator, an authorized person may ask the court to determine, pursuant to 42 USC 653(b)(2)(B), whether disclosure of the information could be harmful to the parent or child sought.¶
- (a) If the court concludes that disclosure of the information would not be harmful to the parent or child, DCS will submit the request along with the court's determination to FPLS.¶
- (b) If the court concludes that disclosure of the information would be harmful to the parent or child, the request will be denied.

Statutory/Other Authority: ORS 25.265, 180.345

Statutes/Other Implemented: ORS 25.265, 180.380

AMEND: 137-055-1500

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1500

Incentive Payments ¶¶

(1) For purposes of this rule, the following definitions apply:¶¶

(a) "Centralized services" may include, but are not limited to: accounting functions, bankruptcy case management, central registry for interstate cases, computer charges, constituent ~~desk~~ services, Oregon Child Support Program director's office administrative costs, garnishments resulting from a Financial Institution Data Match, locate services, ~~mainframe~~ technology services, Oregon District Attorney Association liaison position, postage, receipt, distribution and disbursement of support payments, and unemployment compensation and workers' compensation withholdings;¶¶

(b) "County" or "Counties" means the county district attorneys under cooperative agreements to provide child support enforcement services under ORS 25.080 and any county which enters into an agreement with the Division of Child Support (DCS) under ORS 25.080(5) on or after May 1, 2001, for DCS to assume the functions of the district attorney;¶¶

(c) "Counties' Collection Base" is that portion of the "State's Collection Base" attributable only to amounts for cases assigned to the counties;¶¶

(d) "DCS' Collection Base" is that portion of the "State's Collection Base" attributable only to amounts for cases assigned to DCS;¶¶

(e) "State's Collection Base" has the meaning given in 45 CFR 305.31(f);¶¶

(f) "Available incentive payment pool" is the projected amount from the biennial budget of the gross amount of incentives to be received from the federal Department of Health and Human Services (DHHS) for the current fiscal year.¶¶

(2) Beginning with incentive payments received for federal fiscal year (FFY) 2002 (October 1, 2001 through September 30, 2002), incentive payments received by the Oregon Child Support Program from the federal DHHS pursuant to 45 CFR 305 et seq. will be allocated to each county and DCS based on their performance in four program areas:¶¶

(a) Support order establishment;¶¶

(b) Current support collections;¶¶

(c) Collection on arrears; and¶¶

(d) Cost-effectiveness.¶¶

(3) The incentive calculations for the current federal fiscal year will be based on the performance data from the final Office of Child Support Services 157 report for the previous FFY and the state's available incentive payment pool for the current FFY.¶¶

(4) The formulas to compute each county's and DCS' performance for the four program areas identified in section (2) of this rule are as stated in 45 CFR 305.2.¶¶

(5)(a) The level of performance of each county and DCS as calculated using the formulas referenced in section (4) of this rule determines the applicable percentage for each of the four performance measures as set out in tables in 45 CFR 305.33;¶¶

(b) The cost effectiveness performance category will include an addition to the total expenditures of the counties for the cost of centralized services and a subtraction of the same amount from the DCS total expenditures for the cost of centralized services provided to the counties.¶¶

(6) For the support order establishment and current support collections performance measures, the applicable percentages as determined per subsections (5)(a) and (b) of this rule are multiplied by 100% of the counties' collection base for county computations or 100% of DCS' collection base for DCS computations. ¶¶

(7) For cases receiving an arrears payment and the cost effectiveness performance measures, the applicable percentages as determined per subsections (5)(a) and (b) of this rule are multiplied by 75% of the counties' collection base for county computations or 75% of DCS' collection base for DCS computations.¶¶

(8) The incentive calculations for the four performance areas calculated in sections (6) and (7) of this rule are added together to obtain the following amounts:¶¶

(a) The incentive base amount for each individual county; and¶¶

(b) The incentive base amount for DCS.¶¶

(9) The sum of the incentive base amounts for all the counties as calculated in subsection (8)(a) is the total incentive base amount for all the counties.¶¶

(10) The state aggregate incentive base amount is the sum of the total incentive base amount for all the counties as calculated in section (9), and the incentive base amount for DCS as calculated in subsection (8)(b).¶

(11)(a) The counties' collective incentive payment share is determined by dividing the total incentive base amount for all the counties as calculated in section (9), by the state aggregate incentive base amount as calculated in section (10), then multiplying the resulting percentage by the available incentive payment pool for the current FFY.¶

(b) The counties' collective incentive payment share will be reduced by a proportionate share of costs for centralized services, as determined upon review and agreement pursuant to section (15) of this rule, to be retained by DCS to offset the costs of such services provided to the counties by DCS.¶

(c) Each individual county's incentive payment is determined by dividing its county's incentive base amount by the total incentive base amount for all the counties, then multiplying the resulting percentage by the counties' collective incentive payment share as determined in subsection (11)(b).¶

(12) DCS' incentive payment is determined by dividing the DCS incentive base amount by the state aggregate incentive base amount as calculated in section (10), then multiplying the resulting percentage by the available incentive payment pool for the current FFY.¶

(13) Each county's and DCS' incentive payment, as calculated respectively in subsection (11)(c) and section (12) of this rule, will be distributed in equal quarterly payments for the current FFY based on the counties' and DCS' performance for the prior FFY.¶

(14) When the federal DHHS reconciles and determines the actual annual incentive payment to the state following the end of each FFY, any resulting positive or negative incentive adjustment amount will be apportioned according to the calculations in sections (4) through (12) of this rule using the performance figures for the corresponding prior FFY.¶

(a) If the adjustment results in a positive incentive to the counties, such payment will be distributed and, as appropriate, disbursed no later than 60 days following the state's receipt of the incentive adjustment from the federal DHHS; or¶

(b) If the adjustment results in a negative incentive and incentive overpayment to the counties, such overpayment will be recovered from future incentive payments.¶

(15) The allocation of incentive payments as set out in this rule and the cost of centralized services will be reviewed every two years, commencing in January 2004.

Statutory/Other Authority: ORS 180.345, 45 CFR 305.2, 45 CFR 305.33

Statutes/Other Implemented: ORS 180.345

AMEND: 137-055-1600

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1600

Oregon Child Support Program Participant Grievance ¶¶

(1) For the purposes of this rule the following definitions apply;¶¶

(a) "Program participant" means any obligor, obligee or beneficiary in an Oregon child support case or any person denied services after submitting an application.¶¶

(b) "Grievance" means a formal complaint filed against the administrator.¶¶

(c) "Grievant" means a program participant who has filed a grievance as set out in this rule. ¶¶

(2) Program participants are entitled to fair, professional, courteous and accurate service. A grievance procedure has been established to enable program participants a means to formally express when they perceive that they have not received fair, professional, courteous or accurate service. This grievance procedure will be handled by the Division of Child Support (~~DCS~~) under the oversight of the Oregon Child Support Program ~~D~~director. ¶¶

(3) Grievances may be filed by program participants or attorneys or other employees of law offices representing program participants. ¶¶

(4) It is recognized that providing child support ~~enforcement activities~~ services may create negative reactions among some program participants. It is further recognized that a high level of service may not result in desired support payments. Therefore, a grievance filed against the administrator must be investigated to determine if the grievance has merit. Grievances which will be considered to be without merit include: ¶¶

(a) Grievances that protest actions that are prescribed or permitted by state administrative rule, state law, child support program approved written policy or procedure, federal law or federal regulation; ¶¶

(b) Grievances that protest that support payments have not been made if the administrator has taken appropriate steps in accordance with state and federal rules to obtain payments; ¶¶

(c) Grievances filed regarding actions taken by, or failure to take action by, another agency or a child support agency of another state;¶¶

(d) Grievances that allege that actions have or have not been taken but the case record reflects otherwise; or¶¶

(e) Grievances that do not constitute a complaint but merely convey information to, or request an action by the administrator.¶¶

(5) The decision to find the grievance to be without merit or send it to the appropriate office for resolution will be made by the ~~P~~program. ¶¶

(6) Grievances may be made on a form developed by the ~~P~~program. ¶¶

(7) Nothing in this rule precludes any program participant or any other person or entity from expressing complaints to the administrator by any other method. ¶¶

(8) Grievance forms will be available to program participants through any ~~P~~program office. The address and telephone number where a grievance form can be obtained and information about the grievance process will be: ¶¶

(a) Conspicuously posted in all ~~P~~program offices; ¶¶

(b) Included in the standard application for child support ~~enforcement~~ services; ¶¶

(c) Included in initial letters sent to parties by the ~~P~~program; ¶¶

(d) Included in the ~~P~~program's general information pamphlet; ¶¶

(e) Included in or with an annual notice mailed to the parties. ¶¶

(9) Grievants must file the completed grievance forms with the Oregon Child Support Program Constituent Services. Completed grievance forms or photocopies of these forms filed with the administrator will be immediately forwarded to ~~Program~~ Constituent Services. Upon receipt of the grievance, ~~Program~~ Constituent Services will: ¶¶

(a) Record receipt of the grievance; ¶¶

(b) Investigate the grievance to determine if the grievance is without merit per section (4) of this rule; ¶¶

(c) If the grievance is without merit per section (4) of this rule, the grievance will be returned to the grievant with an explanation about why it has been returned; ¶¶

(d) If the grievance is not returned to the grievant it will be forwarded to the grievance coordinator(s) in the appropriate branch office for resolution. ¶¶

(10) Upon receipt of the grievance, the office against whom the grievance has been filed will investigate the grievance. That office will either take corrective action and notify the grievant or contact the grievant to explain why corrective action is not appropriate. ~~Program~~ Constituent Services will set time limits for the administrator to address the grievance, not to exceed 90 days from the date the grievance is received ~~at DCS~~. The date received by

~~Program~~ Constituent Services will be considered to be the date the grievance is screened and accepted. ¶

(11) Upon completion of grievance processing, the office against whom the grievance has been filed will send the grievance form to ~~Program~~ Constituent Services with a report of the grievance investigation and the disposition. ¶

(12) Grievances that allege serious violations of personnel rules or standards of personal conduct, such as, but not limited to, allegations of racial or sexual discrimination or sexual harassment, in which allegations are substantiated, will be removed from this grievance process and be part of the personnel process of the office against whom the grievance has been filed. ¶

(13) A record of grievances and dispositions will be maintained by the ~~P~~program for a period of three years. ¶

(14) The administrator against whom a grievance has been filed will not discriminate against the grievant because a grievance has been filed. ¶

(15) Performance reviews will include examination of the administrator's compliance with these grievance procedures and an examination of grievances filed against the administrator and resolution of such grievances for the previous calendar year.

Statutory/Other Authority: ORS 25.243, 180.345

Statutes/Other Implemented: ORS 25.080, 25.243

AMEND: 137-055-1800

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-1800

Limited English Proficiency ¶¶

For the purposes of providing child support services required by ORS 25.080 to Limited English Proficiency (LEP) persons, the following provisions apply:¶¶

(1)(a) "Eligible population" means persons eligible to receive child support services pursuant to ORS 25.080.¶¶

(b) "Vital information" means information that:¶¶

(A) Affects a person's substantive rights; ¶¶

(B) Notifies a person about rights or services;¶¶

(C) Tells a person what process to use to respond; or¶¶

(D) Tells a person what the findings are or what to pay. ¶¶

(2) At least once each biennium, the Oregon Child Support Program (~~P~~program) will identify languages for which vital information will be translated without the need for a request from a party. To determine the languages, the ~~P~~program will use the following criteria:¶¶

(a) The estimated size of the eligible population speaking the specific language;¶¶

(b) The number of language line calls made over the last two years for the specific language; and¶¶

(c) The cost of the written translation.¶¶

(3) If the number in subsection (2)(a) is 1,000 or 5% of the eligible population in Oregon, whichever is less, vital information for that language will be translated without the need for a request from a party.¶¶

(4) If the number of language line calls in subsection (2)(b) is 500 or more, vital information for that language will be translated without the need for a request from a party.¶¶

(5) Notwithstanding sections (3) or (4), when an LEP person needs a translation, the ~~P~~program may choose to either provide a written translation of the vital information or facilitate the use of other translation services, including language lines or other providers, to provide an oral translation of the vital information.¶¶

(6) When an LEP person needs to verbally communicate with the ~~P~~program, the ~~P~~program may facilitate the use of ~~P~~program certified bilingual or multilingual staff, a language line, or other interpretation providers, as appropriate.

Statutory/Other Authority: ORS 180.345, 28 CFR 42.405

Statutes/Other Implemented: ORS 25.080

AMEND: 137-055-2060

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-2060

Cases with Contradictory Purposes ¶¶

(1) Cases with contradictory purposes are defined as two or more child support cases in which the same person is, or has been, both an obligee and obligor in those cases and the cases are, or have been, assigned to the same Oregon Child Support Program (CSP) office.¶¶

(2) The administrator represents the interests of the state. There is no conflict of interest when the same CSP office is assigned cases where the same person is, or has been, both an obligor and an obligee. The administrator is responsible for impartial application of the law. Nothing in this rule precludes a CSP office from having cases assigned to them in which the same person is, or has been, both an obligor and obligee.¶¶

(3) It is recognized that a person receiving child support services or a person eligible to receive child support services may be reluctant to pursue those services because the CSP office through which they do or would receive services is, or has been, the same CSP office in another case where the person is, or has been, the opposite party.¶¶

(4) A person who has cases in which that person is, or has been, or upon application would be, both an obligor and obligee with cases assigned to the same CSP office may ask the CSP office manager to transfer one of the cases to a different CSP office. The CSP office manager will consider the request and either grant the transfer or explain to the requestor why the transfer is not granted.¶¶

(5) If a case is transferred, the assignment to a different CSP office will take into consideration the needs of the requestor and the other party(ies).¶¶

(6) If the CSP office manager denies the request for transfer, the requestor may ask the CSP program director to review the decision of the administrator and to facilitate a resolution.

Statutory/Other Authority: Sec. 2, Ch. 73 OL 2003 180.345

Statutes/Other Implemented: ORS 25.080

AMEND: 137-055-2080

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-2080

Office Responsible for Providing Services when Conflict of Interest ¶

(1) The Oregon Child Support Program (~~CSP~~) will, to the maximum extent possible, assign support cases to avoid the potential for or the appearance of a conflict of interest.¶

(2) If an actual or potential conflict of interest is identified by either an employee or a party or potential party to a case, the manager of the affected office shall make a determination whether the case should:¶

(a) Remain assigned to the current employee;¶

(b) Be reassigned to another employee within the same office; or¶

(c) Be reassigned to a different office.¶

(3) If the determination made under section (2) of this rule is to reassign the case to a different office, the manager of the affected office shall contact the manager of another ~~CSP~~ office, which may be either a district attorney or Division of Child Support office, to reach an agreement and arrange for the case to be reassigned.¶

(4) If the branch offices cannot reach an agreement for the case to be reassigned or if the party or potential party disagrees with the determination made by the manager of the affected ~~branch~~ office, the ~~CSP~~ program director shall decide which office has the responsibility for providing services for that particular case.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080

AMEND: 137-055-2120

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-2120

Rules for Contested Case Hearings in the Oregon Child Support Program ¶¶

Contested case hearings for the Oregon Child Support Program are conducted in accordance with the Attorney General's Model Rules at OAR 137-003-0501 through 137-003-0700 and with 137-055-2120 through 137-055-2180. The hearings are not open to the public and are closed to non-participants, except the administrative law judge may permit non-participants to attend subject to the parties' consent.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 180.345

AMEND: 137-055-2170

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-2170

Use of Lay Representatives at Administrative Hearings ¶¶

- (1) As used in this rule "lay representative" means a representative of the Oregon Child Support Program (~~CSP~~) who is not employed as an attorney.¶¶
- (2) Subject to the approval of the Attorney General, lay representatives of the Oregon Child Support Program are authorized to appear on behalf of the CSP program in the following types of administrative hearings conducted by the Office of Administrative Hearings:¶¶
- (a) Administrative child support adjudications pursuant to ORS 25.287, 25.511, 25.513, 25.515, 25.517, 25.525, and 25.527;¶¶
- (b) Hearings regarding state income tax intercepts pursuant to ORS 25.620 and 293.250;¶¶
- (c) Hearings regarding the suspension of occupational and driver licenses, certificates, permits, and registrations pursuant to ORS 25.765;¶¶
- (d) Hearings regarding credit for direct payments pursuant to ORS 25.020 and OAR 137-055-5240;¶¶
- (e) Hearings regarding overpayments pursuant to ORS 25.125.¶¶
- (f) Hearings regarding the state's satisfaction of a support award pursuant to OAR 137-055-5220;¶¶
- (g) Hearings regarding suspension of support pursuant to ORS 25.245 and 25.247;¶¶
- (h) Hearings regarding the establishment of arrears pursuant to ORS 25.540 and OAR 137-055-3240;¶¶
- (i) Hearings regarding physical custody determinations for purposes of joining a party pursuant to ORS 25.503 and OAR 137-055-3500;¶¶
- (j) Hearings regarding credit for lump sum Social Security ~~or~~ Veterans payments pursuant to ORS 25.275 and OAR 137-055-5520.¶¶
- (k) Hearings regarding the amount of assigned arrears pursuant to OAR program 137-055-6040.¶¶
- (3) The lay representative may not make legal argument on behalf of the CSP program.¶¶
- (a) "Legal argument" includes arguments on:¶¶
- (A) The jurisdiction of the CSP program to hear the contested case;¶¶
- (B) The constitutionality of a statute or rule or the application of a constitutional requirement to the CSP; and¶¶
- (C) The application of court precedent to the facts of the particular contested case proceeding.¶¶
- (b) As used in this rule, "legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:¶¶
- (A) The application of the statutes or rules to the facts in the contested case;¶¶
- (B) Comparison of prior actions of the CSP program in handling similar situations;¶¶
- (C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;¶¶
- (D) The admissibility of evidence;¶¶
- (E) The correctness of procedures being followed in the contested case.¶¶
- (4) Lay representatives must read and be familiar with the Code of Conduct for Non-Attorney Representatives at Administrative Hearings, which is maintained by the Oregon Department of Justice and available on its website at: <http://www.doj.state.or.us>.
- Statutory/Other Authority: ORS 180.345, 25.505
- Statutes/Other Implemented: ORS 25.080, 183.452

AMEND: 137-055-2320

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-2320

Requirement for Services - Obligor Bankruptcy Situations ¶¶

(1) The administrator will have access to an attorney admitted to federal court practice to handle situations of obligor bankruptcy, or contract with suitable counsel so admitted.¶¶

(2) For the purposes of this rule, "suitable counsel" means any of the following:¶¶

(a) That portion of the Oregon Department of Justice (DOJ) designated to handle bankruptcy situations; or¶¶

(b) Any Oregon county district attorney's office with staff counsel admitted to federal court practice to handle situations of obligor bankruptcy; or¶¶

(c) Private counsel so admitted, provided that such private counsel complies with the administrative rules and procedures of the Oregon Child Support Program that apply to situations of obligor bankruptcy, and with applicable DOJ policies regarding representation.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080

AMEND: 137-055-2340

RULE SUMMARY: This rule is being updated to include a cross reference to OAR 137-055-2360 and 137-055-2380.

CHANGES TO RULE:

137-055-2340

Obligor Bankruptcy Situations in General ¶¶

(1) Upon being notified of obligors bankruptcy, the administrator will:¶¶

(a) Enter the appropriate codes for bankruptcy on the case record;; and¶¶

(b) Narrate the case record with the bankruptcy information to alert other program participants of the bankruptcy situation; and¶¶

(c) Follow the processes prescribed by OAR 137-055-2360 and 137-055-2380.¶¶

(2) Upon receiving a discharge or dismissal notice and verifying that the bankruptcy was closed, the administrator will:¶¶

(a) Remove the codes for bankruptcy on the case record, and¶¶

(b) Narrate the bankruptcy information on the case record.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080

AMEND: 137-055-2360

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization. It also clarifies that certification for federal tax offset will be in accordance with the confirmed bankruptcy plan.

CHANGES TO RULE:

137-055-2360

Obligor Chapter 7 and Chapter 11 Bankruptcy Situations ¶¶

This rule details the Oregon Child Support Program's responsibilities in situations of obligor bankruptcy and applies to ~~C~~chapter 7 and ~~C~~chapter 11 bankruptcies filed on or after October 17, 2005. For bankruptcies filed prior to October 17, 2005, the Bankruptcy Code in effect at the time the bankruptcy was filed applies, as does the prior version of OAR 137-055-2360 in effect at the time the bankruptcy was filed.¶

(1) Upon receiving notification of bankruptcy, the administrator will:¶

(a) Stop any legal action that is pending and not initiate any new legal action, except:¶

(A) Initiating or proceeding with the establishment of paternity~~rentage~~; ¶

(B) Initiating or proceeding with the establishment or modification of a child support order; ¶

(C) Changing the support award based on a change in the child's physical custody as authorized by ORS 25.525; or ¶

(D) Processing a notice suspending or reinstating support pursuant to OAR 137-055-3300 or 137-055-5400.¶

(b) Not file any document in circuit court in a county in which the debtor owns real property ~~which~~that creates a lien by its terms or by operation of law without first obtaining relief from the automatic stay.¶

(c) Leave any existing income, unemployment, workers' compensation, or Paid Leave Oregon withholding orders in place, if the order is not in violation of the stay. In a ~~C~~chapter 7 bankruptcy, withholding may continue against post-petition earnings for both current support and for both pre-petition and post-petition arrears. In a ~~C~~chapter 11 bankruptcy, collections may continue for current support and post-petition arrears, unless otherwise provided in the debtor's plan. If no withholding order is in place, the administrator will obtain a withholding order, as appropriate, upon receipt of obligor's employment information.¶

(d) Determine if there are any other ~~enforcement~~child support program actions in process ~~which~~that may need to be stopped due to the stay or ~~which~~that may involve property of the bankruptcy estate, such as a writ of garnishment or contempt of court action; and ¶

(e) Terminate any action that involves property of the bankruptcy estate and is not excepted from the automatic stay and send any such property of the estate that has not been distributed to the bankruptcy trustee.¶

(2) The administrator will not file a ~~P~~proof of ~~C~~claim if no assets are involved in a ~~C~~chapter 7 bankruptcy.¶

(3) If there are assets available for distribution to creditors in a ~~C~~chapter 7 bankruptcy, the administrator will file a ~~P~~proof of ~~C~~claim, if applicable, even if the ~~time~~ period for filing a ~~P~~proof of ~~C~~claim has passed.¶

(4) In a ~~C~~chapter 11 bankruptcy, the administrator will file a ~~P~~proof of ~~C~~claim for current support and arrears owed at the time the petition was filed, if any.¶

(5) The administrator will respond to any objections filed to the ~~P~~proof of ~~C~~claim.¶

(6) If the automatic stay prevents a support enforcement action that is otherwise appropriate under applicable bankruptcy and nonbankruptcy law, unless there is evidence that the bankruptcy will close or the Plan will be confirmed before the relief from stay can be granted, the administrator will petition the bankruptcy court for a Relief from Stay.¶

(7) If in a ~~C~~chapter 11 bankruptcy, the debtor proposes a bankruptcy ~~P~~plan that does not provide for the payment of current or past child support, the administrator may request the bankruptcy court reject the ~~P~~plan.¶

(8) The administrator ~~will continue to~~may certify a case for federal and state tax refund intercept unless ~~otherwise provided by the bankruptcy Plan. However, if it is determined that an intercepted tax refund is the property of the estate and the bankruptcy trustee requests the money, the administrator will forward the money to the bankruptcy trustee and notify the parties prohibited by a confirmed chapter 11 bankruptcy plan.~~

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080

AMEND: 137-055-2380

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization. It also clarifies that certification for federal tax offset will be in accordance with the confirmed bankruptcy plan.

CHANGES TO RULE:

137-055-2380

Obligor Chapter 12 and Chapter 13 Bankruptcy Situations ¶¶

This rule details the Oregon Child Support Program's responsibilities in situations of obligor bankruptcy and applies to ~~Chapter~~ 12 and ~~Chapter~~ 13 bankruptcies filed on or after October 17, 2005. For bankruptcies filed prior to October 17, 2005, the Bankruptcy Code in effect at the time the bankruptcy was filed applies, as does the prior version of OAR 137-055-2380 in effect at the time the bankruptcy was filed.¶¶

(1) Upon receiving notification of bankruptcy, the administrator will:¶¶

(a) Stop any legal action that is pending and not initiate any new legal action, except:¶¶

(A) Initiating or proceeding with the establishment of ~~paternity~~parentage; ¶¶

(B) Initiating or proceeding with the establishment or modification of a child support order; ¶¶

(C) Changing the support award based on a change in the child's physical custody as authorized by ORS 25.525; or¶¶

(D) Processing a notice suspending or reinstating support pursuant to OAR 137-055-3300 or 137-055-5400.¶¶

(b) Not file any document in circuit court in a county in which the debtor owns real property that creates a lien by its terms or by operation of law without first obtaining relief from the automatic stay.¶¶

(c) Leave any existing income, unemployment, workers' compensation, or Paid Leave Oregon withholding orders for current support only in place. If there is an ongoing support obligation and income withholding is in place that includes arrears, the administrator will send an amended withholding order for current support only. When the bankruptcy plan is confirmed, the administrator may issue a withholding order for current support and arrears to the extent authorized in the bankruptcy plan. ¶¶

(d) Determine if there are any other enforcement actions in process that may need to be stopped due to the stay or ~~which that~~ may involve property of the bankruptcy estate, such as a writ of garnishment or contempt of court action; and ¶¶

(e) Terminate any action that involves property of the bankruptcy estate and is not excepted from the automatic stay and send any such property of the estate that has not been distributed to the bankruptcy trustee.¶¶

(2) The administrator will file a ~~P~~proof of ~~C~~claim for current support and arrears owed at the time the petition was filed, in any, if the ~~time~~ period for filing a ~~P~~proof of ~~C~~claim has not passed. However, if it will not be feasible for the debtor to pay the entire support obligation during the duration of the bankruptcy plan, the administrator may negotiate with the debtor a stipulation in the bankruptcy plan to collect a lesser amount of support through the plan. Any such stipulation will specify that the remaining debt will be paid outside the plan and the support is nondischargeable.¶¶

(3) The administrator will respond to any objections filed to the ~~P~~proof of ~~C~~claim.¶¶

(4) The administrator will review the ~~S~~summary of ~~P~~plan or proposed ~~P~~plan and the ~~D~~debtor's Schedule J, if available, for the repayment of arrears and for payment of ongoing support; and¶¶

(a) If the time period for filing objections has not passed, the administrator may file an objection to a ~~P~~plan if the ~~P~~plan is not feasible.¶¶

(b) If the ~~P~~plan does not provide for pre-petition arrears, the administrator may file an objection to have the pre-petition arrears included in the plan if the ~~time~~ period for filing an objection has not passed.¶¶

(5) After confirmation, if the property of the estate has reverted in the debtor, the administrator will resume collection on current support and post-petition arrears. If the ~~P~~plan provides for the pre-petition arrears, collection of the pre-petition arrears will be governed by the terms of the ~~P~~plan.¶¶

(6) If the debtor fails to make timely support payments after filing the bankruptcy petition, the administrator may petition the bankruptcy court for relief from the automatic stay or move for dismissal of the bankruptcy.¶¶

(7) The administrator ~~will continue to may~~ certify a case for federal and state tax refund intercept unless ~~otherwise provided by the bankruptcy plan. However, if it is determined that an intercepted tax refund is the property of the estate and the bankruptcy trustee requests the money, the administrator will forward the money to the bankruptcy trustee and notify the parties prohibited by a confirmed chapter 13 bankruptcy plan.~~

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization. The amended rule also implements 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created.

CHANGES TO RULE:

137-055-3020

Paternity parentage Establishment Procedures ¶¶

- (1) When a case involves a child who is not yet born, the administrator will take no action to establish paternity parentage or to provide locate services until such time as the child is born.¶
- (2)(a) When initiating legal proceedings to establish paternity parentage for a child, the administrator will use ORS chapters 25, 109, and 110.¶
- (b) Except for proceedings filed under ORS chapter 109, past support will be established as provided by ORS chapter 25 and OAR 137-055-3220.¶
- (3) When the administrator initiates legal proceedings to establish paternity, ~~if the child was born in this state,~~ parentage the administrator will file ~~the~~ a notification of ~~Filing of Pethe initiation in Filiation Proceedings of a proceeding to adjudicate parentage~~ with the Center for Health Statistics, ~~if the child was born in this state.~~¶
- (4) When initiating a legal proceeding, the administrator will seek to establish paternity parentage against the ~~maperson~~ named as the most likely alleged father genetic parent except as provided in sections (5) and (6). ¶
- (5) When parentage is established by presumption under ~~ORS 109.070 and the birth mother~~ 2025 Oregon Laws Chapter 592 and the person who gave birth names one or more persons other than the presumed parent as the ~~biological father~~ alleged genetic parent of the child, the administrator will provide the presumed parent with notice and an opportunity to object. ¶
- (a) If a written objection is received from the presumed parent within 30 days of the date of the notice, ~~an~~ and the child is less than four years old, the administrator will not conduct genetic testing and will file a petition to determine parentage will be filed in circuit court.¶
- (b) If no written objection is received from the presumed parent within 30 days of the date of the notice, ~~the administrator will facilitate~~ and the child is less than four years old, the administrator will file a petition to determine parentage in circuit court, including a request to conduct genetic testing of ~~for the parent who gave birth, mother, child, and the alleged father(s) prior to filing an action to determine parentage in circuit court~~ genetic parent if testing has not already been completed voluntarily prior to filing.¶
- (A) If all known alleged father genetic parents are excluded by testing or testing cannot be completed, the administrator may seek support from the presumed parent.¶
- (B) If an alleged father genetic parent is included by testing, the administrator will file an action in circuit court to disestablish the parentage of the presumed parent and establish the parentage of the alleged ~~father who was included by testing~~ genetic parent who was included by testing.¶
- (c) If a child is four years or older, the administrator may file an action as described in (5)(b) of this rule when:¶
 - (A) The parent who gave birth or presumed parent can attest that the presumed parent has not lived with the child, has not held the child out as their own, and is not the child's genetic parent;¶
 - (B) There is more than one presumed parent; or¶
 - (C) The parent who gave birth or presumed parent allege and provide evidence that the presumption arose due to fraud, duress, or material mistake of fact.¶
- (6) Notwithstanding section (5) of this rule, when parentage is established by presumption under ~~ORS 109.070~~ 2025 Oregon Laws Chapter 592, the administrator will not pursue an action to determine parentage if:¶
 - (a) The ~~mother~~ parent who gave birth and presumed parent are still married, cohabiting, and ~~both~~ do not both consent to an action to determine parentage; or¶
 - (b) The presumed parent has physical custody of the child and does not consent to an action to determine parentage; or¶
 - (c) The child is at least four years old and none of the conditions in (5)(c) have been met.¶
- (7) When establishing support against a presumed parent, if a party provides proof that ~~the or shy~~ have filed a petition to challenge parentage under ~~ORS 109.070~~ 2025 Oregon Laws Chapter 592, the administrator will suspend the support action pending the resolution of the petition.¶
- (8) Except as provided in Section (6) of this rule, when the ~~mother or other declarant states that more than one man could be the biological father of the child and genetic tests have excluded a man as the father of the child, the following provisions apply:~~¶

(a) If there is only one remaining untested alleged biological father, that man is constructively included as the father by virtue of the other men's exclusion as the father.¶

(b) If there is more than one remaining untested alleged biological father, the parent who gave birth to the child for whom parentage is being established, or other declarant, states that the second genetic parent of the child could be more than one person, the administrator will initiate an action against each man, either simultaneously or one at a time, to attempt to obtain tests which either exclude or include each man.¶

(9) Except those persons as provided in OAR 137-055-3060.¶

(9) If a party requests genetic testing in response to as provided in Section (6) of this rule, when the mother or other decedent order establishing parentage, it will be treated as a denial of parentage states that more than one man could be the biological father of the child and genetic tests have included a man as the father of the child at a cumulative paternity index of at least 99, any other untested alleged father(s) will be included for purposes of ORS 25.511, 25.550 and 25.552.¶

(10) The Oregon Child Support Program will pay the costs of initial genetic testing to determine parentage.¶

(11) If, in response to the initial genetic test results, a party requests additional tests, such request shall be considered to be constructively excluded by virtue of the first man's inclusion.¶

(10) The Oregon Child Support Program will pay the costs of initial genetic tests to determine paternity, an objection to the entry of the order establishing parentage, and the administrator shall order the additional genetic tests.¶

(11) When a party requests additional genetic testing as provided in ORS 109.252(2), or contests the results from the initial testing, as provided in 2025 Oregon Law Chapters 592, the following provisions apply:¶

(a) The laboratory selected for additional testing must be a laboratory approved by accreditation bodies accredited by the Association for the Advancement of Blood and Biotherapies, or an accrediting body designated by the Oregon Health Authority; and¶

(b) The party making the request must advance the costs of the additional testing to the accredited laboratory.¶

(12) Upon receipt of a party's request for additional genetic testing and proof that payment has been advanced to an accredited laboratory, the administrator or the court will order additional testing.¶

(13) If a non-requesting party fails to appear for the additional genetic testing, the administrator will take appropriate steps to compel obedience to seek that party's compliance with the order for additional testing.¶

(14) If a requesting party fails to appear for the additional genetic testing, the administrator may enter an order in accordance with OAR 137-055-3100.¶

(15) The administrator may dismiss or terminate a proceeding to establish paternity after sending written notice to the parties that the case is being considered for dismissal or termination and that any comments or objections must be made within 10 days.¶

(16) The parent who gave birth is a necessary party to an action to establish parentage, regardless of whether the birth mother is an applicant for services or custodian of the child.¶

(a) When the birth mother is not the applicant for services prompting the action to establish parentage, the administrator must serve notice of the action on the proposed order by personal service upon the birth mother, unless she is deceased. If the birth mother cannot be personally served, the administrator shall request permission from the circuit court to serve the mother by an alternate method as provided in ORCP 7 D(6).¶

(b) If the birth mother cannot be personally served with notice of the action or if the birth mother is deceased, the enforcing agency the proposed order or if the parent who gave birth is deceased, the child support program will not enter an order establishing parentage unless genetic testing to determine parentage has been completed which fails to exclude the alleged father, and has a cumulative paternity index of at least 99%; genetic parent, and has a probability of parentage of at least 99 and a combined relationship index of 100 to 1.¶

(c) In any action to establish parentage in which the administrator cannot personally serve the child's birth mother, or when the birth mother is deceased, the child's legal guardian is a necessary party to the action. If the child does not have a legal guardian, the administrator will request that the court appoint a willing, qualified and suitable person to be a guardian ad litem for the child. If no relative or other person agrees to such appointment, the administrator will request that an attorney be appointed for this purpose.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.550, 109.070, 109.125, Oregon Laws Chapter 592

AMEND: 137-055-3040

RULE SUMMARY: This rule is being amended to implement 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created.

CHANGES TO RULE:

137-055-3040

Temporary Order for Support ¶

(1) When a party to an order to establish paternity ~~objects to the entry of such order, and provided the parentage test results in a cumulative paternity index of 99 percent or greater, the administrator may request the court to issue a temporary support order.~~ ¶

(2) ~~A party other than the state may request an order est~~genetic testing results in a probablishing temporary support. ¶

(3) ~~If, in response to the initial parentage test results, a party requests additional parentage tests, such request shall be considered an objection to the entry of the order establishing paternity, and the administrator shall order the additional parentage tests.~~ ¶

(4) ~~When~~ty of parentage of at least 99% and a combined relationship index of 100 to 1, the administrator may requests the court to issue a temporary support order, the administrator shall certify the case to court for: ¶

(a) ~~T.~~ ¶

(2) ~~A party other than the establishment of prospective support;~~ ¶

(b) ~~A parentage determination;~~ ¶

(c) ~~A final order for parentage, support, and past~~te may request an order establishing temporary support. ¶

(53) The temporary order entered by the court shall have the same force and effect as any other order entered by the administrator, court, or other tribunal. ¶

(64) If the court makes a determination of non-parentage, the obligor may request that the court order the return of any monies collected ~~as a result~~because of the temporary order.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.550, 109.259, Oregon Laws Chapter 592

AMEND: 137-055-3060

RULE SUMMARY: This rule is being amended to implement 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created.

CHANGES TO RULE:

137-055-3060

Establishing Paternity in Multiple Alleged ~~Father~~Genetic Parent Cases ¶¶

(1) ~~Except as provided in OAR 137-055-3020(5) and (6), in any action to establish paternity~~parentage initiated under ORS 25.501 to 25.556, when the ~~mother of person who gave birth to~~ the child for whom ~~paternity~~parentage is being established states that the ~~father~~alleged genetic parent of the child could be more than one ~~man~~person, the administrator may initiate action against those ~~men who are named by the mother as possible fathers~~ persons named as possible alleged genetic parents as provided in this rule.¶

(2)(a) If ~~mother~~ parent who gave birth is able to name one of the possible ~~father~~alleged genetic parents as the most likely ~~father~~parent based upon the date of conception, the physical characteristics the child shares with that ~~man~~person, or other factors, the administrator may initiate action against that ~~man~~person only.¶

(b) If the administrator is unable to locate the ~~man~~person identified by ~~mother as the most likely father~~the parent who gave birth as the most likely alleged genetic parent, the administrator will not proceed with establishment of ~~paternity~~parentage until the ~~man~~is are located.¶

(3) If ~~mother cannot identify one of the men who may be the father as the most likely father~~, the administrator may gather additional information, including information from the mother and from any physician or other licensed health care provider of obstetrical care to mother, which may assist the mother in identifying ~~parent who gave birth~~ remains unable to identify anyone as the most likely father.¶

(4) If ~~mother remains unable to identify one of the possible fathers as the most likely father~~ other genetic parent, the administrator may initiate legal action against any one or more possible ~~fathers~~genetic parent, as named by the ~~mother~~parent who gave birth, upon whom the administrator can apparently effect personal service based on the information it has available.¶

(5) The administrator will provide notice to any possible ~~father~~alleged genetic parent described in this rule, and served in an action to establish ~~paternity~~parentage, that the ~~mother of parent who gave birth to~~ the child for whom the administrator seeks to establish ~~paternity~~parentage has named another ~~man or man~~person as a possible ~~father~~alleged genetic parent unless that other ~~man (or men)~~person has been excluded by ~~parentage~~genetic testing.¶

(6) The administrator will not enter an order establishing ~~paternity~~parentage with respect to a ~~man~~alleged genetic parent who has not been named by ~~mother as the most likely father~~the parent who gave birth as the most likely alleged genetic parent unless the provisions of either subsection (a) or (b) of this section apply.¶

(a) The ~~man~~alleged genetic parent has been subjected to ~~parentage~~genetic testing which ~~have~~did not exclude him as a possible ~~father~~alleged genetic parent of the child in question; or,¶

(b) All other ~~men~~alleged genetic parents named by ~~mother as possible fathers~~ have been excluded as possible fathers by ~~parentage~~tests.¶

(7) ~~Notwithstanding any other provision of this rule, its requirements do not apply when one of the possible fathers is entitled to reasonable notice under ORS 109.096~~ parent who gave birth as possible parents have been excluded by genetic testing.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.501 to 25.556

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization. The amended rule also implements 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created.

CHANGES TO RULE:

137-055-3080

Responsibility of Administrator to Establish Paternity Parentage at Request of Self-Alleged ~~Father~~ Genetic Parent ¶

- (1) For purposes of this rule, self-alleged ~~father~~ means a genetic parent means an individual who both: ¶
- (a) Claims that ~~the-is~~ are, or possibly ~~is~~ are, the ~~biological father~~ genetic parent of a child born out of wedlock as defined in ORS 109.124; and ¶
- (b) ~~Wish~~ Makes a written request to have ~~paternity~~ their parentage legally established for the child, establishing ~~himself~~ yes as the legal ~~father~~ parent. ¶
- (2) The administrator is responsible for pursuing establishment of paternity parentage at the request of a self-alleged ~~father~~ genetic parent, subject to all of the following: ¶
- (a) The self-alleged ~~father~~ genetic parent must either: ¶
- (A) Be eligible for services under ORS 25.080; because ~~the-is~~ are receiving Temporary Assistance to Needy Families (TANF) cash assistance or Medicaid assistance for the child born out of wedlock; or ¶
- (B) Complete an application for services as provided under ORS 25.080. ¶
- (b) Unless otherwise prohibited under this rule, the administrator will: ¶
- (A) Take all appropriate steps to determine if the self-alleged ~~father~~ is the biological father genetic parent is the genetic parent; and ¶
- (B) Pursue appropriate action to legally establish paternity parentage unless evidence indicates that ~~the-is~~ are not the ~~biological father~~ genetic parent. ¶
- (c) The administrator will not pursue action to establish paternity parentage under this section in any case where: ¶
- (A) Adoption of the child is final; or ¶
- (B) Legal parentage for a person in addition to the ~~birth mother~~ parent who gave birth already exists for the child; or; ¶
- (C) The administrator has determined that establishing paternity parentage for the self-alleged ~~father~~ genetic parent would not be in the best interests of the child, in accordance with section (4) of this rule. ¶
- (3)(a) When a self-alleged ~~father~~ genetic parent requests the administrator establish ~~his~~ their legal paternity parentage for a child, the administrator will send written notification by first class mail to the last known address of the ~~mother~~ parent who gave birth and, if a separate party, caretaker or legal guardian of the child. Further, if the administrator knows or is informed that legal proceedings for adoption of the child are pending, the administrator will also send written notification to the licensed private agency handling the adoption, or if none exists, to the Oregon Department of Human Services; ¶
- (b) The administrator will make a thorough attempt to locate any party entitled to notice under this section, including but not limited to ~~submitting the case to the Division of Child Support for state parent locator~~ service review of appropriate manual resources and monitor automated responses. If unable to locate a party entitled to notice under this section within 30 days, the administrator will proceed to process the case as described in section (7) of this rule without the notice described in this section; ¶
- (c) The written notification must state the following: ¶
- (A) That the self-alleged ~~father~~ genetic parent has asked the administrator for establishment of paternity parentage services; ¶
- (B) That if legal proceedings for adoption of the child are pending, or if it is alleged that the child was conceived due to rape or incest, the Oregon Child Support Program director will determine whether establishing paternity parentage is in the best interests of the child; ¶
- (C) That a copy of any response to the notification will be sent to the self-alleged ~~father~~ genetic parent, and that the self-alleged ~~father~~ genetic parent will then have an opportunity to respond to the allegations. The administrator will ensure that the address of the ~~mother~~ parent who gave birth or guardian is redacted from any written material sent to the self-alleged ~~father~~ genetic parent; ¶
- (D) The factors the ~~P~~ program director will consider, ~~set out in section (4) of this rule, in~~ for determining whether establishing paternity parentage would be in the best interest of the child; ¶
- ~~(E) That the mother, as set out in section (4) of this rule;~~ ¶
- (E) That the parent who gave birth, legal guardian, and adoption agency or the Oregon Department of Human

Services child welfare program, if appropriate under this rule, has 15 days to respond in writing to the written notification;¶

(F) That the self-alleged fathergenetic parent has 15 days to respond to an allegation or response received by the Pprogram director;¶

(G) That if any of the parties listed in paragraph (E) or (F) of this subsection does not respond to the written notice or allegation within 15 days, the Pprogram director will make a determination based on the responses received;¶

(H) That if the Pprogram director determines that establishing paternityrentage would not be in the best interests of the child, this decision:¶

(i) Means only that the administrator will not pursue action to establish paternityrentage; and¶

(ii) Does not preclude the self-alleged fathergenetic parent from pursuing establishment of paternity on ~~his~~rentage on their own, without the assistance of the administrator.¶

(4) In any case where legal proceedings for adoption of the child are pending, or where the child was conceived due to alleged rape or incest, the Pprogram director is responsible for determining whether action to establish paternityrentage would be in the best interests of the child.¶

(a) If the Pprogram director determines that action to establish paternityrentage would not be in the best interests of the child, the administrator will take no further action to establish paternityrentage for the self-alleged fathergenetic parent;¶

(b) A signed written statement from the motherparent who gave birth or legal guardian of the child, stating that the child was conceived as a result of rape or incest, is sufficient reason for the Pprogram director to determine that establishing paternityrentage would not be in the best interests of the child, unless such statement is disputed or denied by the self-alleged fathergenetic parent, subject to the following:¶

(A) If the self-alleged fathergenetic parent does not respond to the copy of the allegation or response the Pprogram director receives as provided in subsections (3)(a) through (3)(c) of this rule, the Pprogram director will make a determination by default based on the motherparent who gave birth's or legal guardian's statement;¶

(B) If the self-alleged fathergenetic parent does respond and acknowledges that the child was conceived by rape or incest, the Pprogram director must determine that establishing paternityrentage would not be in the best interests of the child;¶

(C) If the self-alleged fathergenetic parent does respond and denies that the child was conceived by rape or incest, the Pprogram director will decide whether to pursue action to establish paternityrentage. The Pprogram director will consider factors including, but not limited to:¶

(i) Whether a police report was filed;¶

(ii) Whether the self-alleged fathergenetic parent was convicted or acquitted of rape or incest charges;¶

(iii) Whether other persons have information that the child was conceived due to rape or incest;¶

(iv) Any other factors known or provided to the Pprogram director that would support or refute the veracity of the rape or incest allegation;¶

(v) Whether establishing paternityrentage would be in the best interest of the child, considering the factors listed in subsection (c) of this section;¶

(vi) The Pprogram director's decision in this matter is limited to only to whether the administrator will pursue action to establish paternityrentage, and is in no way to be construed or intended as a determination or accusation of whether the self-alleged fathergenetic parent is in fact guilty or not guilty of rape or incest;¶

(c) When the Program director finds that legal proceedings for adoption of the child are pending, the Pprogram director will consider the following factors in determining whether establishing paternityrentage would be in the best interests of the child:¶

(A) The nature of the relationship or contacts between the child and the self-alleged fathergenetic parent. This determination may consider whether the child has lived with the self-alleged fathergenetic parent or has had frequent visitation with the self-alleged fathergenetic parent, thereby establishing a substantial parent-child relationship;¶

(B) The degree of parental commitment by the self-alleged fathergenetic parent to the child. This determination may consider whether the self-alleged fathergenetic parent has attempted to stay in contact with the child, and if such attempts would continue or increase in the future;¶

(C) The degree to which the self-alleged fathergenetic parent has contributed or attempted to contribute, consistent with ~~his~~their ability, to the support of the child. This determination may consider the nature and extent of such support, and if such support would continue or increase in the future;¶

(D) If there is a legal relationship between the child and the self-alleged fathergenetic parent, or if there has been an attempt to establish such a legal relationship through ~~filiation proceedings~~adjudication of parentage, custody actions, voluntary acknowledgment of paternityrentage, or similar actions. This determination may consider whether the self-alleged fathergenetic parent has had an opportunity to establish a legal relationship prior to the initiation of adoption proceedings;¶

(E) Whether good reasons exist that would excuse the self-alleged fathergenetic parent's failure to establish a

relationship, or stay in contact with the child, or contribute to the support of the child, or attempt to establish a legal relationship with the child. Such reasons may include, but are not limited to, the self-alleged fathergenetic parent's late awareness of the mother's pregnancy or of the child's birth.¶

(5) Absent judicial review, the decision of the Pprogram director is final with regard to any responsibility of the administrator to pursue establishment of paternityrentage.¶

(6) No provision of this rule prohibits the self-alleged fathergenetic parent from pursuing establishing paternity on hisrentage on their own, without the assistance of the administrator.¶

(7) If the Pprogram director determines (when a determination by the Pprogram director is necessary under this rule) that the administrator may pursue action to establish paternityrentage at the request of a self-alleged fathergenetic parent, or if the administrator does not receive a written assertion requiring such a determination by the Pprogram director under this rule, the administrator will proceed on the case as follows:¶

(a) The administrator must provide the mother of the childparent who gave birth, unless she isy are deceased, actual notice of the action to establish paternityrentage. Notice must be by personal service upon the motherparent who gave birth. If personal service is not successful, the administrator shall request permission from the circuit court to serve the motherm by an alternate method as provided in ORCP 7 D(6);¶

(b) If the mother ofparent who gave birth to the child or children cannot be personally served with notice of the action or if the mother isy are deceased, the enforcing agencychild support program will not takeenter an order establishing paternityrentage unless genetic testsing to determine paternityrentage haves been completed which fails to exclude the self-alleged father, and have a cumulative paternity index of at least 99genetic parent and has a probability of parentage of at least 99 and a combined relationship index of 100 to 1;¶

(c) In any action to establish paternityrentage in which the administrator cannot personally serve the child's motherparent who gave birth, or when the mother isy are deceased, the administrator will request that the court appoint a willing, qualified, and suitable person to be a guardian ad litem for the child. If no relative or other person agrees to such appointment, the administrator will request that an attorney be appointed for this purpose.¶

(8) All other provisions of this rule notwithstanding, the administrator cannot require the child's motherparent who gave birth (or other custodial adult) to cooperate with efforts to establish paternityrentage, and the administrator will not assess a penalty for not cooperating, in any case where a finding of good cause pursuant to federal law at 42 U.S.C. 654(29) and 42 U.S.C.666(a)(5)(B)(i), is either currently in effect or is pending. In any such case, the administrator need not proceed further on behalf of the self-alleged fathergenetic parent if it determines that there is no further effective action the administrator can take on behalf of the self-alleged fathergenetic parent.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080, 25.550, 109.070, 109.125

AMEND: 137-055-3100

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization. The amended rule also implements 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created.

CHANGES TO RULE:

137-055-3100

Order Establishing ~~Paternity~~parentage When Genetic Testing Is Not Completed ¶

(1) In an action to establish ~~paternity~~parentage initiated pursuant to ORS 25.511, the Oregon Child Support Program may serve simultaneously the ~~Notice and Finding of Financial Responsibility~~, a proposed ~~Order Establishing Paternity~~parentage and an administrative order for genetic testing. ¶

(2) An administrative order for genetic testing may require a party's to request ~~for~~ testing, or it may require testing regardless of a request from a party. When testing is required, an order establishing ~~paternity~~parentage will not be entered unless genetic testing is completed. ¶

(3) The administrator may enter an order establishing ~~paternity~~parentage when genetic testing was not completed if: ¶

(a) All parties were served with a ~~Notice and Finding of Financial Responsibility~~, a proposed ~~Order Establishing Paternity~~parentage and an order for genetic testing; ¶

(b) The ~~mother of~~parent who gave birth to the child named the alleged ~~father~~genetic parent as a most likely possible ~~father; and parent; and either~~. ¶

(c) The alleged ~~father~~genetic parent requested genetic testing and subsequently failed to appear for the testing; or ¶

(d) No party requested genetic testing in the time allowed. ¶

(4) The provisions of this rule apply to the additional genetic testing described in OAR 137-055-3020 (11) to (14~~5~~) when the party requesting the tests fails to comply with an order for additional genetic testing.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.550, 109.070~~2~~, 109.252, Oregon Laws Chapter 592

AMEND: 137-055-3120

RULE SUMMARY: This rule is being amended to implement 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created.

CHANGES TO RULE:

137-055-3120

Changing Child's Surname on Birth ~~Certificate~~Record When Paternity~~rentage~~ Established ¶

(1) In any action or proceeding by the administrator to establish ~~paternity~~parentage of a child who was born in Oregon, if either parent wishes to have the child's surname changed on the ~~birth certificate of the child~~child's birth record and the other parent agrees, the administrator shall so order and notify the Oregon Health Authority Center for Health Statistics of the Department of Human Services ~~as provided by ORS 25.550(3) and ORS 432.088(9)(d).~~¶

(2) If the parents do not agree to change the child's surname on the ~~birth certificate~~record and either parent requests that the matter be adjudicated, the administrator shall certify the matter to the appropriate Oregon circuit court pursuant to ORS 25.550(6)(b). If neither parent requests that the matter be adjudicated, the administrator will take no action to change the surname on the birth certificate of the child.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080, 25.550, 432.088

AMEND: 137-055-3140

RULE SUMMARY: This rule is being amended to implement 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created. It is also amended to clarify when the program may reopen the issue of parentage.

CHANGES TO RULE:

137-055-3140

Reopening of Paternityparentage Cases ¶¶

(1) When a party claims that a ~~maperson~~ established as the ~~father~~parent of a child is not the biological ~~father~~parent of the child, the administrator will open or reopen the issue of paternityparentage when all of the provisions of subsections (a) through (e) apply:¶¶

(a) ~~The administrator initiated the acti~~An Oregon administratively ~~which order~~ established ~~paternity or~~ paternityparentage or parentage was established in Oregon by a signed voluntary acknowledgment in Oregon;¶¶

~~(b) Parentage;~~¶¶

~~(b) Genetic testing~~ has not been conducted;¶¶

(c) The order was entered with the circuit court one year ago or less, or the voluntary acknowledgment as described in ORS 432.287098 was filed with the Center for Health Statistics one year ago or less;¶¶

(d) The party applying has completed and returned to the administrator a request for reopening and, if required, a signed application for services, prior to expiration of the one-year-period; and¶¶

(e) The administrator has jurisdiction over the parties.¶¶

~~(2) An order establishing paternity~~The administrator will not reopen the issue of parentage if parentage was established by voluntary acknowledgment as provided in ORS 109.070(1)(a)(B) and the parent who gave birth and the acknowledged parent are currently married, unless they both consent to reopening. ¶¶

~~(3) An order establishing parentage~~ will be vacated, dismissed or set aside under this rule when ~~parentage~~genetic testing excludes the ~~male~~ party in question as the ~~father~~parent of all of the children subject to the order, or a party fails to comply and the issue of paternityparentage is resolved against that party for all of the children subject to the order. The administrator will not seek a court order requiring repayment to the debtor of money paid by that debtor under the order.¶¶

~~(34)~~ If a reopening initiated by the administrator results in an order of non-paternityparentage for all children subject to a child support order, the administrator will satisfy any state debt owing on the case and file credit arrears owed to any other party.¶¶

~~(45)~~ Any judgment of non-paternityparentage under this rule will be by circuit court order.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.554, 109.070

AMEND: 137-055-3220

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-3220

Establishment of Past Support Orders ¶

(1) For purposes of this rule, the following definitions apply:¶

(a) "Past support" means the amount of child support that could have been ordered based on the Oregon ~~C~~child ~~S~~support ~~G~~guidelines and accumulated as arrears against a parent for the benefit of a child for any period ~~of time~~ during which the child was not supported by the parent and for which period no support order was in effect.¶

(b) "Supported by the parent" in subsection (1)(a) of this rule means payments in cash or in-kind ~~in~~ amounts or in-kind value equal to the amount that would have accrued under the Oregon ~~C~~child ~~S~~support ~~G~~guidelines from the obligor to the obligee for purposes of support of the child.¶

(c) "The Oregon ~~C~~child ~~S~~support ~~G~~guidelines" means the formula for calculating child support specified in ORS 25.275.¶

(2) The administrator may establish past support when establishing a child support order under ORS 25.501 to 25.556.¶

(3) When an obligor has made payments in cash or in-kind to an obligee for the support of the child during the period for which a judgment for past support is sought, and providing that those payments were in amounts equal to or exceeding the amount of support that would have been presumed correct under the Oregon ~~C~~child ~~S~~support ~~G~~guidelines, no past support will be ordered.¶

(4) When such payments as described in section (3) of this rule were made in amounts less than the amount of support presumed correct under the Oregon ~~C~~child ~~S~~support ~~G~~guidelines, the amount of the past support judgment will be the correct amount presumed under the Oregon ~~C~~child ~~S~~support ~~G~~guidelines minus any amounts of support paid.¶

(5) The obligor must provide evidence of such payments as described in sections (3) and (4) of this rule by furnishing copies of:¶

(a) Canceled checks;¶

(b) Cash or money order receipts;¶

(c) Any other type of funds transfer records;¶

(d) Merchandise receipts;¶

(e) Verification of payments from the obligee;¶

(f) Any other record of payment deemed acceptable by the administrator.¶

(6) The administrator may decide whether to accept evidence of such cash or in-kind support payments for purposes of giving credit for them. If any party disagrees, the past support calculation may be referred to an administrative law judge as provided in ORS 25.513.¶

(7)(a) Past support may not be ordered for any period ~~of time~~ prior to the first day of the month the ~~Notice and Finding of Financial Responsibility and proposed Order Establishing Support~~ proposed child support order is issued. For any month or part of a month for which past support is ordered, the amount of support shall be a full month increment and shall not be prorated; and ¶

(b) If prior to finalizing the proposed ~~Order Establishing Support~~ child support order, it is determined that it is no longer appropriate to include ongoing support, the proposed order may be amended to include past support only, provided that at least four months have elapsed since the first day of the month in which the original proposed order was issued.¶

(8) If the parties are filing for annulment, dissolution, or separation under ORS 107.105 and a judgment will be entered for months when the proceeding was pending, any order for past support may only include amounts owed for a ~~time~~ period not already addressed in the judicial action.¶

(9) Past support will be calculated under the Oregon ~~C~~child ~~S~~support ~~G~~guidelines based on current guideline factors. If the resulting amount is unjust or inappropriate, it may be rebutted as provided in OAR 137-050-0760.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.515

AMEND: 137-055-3290

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-3290

Entry of Contingency Orders When Child Out of Care ¶

Whenever a ~~notice and finding of financial responsibility~~ proposed child support order is issued pursuant to ORS 25.511 for a child in the care and custody of the Oregon Department of Human Services, and the child leaves care or custody prior to entry of a final order, the administrator or an administrative law judge shall:¶

(1) Enter a final order, in accordance with ORS 25.517, which is contingent upon the child residing in a state financed or supported residence, shelter, or other facility or institution; and ¶

(a) If the administrator is entering the final order, sign a certificate establishing the period of non-residency and satisfying the order for the period of non-residency; or¶

(b) If an administrative law judge is entering the final order, advise the administrator that the child is no longer in care or custody of the Oregon Department of Human Services .¶

(2) Upon receipt of information from an administrative law judge that a child is no longer in care or custody of the Oregon Department of Human Services, if appropriate, the administrator shall sign a certificate establishing the period of non-residency and satisfy the order for the period of non-residency.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.517

AMEND: 137-055-3360

RULE SUMMARY: This rule is being amended to implement 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created. It is also amended to clarify that a subsequent order establishing child support should be filed in the same court number as the underlying order that established parentage.

CHANGES TO RULE:

137-055-3360

Entering of Administrative Orders in the Register of the Circuit Court ¶

An administrative order under ORS 25.501 to 25.556 must be entered in accordance with the requirements of this rule:¶

- (1) If the administrative order establishes support or ~~paternity~~parentage and the child is not residing in a state financed or supported residence, shelter or other facility or institution (see ORS 25.517), the order must be entered in the circuit court in the county in which the child, or either parent of the child, resides.¶
 - (2) If the administrative order establishes support or ~~paternity~~parentage and the child is residing in a state financed or supported residence, shelter or other facility or institution (see ORS 25.517) or resides out of state, the order must be entered in the circuit court in the county in which the obligor resides.¶
 - (3) Except as provided in section (4), if the administrative order is one that modifies an underlying support order, the order must be entered in the circuit court in the same county as the underlying support order.¶
 - (4) If there is a judicial proceeding pending at the time of finalizing an administrative order establishing support or ~~paternity~~parentage, the administrative order must be entered in the circuit court in the same county as the pending judicial proceeding.¶
 - (5) If a court case includes an order or judgment establishing parentage, later orders and judgments addressing parentage or child support for the same parties may be entered in the same court case.¶
 - (6) Nothing in this rule precludes filing liens in other Oregon counties pursuant to ORS 18.152 or transferring judgments pursuant to ORS 25.100 or 107.449.
- Statutory/Other Authority: ORS 25.505, 180.345
Statutes/Other Implemented: ORS 25.529

AMEND: 137-055-3400

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-3400

District Attorney Case Assignment for Modification or Suspension of Support ¶

(1)(a) The purpose of this rule is to provide criteria for determining which Oregon District Attorney will have responsibility for initiating action to review and modify an Oregon judgment, or administrative order that requires payment of child support. This rule applies only when both of the following conditions exist:¶

(A) An Oregon District Attorney has responsibility for providing child support enforcement services under ORS 25.080; and ¶

(B) Either of the following is true:¶

(i) A party to the case has requested a review and modification, as provided in OAR 137-055-3420, for purposes of changing the amount of the monthly support obligation; or ¶

(ii) The obligor is presumed entitled to a suspension of the support obligation as a recipient of certain cash assistance, as provided in ORS 25.245. ¶

(b) This rule does not apply to a Division of Child Support (DCS) office that is performing district attorney functions. ¶

(2) For purposes of this rule, the following definitions apply:¶

(a) "Requesting party" means the party requesting the district attorney to review and modify the support obligation; ¶

(A) The requesting party may be the obligor, the obligee, or the child attending school; ¶

(B) An obligor deemed presumptively eligible for a suspension under ORS 25.245 will be considered the "requesting party"; ¶

(b) "Non-requesting party" means any party that is not the party as defined in subsection (2)(a), above. ¶

(3) In any case where there are arrears, the district attorney responsible under OAR 137-055-2020 for ~~enforcing the case~~ providing services will, if the support order is entered in another Oregon county, transfer ~~in the order case under ORS 25.100~~ for review and modification under ORS 25.100 of the order. ¶

(4) In any case where there are no arrears: ¶

(a) If all the parties reside in the same Oregon county; but the child support order is filed in another county: ¶

(A) The district attorney for the county of residence of the parties will be responsible for review and modification action; ¶

(B) The district attorney for the county of residence may transfer ~~in the support order for review and modification under ORS 25.100, as the county of residence for the non-requesting party~~ the child support case to the county of residence under ORS 25.100 for review and modification of the order. ¶

(b) If any of the parties reside in the same Oregon county that is the county ~~of~~ where the support order is entered, the district attorney for that county will be responsible for review and modification action; ¶

(c) If the support order, the requesting party, and the non-requesting party(ies) are all in different counties: ¶

(A) If the district attorney for the county of the requesting party has previously transferred the support order to the requesting party's county for enforcement, the district attorney for the enforcing county will be responsible for review and modification action; ¶

(B) If the case is not currently open as an enforcement case under ORS 25.080, or if the district attorney for the requesting party's county has never transferred the support order for enforcement: ¶

(i) That district attorney will refer the requesting party to the district attorney for the county ~~of~~ where the support order is entered; ¶

(ii) The district attorney for the county ~~of~~ where the support order ~~will then~~ is entered will be responsible for review and modification action; ¶

(C) If the case is currently open as an enforcement case under ORS 25.080: ¶

(i) The district attorney for the enforcing county will transfer the enforcement case to the district attorney for the county ~~of~~ where the support order is entered; ¶

(ii) The district attorney for the county ~~of~~ where the support order ~~will then~~ is entered will be responsible for review and modification action; ¶

(iii) Once the review and modification is completed, the district attorney for the county ~~of~~ where the support order is entered will transfer the enforcement case back to the proper enforcement county under OAR 137-055-20420. ¶

(5) If the requesting party does not reside in Oregon, and regardless of whether the case has arrears or not: ¶

(a) If the requesting party's case is already being enforced, the administrator will advise the requesting party to direct the request to the child support program in that other jurisdiction. The other child support program may then ask the administrator to pursue action under appropriate state and federal statutes;¶

(b) If the requesting party's support case is not being enforced under the child support program in another jurisdiction, the administrator will handle the request under sections (3) and (4) of this rule.¶

(6) If the non-requesting party~~(ies)~~ does not reside in Oregon, the district attorney will handle the request under sections (3) and (4) of this rule.¶

(7) The matrix set out in Table 1, is included in this rule as an aid, and incorporates preceding sections of this rule: [Table not included. See Ed. Note.]¶

(8) Notwithstanding subsection (1)(b), all functions and responsibilities assigned to Oregon District Attorneys under this rule will also be considered assigned to DCS, for those counties where DCS has assumed responsibility from the district attorney for providing support enforcement services.¶

[ED. NOTE: Tables referenced are available from the agency.]

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080, 25.287

AMEND: 137-055-3410

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-3410

~~Notice and Finding of Financial Responsibility~~Order Establishing Support or Modification ¶

- (1) ORS 25.511(1)(a) provides that the administrator may issue a ~~notice and finding of financial responsibility~~ only proposed child support order if there is no current court order or administrative support order.¶
- (2) If there is a current court order or administrative support order, the administrator must issue a modification, pursuant to ORS 25.287, ORS 25.527, or other applicable authority ~~in order to~~ set or modify the ongoing support obligation.¶
- (3) "Current court order" or "administrative support order" means that an existing support order or judgment, ~~with regard to~~ for the same parent and child:¶
- (a) Finds that the parent's support obligation for the child is zero;¶
- (b) Finds that the parent should not be ordered to pay support for the child;¶
- (c) Orders the parent to pay ongoing support or to provide medical support, pursuant to ORS 25.321 to 25.323, for the child; or¶
- (d) Has ambiguous or conflicting language such that the administrator, administrative law judge, or court is unable to reasonably determine as required by ORS 25.511(1)(a) whether there is a support order.¶
- (4) An order or judgment that determines parentage, custody, or other matters but is silent on or declines to address child support does not prohibit the administrator from issuing a ~~notice and finding of financial responsibility~~ proposed child support order pursuant to ORS 25.511.¶
- (5) An order or judgment that terminates "child support," "a "child support order," "a "child support judgment," or "a "child support obligation" has the effect of terminating cash child support and medical support. If appropriate, a subsequent administrative child support order may be established using a ~~Notice and Finding of Financial Responsibility~~ proposed child support order. See ORS 25.089(1) and ORS 25.323(8).¶
- (6) Notwithstanding sections (1) and (2) of this rule, when establishing an initial support obligation for another child of the same parties, the administrator will first establish ~~paternity~~ parentage, if needed, and then seek to modify the existing order to include the other child.¶
- (7) Notwithstanding OAR 137-050-0715(10), if the administrator receives a mandatory referral or application, the case does not meet the criteria for closure under OAR 137-055-1120, there is no existing support order, and the obligor is receiving cash assistance as defined in ORS 25.245, or qualifies as an incarcerated obligor under OAR 137-055-3300, the administrator will:¶
- (a) Establish a non-calculated zero order;¶
- (b) Order parents to provide health care coverage only if it is available at no cost. ~~Cash medical support will not be ordered because the obligor's income is at or below Oregon's highest minimum wage.~~¶
- (8) If a hearing is requested on a proposed order and an ~~A~~ Administrative Law Judge (ALJ) finds facts that satisfy the conditions in section (7), the ALJ may issue a zero order. If the ALJ finds that the presumption of inability to pay has been rebutted, the ALJ may issue an order in accordance with the guidelines or may remand the matter to the ~~P~~ program to amend the proposed order if adequate information is not available at the hearing to perform an accurate calculation.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080, 25.089, 25.323, 25.511, 25.517, 107.135

AMEND: 137-055-3420

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-3420

Periodic Review and Modification of Child Support Order Amounts ¶¶

(1) "Periodic Review" means a proceeding initiated under ORS 25.287(1) to modify an existing order to comply with the child support guidelines. ¶¶

(2) Except as provided in (10), the administrator will initiate a periodic review if 35 months have passed since the date the most recent support order took effect; and ¶¶

(a) The family is currently receiving Temporary Assistance to Needy Families (TANF); or ¶¶

(b) The requesting party submits a written request to review or modify the order (signature is not required if it can be determined who submitted the request). ¶¶

(3) For purposes of a periodic review, a child support order is not in substantial compliance with the guidelines if it has been more than 35 months since the order took effect. ¶¶

(4) The administrator must complete the modification of the existing order within 180 days of receiving a written request for a periodic review, initiating the mandatory review, or locating the non-requesting party(ies), whichever occurs later. ¶¶

(5) The administrator is responsible for conducting a periodic review in this state or for requesting that another jurisdiction conduct a review pursuant to OAR 137-055-7190. ¶¶

(6) On receipt of a written request for a periodic review or when a mandatory periodic review is required, the administrator will notify the parties of the review in writing, allowing the parties 30 days to provide information that may affect the support calculation. ¶¶

(7)(a) If the parent with more parenting time is owed support under the current support judgment but the calculation results in the parent with more parenting time owing support to the parent with less parenting time and the parent with less parenting time does not apply for services after being notified of the result of the calculation, the administrator may modify the current support obligation to zero. ¶¶

(b) For the purpose of a hearing before the Office of Administrative Hearings, the failure of the parent with less parenting time to apply for services as provided in subsection (7)(a) of this rule creates a rebuttable presumption that the parent does not want support, which can be rebutted only by live testimony of the parent at the hearing. ¶¶

(8) If there is an adult child on the case: ¶¶

(a) A tier as defined in OAR 137-055-1020 may be included for the adult child; or ¶¶

(b) The order may be modified to remove support provisions for the adult child but can be modified later to include support provisions for a child attending school if the adult child qualifies for support under ORS 107.108. ¶¶

(9) For all child support cases receiving child support enforcement services under ORS 25.080, the Oregon Child Support Program will annually notify the parties: ¶¶

(a) Of their right to request a periodic review of the amount of support ordered; and ¶¶

(b) That the program will perform a mandatory periodic review and adjustment if the family is currently receiving TANF. ¶¶

(10) If a request under this rule is denied, a party may contest the administrator's finding as provided in ORS 183.484. ¶¶

(11) If an order has been suspended under OAR 137-055-3300 because the paying parent qualifies as an incarcerated obligor, or OAR 137-055-5400 because the paying parent is receiving cash assistance, a periodic review modification will be postponed until the order is reinstated unless the case qualifies for a change in circumstances modification under OAR 137-055-3430(5).

Statutory/Other Authority: ORS 25.505, 180.345

Statutes/Other Implemented: ORS 25.080, 25.287, 25.321 to 25.343, 25.527, 107.135

AMEND: 137-055-3640

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-3640

Enforcement of a Subpoena by License Suspension ¶¶

(1) For the purposes of this rule the following definitions apply:¶¶

(a) "License" means any of the licenses, certificates, permits or registrations that a person is required by state law to possess in order to engage in an occupation or profession, all annual licenses issued to individuals by the Oregon Liquor Control Commission, all driving privileges granted by the Department of Transportation under ORS chapter 807 which includes all driving licenses and permits, and all hunting and fishing licenses and tags issued by the Oregon Department of Fish and Wildlife;¶¶

(b) "Administrative review" means a review of the obligor's objection to proposed action under this rule performed by the administrator to determine that:¶¶

(A) There is not a mistake in identity of the party;¶¶

(B) The party has not complied with the subpoena; or¶¶

(C) The subpoena was properly served upon the party.¶¶

(2) At the discretion of the administrator, the administrator may use the remedy set out in this rule or any other remedy allowable under Oregon law to enforce compliance with a subpoena issued pursuant to OAR 137-055-3620.¶¶

(3) When a party to a child support or paternity rentage case has been served with a subpoena pursuant to OAR 137-055-3620 the time for compliance set out on the subpoena has expired and the subpoenaed party has not complied with the subpoena, the administrator may serve notice to the party that a license or licenses issued to that party will be suspended.¶¶

(4) The notice of license suspension will contain:¶¶

(a) The license(s) s subject to suspension;¶¶

(b) The name of the person whose license is subject to suspension, the child support case number, the social security number, if available, and date of birth, if known;¶¶

(c) The date the original subpoena had been served, the deadline the subpoena set for compliance and the documents or information that had been subpoenaed;¶¶

(d) The procedure for contesting license suspension and the bases for contesting the suspension. The only bases for contesting the suspension are:¶¶

(A) There is a mistake in identity of the party;¶¶

(B) The party has complied with the subpoena; or¶¶

(C) The subpoena was not properly served upon the party pursuant to OAR 137-055-3620.¶¶

(e) A statement that the party has 30 days to contest suspension in writing by requesting an administrative review on a form provided by the administrator;¶¶

(f) A statement that if the party provides the information or documents that were originally specified in the subpoena within 30 days of the date of the notice, the license(s) s will not be suspended; and¶¶

(g) A statement that failure to contact the administrator within 30 days of the date of the notice to either request an administrative review to contest the suspension or to provide the originally subpoenaed information or documents will result in suspension of the license(s) s.¶¶

(5) If the party contests the suspension of the license(s) s, the administrator will conduct an administrative review to determine if the suspension should occur:¶¶

(6) If the administrator determines that the suspension of the license should occur, all parties will receive written notice of such determination. The notice will include the following:¶¶

(a) The basis for the determination;¶¶

(b) The right to appeal the determination and a form on which to make the appeal;¶¶

(c) The time limit for making an appeal is 30 days from the date of the notice;¶¶

(d) That if no appeal of the suspension is received within 30 days, the licensing agency will be notified to suspend the license immediately.¶¶

(7) An appeal of the determination in subsection (5) of this rule will be to an administrative law judge and the suspension of the license is stayed pending the decision of the administrative law judge. The only bases for the appeal are:¶¶

(a) There is a mistake in identity of the party;¶¶

(b) The party has complied with the subpoena; or¶¶

- (c) The subpoena was not properly served upon the party pursuant to OAR 137-055-3620.¶
- (8) If the party fails to provide the subpoenaed information or documents or fails to appeal the determination within the ~~time~~ period allowed, or if the administrative law judge affirms the administrative determination, the administrator will send a notice to the issuing agency to suspend the license. A copy of this order will be sent to all parties by regular mail.¶
- (9) The notice to the issuing agency to suspend the license will contain the following:¶
- (a) A statement that a child support or ~~paternity~~parentage case record is being maintained by the Oregon Child Support Program and that the license holder is a party in that case; and¶
- (b) A statement that the holder of the license has failed to comply with a subpoena pursuant to OAR 137-055-3620.¶
- (10) At any time after suspension of the license, the party may request that the administrator conduct a review to determine if the basis for the license suspension continues to exist. The administrator will review the suspension and notify the issuing agency to reinstate the license, when any of the following conditions are met:¶
- (a) The party has furnished the originally subpoenaed information or documents;¶
- (b) The legal action, enforcement action or other case action has been completed and there is no longer a need for the originally subpoenaed information or documents; or¶
- (c) There is no longer an Oregon Child Support Program case.
- Statutory/Other Authority: ORS 25.082, 25.750, 180.345
- Statutes/Other Implemented: ORS 25.082, 25.750

AMEND: 137-055-3660

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization. It also removes the limitation that an earlier issued judgment must be administrative to use the existing "notice of controlling judgment" process and adds language to include child support judgments that switch the child support obligation from one parent to the other.

CHANGES TO RULE:

137-055-3660

Multiple Child Support Judgments ¶

(1) ~~When the administrator finds that two or more child support judgments exist~~ For purposes of this rule, "multiple child support judgments" mean two or more judgments or orders issued by a court, or filed under ORS 25.529, that provide for past or current child support, including medical support, involving either: ¶

(a) ~~The same obligor and child for the same period and each judgment was, child, and 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 the other parent but did not expressly terminate the former obligation.~~ ¶

(2) ~~When the administrator finds that multiple child support judgments have been~~ issued in this state, the administrator may, as appropriate: ¶

(a) Issue a notice that, pursuant to ORS 25.095, the terms of a later-issued child support judgment terminated and replaced the terms of an earlier-issued ~~administrative order, if the later-issued court judgment was entered within the last six months or the particular factual circumstances of the case indicate that it should control~~ child support judgment; ¶

(b) Terminate an existing administrative child support judgment, pursuant to ORS 25.505; ¶

(c) Move to set aside a judgment pursuant to ORCP 71; ¶

(d) Issue a proposed governing child support order under ORS 25.531 applying the presumption provided in ORS 25.091(4) and section (23) of this rule that the later-issued child support judgment should control; or ¶

(e) Petition the court in the county where a child who is subject to the judgment resides for a governing child support judgment pursuant to ORS 25.091. ¶

(23) ~~When determining which support judgment is the "last-issued" for purposes of applying or rebutting the presumption in ORS 25.091(4), the issue date for any support judgment is:~~ ¶

(a) The date the support judgment was entered into the circuit court register; or ¶

(b) If the administrative child support judgment required judicial approval, the date the order approving the administrative child support judgment was entered into the circuit court register. ¶

(34) ~~A governing child support judgment entered pursuant to ORS 25.091 does not affect any liability accrued under a child support judgment before the governing child support judgment is issued.~~ ¶

(45) ~~The administrator's proposed governing child support order or petition for governing child support judgment will include:~~ ¶

(a) A reconciliation of all ~~of~~ the child support judgments' payment records; or ¶

(b) An order or motion to reconcile any child support arrears or credits for overpayments under all of the child support judgments in a separate proceeding under ORS 25.167 or ORS 25.540. ¶

(5) ~~When reconciling child support payment records for any period when two or more child support judgments were in effect for the same obligor:~~ ¶

(a) The obligor owes, for each month, the amount of current support due under the highest judgment; ~~and~~ ¶

(b) Payment made toward any one of the judgments must be credited against the obligation under each of the others; ~~and~~ ¶

(6c) ~~When~~ If the terms of an earlier-issued child support ~~order~~ judgment are terminated by a later-issued child support judgment, either pursuant to ORS 25.095(2) or explicitly by the terms of the later-issued ~~court~~ judgment, the administrator may issue notice in accordance with ORS 25.095(4) stating that unpaid arrears that accrued under the earlier-issued ~~order~~ judgment become part of and are enforceable under the later-issued judgment.

Statutory/Other Authority: ORS 25.531, 180.345

Statutes/Other Implemented: ORS 25.089, 25.091, 25.095, 25.167, 25.531, 25.540

AMEND: 137-055-4060

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-4060

Income Withholding - General Provisions, Requirements and Definitions ¶¶

- (1) OARs 137-055-4060 to 137-055-4080 provide for collection of support by means of income withholding, in accordance with ORS 25.372 to ORS 25.427 and all other applicable Oregon law, on all support cases ~~being enforced where services are provided~~ by the administrator. ¶
- (2) For purposes of OARs 137-055-4060 to 137-055-4080 and as used in ORS 25.372 to ORS 25.427, the following definitions apply: ¶¶
- (a) "Alternative payment method" means the methods of paying support described in OAR 137-055-4080; ¶
- (b) "Best interests of the child" means the method of payment likely to produce consistent support that will reach the child(ren) in the most expedited manner. ¶
- (c) "Disposable income" means the part of an individual's income that remains after the deduction of any amounts required to be withheld by law, except as provided in paragraphs (B) or (C) of this subsection. ¶
- (A) Amounts required to be withheld by law include, but are not limited to, required withholding for taxes and Social Security; ¶
- (B) Any amounts withheld for the following will not be deducted from the obligor's income when computing disposable income, even if such withholding is required by law or by judicial or administrative order: ¶
- (i) Health insurance premiums; ¶
- (ii) Spousal or child support. ¶
- (C) An obligor may claim offsets against gross receipts for ordinary and necessary business expenses and taxes directly related to the income withheld. The obligor has the burden of proving such claims and must therefore furnish verifiable business records or documents to support any offsets claimed. The obligor also has the burden of furnishing such records or documents in a timely manner, and the Oregon Child Support Program will not refund to the obligor, on the basis of such claims, any amounts withheld that the administrator has already disbursed to the obligee or to any child attending school under ORS 107.108 and OAR 137-055-5110; ¶
- (d) "Electronic Funds Transfer" (EFT) has the definition given in OAR 137-055-5035 and includes but is not limited to payment by Electronic Payment Withdrawal (EPW) and by debit or credit system or card. ¶
- (e) "Electronic Payment Withdrawal" (EPW) means an automatic withdrawal of support from the person's bank account. ¶
- (f) "Good cause" for not withholding means a situation that exists when: ¶
- (A) A court or the administrator makes a written determination that, and a written explanation in the official record of why, immediate income withholding would not be in the best interests of the child; and ¶
- (B) If the case involves the modification of an existing support order, there is proof of timely payment of previously ordered support and there are no arrears. Timely payment is indicated when the obligor has not previously become subject to initiated income withholding under the existing order. ¶
- (g) "Paid Leave Oregon" means family, medical, and safe leave insurance benefits as provided in ORS chapter 657B. For the purposes of child support income withholding orders, the following apply: ¶
- (A) Support will be withheld pursuant to ORS 25.414; ¶
- (B) Support will be withheld only from family and medical paid leave benefits. ¶
- (h) Periodic recurring income as used in calculating withholding from a lump sum payment or benefit pursuant to ORS 25.414(4), means income that is intended as a monthly or more frequent payment that includes, but is not limited to, a teachers lump sum payment for summer months. ¶
- (3) All support orders issued or modified by the administrator will include a provision requiring the parties to keep the administrator informed of: ¶
- (a) The name and address of the party's current employer; ¶
- (b) Whether or not the party has access to appropriate health care coverage, and if so, the health care coverage policy information. ¶
- (4) For purposes of support enforcement, any support payment that becomes due and payable on a day other than the first day of the month in which the payment is due shall be enforceable by income withholding as of the first day of that month. ¶
- (5) Notwithstanding any other provision of this rule, if the administrator determines that Supplemental Security Income (SSI) or a combination of SSI and either Social Security Disability Insurance (SSDI) or Social Security Retirement (SSR) benefits has been incorrectly withheld from the obligor through an income withholding order,

and the administrator is in possession of the funds, the administrator must return the funds to the obligor.

Statutory/Other Authority: ORS 25.396, 180.345

Statutes/Other Implemented: ORS 25.166, 25.372, 25.427, 656.234, 657.780, 657.855, ORS chapter 657B

AMEND: 137-055-4300

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-4300

Support Enforcement by Methods Other than Income Withholding ¶

(1) Income withholding, pursuant to OAR 137-055-4060 through 137-055-4180, will be the preferred method that the administrator will use to collect current and past-due support. ¶

(2) If payment is not received in the amount of current support due for each month plus an amount toward any existing arrears, the administrator will pursue additional enforcement actions as specified under this rule. ¶

(a) For purposes of this section, "additional enforcement actions" means actions in addition to income withholding ~~under any of the following circumstances:~~ ¶

(b) The administrator will pursue additional enforcement actions where any of the following circumstances occurs: ¶

(A) Collection by income withholding cannot be attained under OAR 137-055-4060 through 137-055-4180; ¶

(B) Income withholding is collecting less than the amount of current support due for each month; or ¶

(C) Income withholding is collecting the full amount of current support due for each month, but is collecting nothing toward arrears on the case; ¶

(D) No current support is owed, and income withholding is collecting nothing toward arrears; or ~~¶~~ ¶

~~(E) The obligor is not paying a negotiated or agreed-upon amount toward arrears. ¶~~

(c) All such enforcement actions will be in compliance with, and as appropriate under, state and federal law. The administrator will not initiate or take any action under this rule that is precluded or prohibited by state or federal law due to the circumstances of the individual case. ¶

(d) The administrator will take such action within 30 calendar days of whichever of the following occurs later: ¶

(A) Arrears have occurred; and ¶

(B) The administrator has located the obligor, the obligor's employer, or other assets or sources of income, provided such information is sufficient to enable the next appropriate action on the case. ¶

(e) If service of process is required before taking an enforcement action: ¶

(A) Service must be completed or unsuccessful diligent attempts to serve process must be documented, and enforcement action must be initiated if process is served, no later than 60 calendar days of initially identifying arrears or of locating the obligor or the obligor's employer, assets, or other sources of income, whichever occurs later. ¶

(B) If a court action is necessary, the requirement to initiate enforcement action within no later than 60 calendar days is met if the administrator has initiated action to enter the case with the court for a court hearing or action. ¶

(f) The administrator is not required to perform those "additional enforcement actions" that the Oregon Child Support Program already provides automatically for every case meeting specified criteria. Further, a case does not necessarily need to meet the criteria for "additional enforcement actions", under section (2) of this rule, ~~in order~~ for the Oregon Child Support Program to automatically provide the enforcement methods under this subsection for every case meeting specified criteria. These enforcement methods include, but are not limited to: ¶

(A) Interception of state and federal tax refunds, under OAR 137-055-4320 through 137-055-4340. ¶

(B) Release of information to consumer credit reporting agencies, under OAR 137-055-4560. ¶

(g) If any enforcement action specified under this rule, whether by itself or in combination with collections attained through income withholding, results in collection of current support each month plus payments toward reducing any arrears that exists on a case, the administrator is not required to pursue further additional enforcement actions on that case. However, the administrator will resume pursuing additional enforcement actions if any of the circumstances under subsection (2)(b) of this rule subsequently occurs. ¶

(3) The administrator will take additional enforcement action, under section (2) of this rule, by attempting to determine if the obligor has any income, property, assets, or resources from which support can be collected. ¶

(a) The administrator will attempt this determination by utilizing any one or more of the following: ¶

(A) Information about the obligor's location, employment, or other income or assets, that the administrator obtains from the obligee or from any other person. The administrator will respond to the obligee, in writing, by telephone, or in person, within 30 days of ascertaining whether ~~or not~~ information submitted by the obligee, on the obligee's own initiative, was accurate or useable. ¶

(B) Information accessible or attainable through the ~~C~~child ~~S~~support ~~E~~enforcement ~~A~~automated ~~S~~system (CSEAS), or other electronic data sources. ¶

(C) Discovery methods, including financial disclosure exams, or written interrogatories, unless any of the following

are true:¶¶

- (i) The administrator has not located the obligor, and is therefore not able to pursue such methods.¶¶
- (ii) The obligee has not asserted to the administrator, or the administrator has no reason to suspect, that the obligor has specific and verifiable income, property, resources, or assets against which the administrator may take effective action to collect support.¶¶
- (iii) The administrator has located or verified the obligor's income, property, assets, or resources through other means, or otherwise can do so, and therefore does not need to rely on discovery methods.¶¶
- (b) The administrator will document the case record with the following:¶¶
 - (A) The administrator's efforts to determine or verify if the obligor has property, assets, or resources, against which the administrator may take action to collect support.¶¶
 - (B) Actions the administrator takes to collect support against such property, assets, or resources.¶¶
- (4) When the administrator determines that an obligor has income, property, assets, or resources against which enforcement action may be taken, the administrator will, in compliance with and as appropriate under other provisions of this rule and of state and federal law, take one or more of the following specific actions:¶¶
 - (a) Ask the court to require the obligor to post bond or security to ensure payment of support, unless the administrator has determined that:¶¶
 - (A) Based on the experiences of the administrator in its locality, a bond or security is not likely to be commercially available to the obligor for this purpose;¶¶
 - (B) The obligor is legally and financially unable to pay the cost of a bond or security;¶¶
 - (C) Such action cannot reasonably be expected to produce collections sufficient to justify the cost to the administrator;¶¶
 - (D) Any funds the obligor has to purchase a bond would be better applied to requiring the obligor to make payment for current or past-due support. However, on cases where current support is owed to the obligee or to a child attending school under ORS 107.108 and OAR 137-055-5110, and not assigned to the state, the obligee or child attending school must concur with this determination; or¶¶
 - (E) The obligor has taken action to purchase a bond or security without need for court action.¶¶
- (b) File liens against real property or personal property that the obligor owns in Oregon, to the extent that a lien does not already exist under Oregon law, or take other effective actions to collect support from the value of such property such as by obtaining a writ of garnishment, unless the administrator has determined that:¶¶
 - (A) The obligor owns no property against which such action would be likely to produce a collection; or¶¶
 - (B) Such action cannot reasonably be expected to produce collections sufficient to justify the cost to the administrator.¶¶
- (c) Garnish or attach other assets, or resources of the obligor, unless the administrator has determined that such action cannot reasonably be expected to produce collections sufficient to justify the cost to the administrator. In cases where such action will result in additional taxes or penalties to the obligor, the administrator may negotiate with the obligor to determine an amount the obligor will need to retain to pay such additional taxes or penalties.¶¶
- (d) Pursue suspension of any license the obligor may have, to the extent permissible under state law and rules.¶¶
- (e) Prosecute the obligor for contempt of court, subject to section (5) of this rule.¶¶
- (f) Prosecute the obligor for criminal non-support, subject to section (5) of this rule.¶¶
- (g) Refer the obligor for federal criminal prosecution under the Interstate Child Support Recovery Act, subject to section (5) of this rule.¶¶
- (5) Prosecution for contempt of court or for criminal non-support, or referral of obligors for federal criminal prosecution under the Interstate Child Support Recovery Act, is subject to the prosecutorial discretion of the administrator.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.080

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization. It also implements amendments made to ORS 25.785, enacted by HB 3348 to conform with ORS 670.406, which allows licensing agencies to share a parent's federal Individual Taxpayer Identification Number (ITIN) with the Oregon Child Support Program when a Social Security number is not available. This rule is also being amended to implement 2025 Senate Bill 163, Oregon's adoption of the 2017 Uniform Parentage Act. These amendments modernize language to acknowledge and align with the variety of ways families are created.

CHANGES TO RULE:

137-055-4420

License Suspension for Child Support ¶¶

- (1) For the purposes of this rule, "license" means any of the licenses, certificates, permits, or registrations that a person is required by state law to possess in order to engage in an occupation or profession, all annual licenses issued to individuals by the Oregon Liquor & Cannabis Commission, all driver licenses and permits issued by the Department of Transportation under ORS chapter 807, and all permanent and fee-based annual hunting and fishing licenses issued by the Oregon Department of Fish and Wildlife.¶¶
- (2) The administrator may begin the process to suspend an obligor's licenses if:¶¶
- (a) The obligor has an order or judgment to pay child support, regardless of whether that order or judgment is currently accruing support;¶¶
- (b) The administrator has been providing services on the case pursuant to ORS 25.080 for at least three months;¶¶
- (c) The obligor owes child support arrears in an amount at least equal to the greater of three months of support or \$2,500;¶¶
- (d) The obligor and administrator have not entered into an agreement as described in section (10), or there is an agreement but the obligor is not in compliance with the agreement;¶¶
- (e) The obligor has not made voluntary payments; or payments by income withholding; every month for the last three months greater than the current support amount, or if there is no longer an order or judgment for current support; equal to the amount of the most recent order for current support. This criterion does not apply to payments resulting from garnishment, tax offset, or any other enforcement action other than income withholding; and¶¶
- (f) The order is not currently suspended under ORS 25.247. ¶¶
- (3) The administrator will consider the obligor's employment and payment history, the obligor's current ability to pay, the likely benefit to the child, and any other pertinent factor in determining whether to initiate or continue the license suspension process. ¶¶
- (4) The administrator will begin the license suspension process by giving written notice to the obligor by regular mail. If the issuing ~~agency or~~ agencies have addresses listed for the obligor other than the address in the administrator's records, the administrator will send copies of the notice to the address in the administrator's records and to each address in the records of the agencies holding licenses. The notice to the obligor will specify:¶¶
- (a) The obligor's name, year of birth, if known, and the final four digits of their Social Security number, if available, and year of birth, if known or individual taxpayer identification number (ITIN), whichever is available;¶¶
- (b) The license(s) subject to suspension and a statement that any license not specified in the notice will also be subject to suspension without a separate notice;¶¶
- (c) The obligor's child support case number(s);¶¶
- (d) The basis for the suspension, including amount of the arrears and the amount of the monthly support obligation(s);, if any;¶¶
- (e) The procedure and grounds for contesting the suspension; ¶¶
- (f) A statement that the obligor can prevent suspension of the license(s) by entering into and complying with an agreement with the administrator; and¶¶
- (g) A statement that unless the obligor contacts the administrator within 30 days of the date of the notice and to contests the license suspension or enters into an agreement, the administrator may notify the issuing ~~agency or~~ agencies to suspend the license(s) without further notice.¶¶
- (5) The obligor may contest the suspension within 30 days of the notice described in section (4) of this rule only on the grounds that: ¶¶
- (a) The obligor owes arrears less than or equal to the greater of three months of support or \$2,500; or¶¶
- (b) There is a mistake in the obligor's identity. ¶¶

- (6) Any of the following events ends the license suspension process. The administrator will stop all license suspension actions and notify the issuing agencyies to release any license already suspended, subject to that agency's requirements, if, on timely receipt of a contest from the obligor under section (5), on the obligor's subsequent request for a review of the case, or at any time upon review of the case, the administrator determines that: ¶
- (a) The administrator is no longer providing services under ORS 25.080;¶
 - (b) The obligor owes arrears less than or equal to the greater of three months of support or \$2,500; ¶
 - (c) The individual whose license(s)s are to be suspended is not the obligor who owes the support arrears that are the basis for the suspension; or¶
 - (d) The order is suspended under ORS 25.247.¶
- (7) If the obligor contests license suspension under section (5), the administrator will make a determination based on the criteria in section (6) and notify the parties in writing of the determination. If the administrator determines that the suspension process will continue, the obligor may object within 30 days of the date of the administrator's determination by requesting an administrative hearing. Upon receipt of the hearing request, the administrator will take no further action to suspend, pending receipt of the hearing order. ¶
- (8) Not less than 30 days after issuing the notice that the obligor's license is subject to suspension, as described in section (4), the administrator will review the case. If the case continues to qualify for suspension; and no contest has been received from the obligor, the administrator may notify the issuing agencyies to suspend the obligor's license(s)s.¶
- (9) If an obligor holds more than one license, any determination regarding suspension of one license is sufficient to suspend any other license-¶
- (10) The administrator may enter into an agreement with the obligor, the obligor's compliance with which will preclude suspension of the obligor's license. ¶
- (a) The standard monthly payment amount for a compliance agreement is the amount that could be obtained through income withholding under ORS 25.414. In determining this amount, the obligor's actual earnings will be used, but no less than the equivalent of full-time work at the lowest Oregon minimum wage. An agreement under this subsection may be for any period of time agreed to by the administrator and obligor.¶
 - (b) If the obligor demonstrates an inability to pay the full amount described in subsection (10)(a), the administrator may agree to a temporary hardship exception for a lesser amount, including, where appropriate, no amount. The administrator may condition the hardship exception on receipt of a modification request from the obligor, including any evidence needed to substantiate the request. A hardship exception may also require that the obligor take specific steps to enhance the obligor's ability to pay, such as job search, job training, or substance abuse treatment. A hardship exception under this subsection may be for no longer than six months. At the end of the hardship period, the agreement must automatically change to a standard payment amount under subsection (10)(a). However, at the end of the hardship period, the administrator may agree to a subsequent hardship exception under this subsection if the administrator determines such an exception remains appropriate. ¶
- (11) Any agreement entered into under section (10) must include: ¶
- (a) The amount and due date of the payment. The due date in the payment agreement is solely for the purposes of the license suspension process and does not affect the monthly due date in the support order; ¶
 - (b) ~~If the agreement is based on a hardship exception under subsection (10)(b), a~~ A standard payment amount determined under subsection (10)(a) that will automatically go into effect at the end of the specified hardship exception period if the agreement is based on a hardship exception under subsection (10)(b); ¶
 - (c) The duration of the agreement, including the duration of the subsequent payment agreement if the initial agreement is based on a hardship exception under subsection (10)(b) of this rule; ¶
 - (d) A statement that payments may be made through income withholding;¶
 - (e) A statement that failure to comply with the agreement may result in immediate notification to the issuing agencyies to suspend the license(s)s without further notice to the obligor; ¶
 - (f) A statement that the agreement may be terminated if the support order or judgment is modified; ¶
 - (g) A statement that the administrator may terminate the agreement and suspend the license at any time if the obligor fails to comply with the agreement, if the obligor's income changes, or if the obligor has under-reported income; ¶
 - (h) A statement that the obligor's compliance with the agreement does not preclude any enforcement action by the administrator other than license suspension; and that other collection actions will continue to occur; ¶
 - (i) A statement that the obligor is required to inform the administrator within 10 days of any change in employment; ¶
 - (j) A statement that information provided by the obligor may be used for other enforcement actions, including contempt actions; and¶
 - (k) The signatures of the obligor and the administrator.¶
- (12) When the administrator enters into an agreement with the obligor, the administrator will send courtesy

copies of the agreement to the parties on the case.¶¶

(13) If the obligor complies with the agreement, the administrator will not notify the issuing agencyies to suspend the obligor's license(~~s~~)s, or, if the license has already been suspended, the administrator will notify the issuing agencyies to reinstate the license. ¶¶

(14) If the obligor fails to comply with an agreement, the administrator may notify the issuing agencyies to suspend the obligor's license(~~s~~)s. The administrator will notify the parties to the case that the action has been taken. If the obligor has complied with the agreement for at least one year and then stops complying, the administrator will send the obligor written notice 30 days prior to issuing the notice to suspend to provide the opportunity for the obligor to comply. ¶¶

(15) If an obligor has more than one child support case, the Oregon Child Support Program Director or designee will determine and assign a single office that will be responsible for services relating to that obligor under this rule. Any ~~enforcement~~ child support services other than license suspension will be provided by the office(~~s~~)s otherwise assigned to the obligor's case(~~s~~)s.

Statutory/Other Authority: ORS 25.750 - 25.785, 180.345

Statutes/Other Implemented: ORS 25.750 - 25.783

AMEND: 137-055-4455

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-4455

Expiration of Support Judgment Remedies ¶¶

- (1) Judgment remedies for the child support award portion of a judgment, and any lump sum money award for unpaid child support installments, expire 35 years after the entry of the judgment that first establishes the support obligation.¶¶
- (2) Notwithstanding any other provisions of this rule, when the child support judgment being enforced was issued by another jurisdiction, the expiration of judgment under the laws of this state or of the issuing jurisdiction, whichever is longer, applies.¶¶
- (3) ~~§For~~ spousal support judgments entered on or after January 1, 2004: ~~¶~~ judgment remedies for any unpaid installment under the spousal support award portion of a judgment; expire the later of:¶¶
 - (a) 25 years after entry of the judgment that first establishes the support obligation; or¶¶
 - (b) 10 years after an installment comes due under the judgment and is not paid.¶¶
- (4) ~~§For~~ spousal support judgments entered prior to January 1, 2004: ~~¶~~ judgment remedies for any unpaid installment under the spousal support award portion of a judgment; expire the later of:¶¶
 - (a) 25 years after entry of the judgment that first establishes the support obligation; or¶¶
 - (b) 10 years after an installment comes due under the judgment and is not paid; or¶¶
 - (c) 10 years from the date of a judgment renewal.¶¶
- (5) The judgment remedies for a money award for child or spousal support expire by operation of law.¶¶
- (6) The Department of Justice, Division of Child Support (DCS) is responsible for completing expiration of judgment audits on cases receiving child support enforcement services under ORS 25.080.¶¶
- (7) If an audit result is that the expired judgment amount is greater than the current arrears on the case, DCS will reduce the case arrears to zero.¶¶
- (8) When an expiration of judgment audit is completed, DCS will notify the parties if there is any change to the arrears as a result of the audit. The notice must include:¶¶
 - (a) The current balance or zero, as appropriate, per section (7) of this rule; and¶¶
 - (b) Information that a party may make a written request for an administrative review within 30 days of the notice.¶¶
- (9) If a party requests an administrative review, DCS will:¶¶
 - (a) Conduct the administrative review within 45 days from the date of receiving the objection to verify the case was adjusted correctly and make any necessary corrections or adjustments as determined in the review; and¶¶
 - (b) Notify both the obligee and the obligor, in writing, of the results of the review and of the right to appeal pursuant to ORS 183.484.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 18.180 - 18.194

AMEND: 137-055-4500

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-4500

Financial Institution Data Match - Reasonable Fee ¶¶

(1) This rule defines "reasonable fees" which the Oregon Child Support Program (~~CSP~~) will pay to financial institutions for implementing and conducting computerized data matches under ORS 25.640 through 25.646. Appropriations to implement the computerized data matches included federal matching funds; therefore, the ~~CSP program~~ is required to follow the general principles for determining allowable costs as provided in OMB Circular No. A-87.¶¶

(2) Reasonable fee means direct costs only as defined in OMB Circular No. A-87 and shall be limited to those expenses. Reasonable fee shall not include any indirect costs.¶¶

(3) Direct costs mean those expenses that are of a type that would generally be recognized as ordinary and necessary to establish and conduct a data match, such as:¶¶

(a) Compensation of employees time specifically related to the establishing and conducting the data match;¶¶

(b) Computer system expenses specifically related to establishing and conducting the data match;¶¶

(c) Costs of material acquired, consumed or expended specifically for the purpose of establishing and conducting the data match;¶¶

(d) Necessary travel expenses and similar expenses directly associated with establishing and conducting the data match.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.643

AMEND: 137-055-4640

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-4640

Medical Support Notice - Plan Selection ¶

For the purposes of this rule, the definitions found in ORS 25.321 and OAR 137-050-0750 apply.¶

(1) When a medical support notice has been served and the providing party as defined in ORS 25.321, is not enrolled in a health benefit plan or is not enrolled in a plan that offers appropriate and available dependent coverage as defined in ORS 25.323, and if more than one plan with appropriate dependent coverage is offered, the plan administrator will notify the ~~enforcing agency~~ and the ~~enforcing agency~~ child support program, and the child support program will forward the health benefit plan information to the obligee, if the obligee is not the providing party.¶

(2) The notice sent by the ~~enforcing agency~~ child support program with the health benefit plan descriptions and documents will advise the obligee that:¶

(a) If the obligee identifies a plan and contacts the ~~enforcing agency~~ child support program within 10 calendar days of the date the plan information was mailed, except as provided in section (4) of this rule, the ~~enforcing agency~~ child support program will notify the plan administrator of the selection made.¶

(b) If the obligee fails to notify the ~~enforcing agency~~ child support program of a plan selection within 10 calendar days of the date the plan information was mailed, except as provided in section (4) of this rule, the ~~enforcing agency~~ child support program will select the default plan if the plan administrator has indicated there is such a plan or, if there is not a default plan indicated by the plan administrator, the least costly plan available that provides appropriate health care coverage as defined in ORS 25.323.¶

(3) Notwithstanding any other provisions of this rule, and except as provided in section (4) of this rule, if the providing party has more than one case with an order to provide appropriate health care coverage, the ~~enforcing agency~~ child support program will select a plan using the following criteria:¶

(a) If there is only one health benefit plan that provides appropriate health care coverage on all cases, that plan will be selected;¶

(b) If there is more than one health benefit plan that provides appropriate health care coverage on all cases, the least costly plan will be selected;¶

(c) If there is a health benefit plan that provides appropriate health care coverage for some but not all of the children on the cases, then:¶

(A) If the medical support notices were issued on all cases on or about the same date, such as would occur when the providing party has a new employer, the least costly plan that is appropriate to the child{ren} on at least one of the cases will be selected; or¶

(B) If the medical support notices were issued at different times, such as would occur when there is an existing order with a provision for appropriate health care coverage on one case and a new order with a provision for appropriate health care coverage is established on a second case, the existing plan or the least costly plan that is appropriate to the child{ren} on the case in which the first medical support notice was issued will be selected.¶

(4) If a providing party's current family is covered by a health benefit plan, the ~~enforcing agency~~ child support program may not select a plan that eliminates the current family's coverage.¶

(5) The ~~enforcing agency~~ child support program will notify the plan administrator of the selection within 20 business days of the date the plan administrator forwarded the health plan descriptions and documents to the ~~enforcing agency~~ child support program.

Statutory/Other Authority: ORS 25.080, 180.345

Statutes/Other Implemented: ORS 25.325, 25.327, 25.329, 25.331, 25.333, 25.337, 25.341

AMEND: 137-055-5025

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-5025

Payment of Child Support to an Escrow Agent ¶¶

(1) If current or past support is not assigned to the State of Oregon or another state, the parties may elect for support payments to be made to an escrow agent licensed under ORS 696.511 to accept and disburse support payments by electronic fund transfer.¶¶

(2) The election must be in writing and filed with the court that entered the support order and include:¶¶

(a) The signatures of the parties;¶¶

(b) The amount of the support payment and date the payment is due;¶¶

(c) The court case number; and¶¶

(d) The name of the escrow agent and account number into which the payments are to be electronically transferred.¶¶

(3) If IV-D services are being provided and the order is not otherwise subject to ORS 25.020, upon receipt of a court order or election of the parties to make payments to an escrow agent, the administrator will close its case and discontinue services:¶¶

(a) After expiration of the 60-day case closure notice as provided in OAR 137-055-1120; or¶¶

(b) Immediately upon the signed written request of the parties waiving the 60-day notice.¶¶

(4) An election will terminate if:¶¶

(a) An application for services is received by the Oregon Child Support Program ~~subsequent to~~after an election; or¶¶

(b) Support is assigned to the State of Oregon or another state.¶¶

(5) When the administrator establishes arrears pursuant to OAR 137-055-3240 and the parties previously made payments through an escrow agent as provided in section (1), the administrator may use the payment history of the escrow agent to establish arrears for any time ~~period~~ escrow services were provided.

Statutory/Other Authority: ORS 25.030

Statutes/Other Implemented: ORS 25.030, 25.130

AMEND: 137-055-5030

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-5030

Receipting of Support Payments ¶¶

- (1) For purposes of this rule, "receipt" means to officially acknowledge and credit a payment to an account.¶
- (2) For purposes of this rule, "authorized representative" means an employee of the Division of Child Support, employees of a District Attorney Child Support office, and Assistant Attorneys General and Deputy District Attorneys representing the Oregon Child Support Program.¶
- (3) When support payments are made to the Department of Justice in accordance with ORS 25.020, the State Disbursement Unit (SDU) is the official receipting unit of the Oregon Child Support Program. All payments will be disbursed after receipt by the SDU pursuant to 45 CFR 302.32.¶
- (4) Support payments will only be receipted by the SDU.¶
- (5) Physical access to all areas where support payments are stored or processed will be limited to employees assigned to handle, accept or receipt support payments.¶
- (6) Support payments received by the receipting unit must be physically secured. At least two employees must be present when support payments are not secured in a locked area or in a safe.¶
- (7) Support payments will be properly recorded and tracked in accordance with 45 CFR Ch. III.¶
- (8) Support payments which have been receipted by the SDU will be reconciled daily.¶
- (9) Support payments will be receipted and deposited within ~~48-hour~~ two business days.¶
- (10) Pursuant to ORS 73.0114, if there are contradictory terms on a negotiable instrument, the amount receipted will be the amount written in words.¶
- (11) Pursuant to ORS 73.0401, if a negotiable instrument is not signed, the person is not liable for the instrument.¶
- (12) Under limited circumstances, offices of the Oregon Child Support Program, other than the facility which houses the SDU, may accept child support payments in person or by mail and authorized representatives may accept payments in court. If a payment is made in person, in court, or by mail the employee or authorized representative shall provide written acknowledgment to the payor that the payment has been accepted.¶
- (13) Payments for support may be accepted by an employee of an office of the Oregon Child Support Program or by an authorized representative of the Oregon Child Support Program when:¶
 - (a) The payment is received in court as a result of a court hearing for nonpayment of support; or¶
 - (b) The payment is received in an office that employs strict internal currency handling standards;¶
 - (c) The office has the payment deposited to an approved bank account; and¶
 - (d) The office ensures the payment and remittance details are transmitted to the SDU immediately for receipting and disbursement.¶
 - (A) The office or authorized representative may transmit the payment to the SDU by an electronic fund transfer (EFT) through an approved bank account; or¶
 - (B) The office may mail a check to the SDU for the total amount of the payment(s).

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 25.020, 73.0114, 73.0401

AMEND: 137-055-5040

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-5040

Accrual and Due Dates ¶¶

(1) As used in this rule, "payment due date" means the due date or beginning pay date of an installment of support or, if no such date is listed, the date the judgment states it is effective.¶¶

(2) For any judgment requiring the payment in installments of child support or child and spousal support through the Oregon Child Support Program, in accordance with ORS 25.020, this rule delineates ~~the manner in which~~how the administrator will determine billing and accrual cycles.¶¶

(3)(a) When a support award does not specify the payment due date, the administrator will consider the payment due date to be the date listed in the administrative order or judgment ~~document~~;¶¶

(b) When a support award specifies payments are to be made more frequently than monthly, the administrator will consider the last payment due date listed in the month to be the payment due date.¶¶

(4) When neither the support award nor the judgment contains the payment due date:¶¶

(a) If the judgment modifies a support order but does not specify the due date of the first modified payment, the administrator will consider the payment due date to be the first day of the first month after the order is signed; ¶¶

(b) If the judgment terminates a support order but does not specify the effective date of the termination, the administrator will consider the date the termination was signed as the effective date of the termination.¶¶

(c) If the judgment requires payment of support by a person who is not currently ordered to pay support but does not state when payment is due, the administrator will adjust the case record to show the first payment due date to be the first day of the month following the date the judgment was signed. ¶¶

(5) If the judgment modifies a support order:¶¶

(a) The support obligation will not be pro-rated for the month in which the payment due date falls, unless the judgment provides otherwise;¶¶

(b) If the modification payment due date is on or before the payment due date of the existing support order, the installment due for that month will be changed to the new amount;¶¶

(c) If the modification payment due date is after the payment due date of the existing order:¶¶

(A) If the judgment is signed prior to the payment due date of the existing support order, the installment due for that month will be changed to the new amount;¶¶

(B) If the judgment is signed after the payment due date of the existing support order, the installment due will be changed to the new amount effective the following month. ¶¶

(6) When suspending or terminating a support obligation, including for a child attending school:¶¶

(a) If the support obligation terminates or is suspended on or before the payment due date for the month, no installment will be due for that month.¶¶

(b) If the support obligation terminates or is suspended after the payment due date for the month, the entire monthly installment will be due for that month.¶¶

(7) The ~~A~~administrator will not apply any satisfaction to support that is not yet due as of the date the satisfaction is signed.

Statutory/Other Authority: ORS 180.345

Statutes/Other Implemented: ORS 18.225, 25.020, 25.080, 25.166

AMEND: 137-055-5400

RULE SUMMARY: This rule is being amended to implement 2025 House Bill 3348 regarding child support program administration. These amendments update outdated terminology to align with program modernization.

CHANGES TO RULE:

137-055-5400

Obligor Receiving Cash Assistance, Presumed Unable to Pay Child Support ¶

- (1) Cases for obligors receiving cash assistance as specified in ORS 25.245 from Oregon will be identified and processed as set forth in ORS 25.245. ¶
- (2) Obligor receiving cash assistance as specified in ORS 25.245 from another state or ~~tribe~~ must provide to the administrator written proof of receipt of such cash assistance. The written proof must: ¶
- (a) Be resubmitted in a current version: ¶
- (A) Every three months thereafter if the benefits received are cash payments under a Title IV-A cash assistance or general assistance program of another state or ~~tribe~~; or ¶
- (B) Every 12 months thereafter if the benefits received are under the federal Supplemental Security Income Program; and ¶
- (b) Include the date the cash assistance payment was first made, the amount of the cash assistance for each and every month in which cash assistance was received, and the ending date, if known, of the cash assistance; and ¶
- (c) Be official documentation, recognized by the issuing agency, that covers each and every month that cash assistance was received, including but not limited to a benefits award letter, deposit record or receipt. ¶
- (3)(a) When an obligor has provided written proof of receipt of cash assistance pursuant to section (2) of this rule, the administrator will, subject to section (5) of this rule, credit the case for arrears accrued from the date the obligor submitted written proof of receipt of cash assistance back to the date the cash assistance was first made, but not earlier than October 6, 2001; ¶
- (b) When an obligor notifies the administrator that they are no longer receiving cash assistance, the administrator will begin accrual and billing pursuant to the support order currently in effect with the next support payment due following the end of the last month that the obligor received public assistance; ¶
- (c) If the obligor fails to provide written proof of receipt of cash assistance pursuant to section (2) or (7) of this rule, and the administrator has not received verification from an independent source, the administrator will begin accrual and billing pursuant to the support order currently in effect with the next support payment due for the month following the month for which the obligor last provided written proof; ¶
- (d) If the obligor provides written proof of receipt of cash assistance pursuant to section (2) of this rule after failing to provide timely written proof of receipt of cash assistance as provided in subsection (2)(a), thereby causing the administrator to begin billing and accrual pursuant to subsection (c) of this section, support accrual may be suspended and arrears may be credited pursuant to subsection (4)(a) of the rule. ¶
- (4)(a) Upon receipt of information that the obligor is receiving or has received cash assistance as specified in ORS 25.245(1), the administrator will send a notice to all parties to the support order. The notice will contain a statement of the presumption that support accrual ceases and include the following: ¶
- (A) A statement of the month in which cash assistance was first made, and the ending date, if known; ¶
- (B) A statement that, unless the party objects, child support payments cease accruing beginning with the support payment due on or after the date the obligor began receiving cash assistance, but not earlier than: ¶
- (i) January 1, 1994, if the obligor received Oregon Title IV-A cash assistance, Oregon general cash assistance, Oregon Supplemental Income Program cash assistance or Supplemental Security Income Program payments by the Social Security Administration; or ¶
- (ii) October 6, 2001, if the obligor received Title IV-A cash assistance or general cash assistance from another state or Tribe; ¶
- (C) A statement that the administrator will continue providing ~~enforcement~~ child support services, including services to collect any arrears; ¶
- (D) A statement that if the obligor ceases to receive cash assistance as specified in ORS 25.245(1), accrual and billing will begin with the next support payment due following the end of the last month that the obligor receives cash assistance or for which the obligor provided written proof; ¶
- (E) A statement that any party may object to the presumption that the obligor is unable to pay support by sending to the administrator a written objection within 30 days of the date of service; ¶
- (F) A statement that the objections must include a written description of the resource or other evidence that might rebut the presumption of inability to pay; and ¶
- (G) A statement that the entity responsible for providing ~~enforcement~~ child support services represents the state and that low cost legal counsel may be available. ¶

(b) Included with each notice under this section will be a separate form for the party to use if they choose to file an objection to the presumption that the obligor is unable to pay support.¶¶

(5) No credit will be given for periods for which the court or administrative law judge has previously declined to suspend the obligor's child support obligation in an action under ORS 25.245;¶¶

(6) No credit will be given for months when the administrator had suspended accrual or where credit was already received. ¶¶

(7) Notwithstanding sections (1) and (2), the administrator may request proof of obligor's receipt of cash assistance at any time while the Pprogram is providing services when necessary to confirm continued eligibility for suspension of accruals.

Statutory/Other Authority: ORS 25.245, 180.345

Statutes/Other Implemented: ORS 25.245