

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form.

**FILED**  
10-1-14 11:29 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the  
Department of Justice 137

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Agency and Division Administrative Rules Chapter Number  
Carol Riches (503) 947-4700

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Rules Coordinator Telephone  
1162 Court St. NE, Salem, OR 97301

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Address  
To become effective 10/01/2014 through 03/30/2015.

**RULE CAPTION**

Amending legal actions, accepting payments in court, child attending school and claim of risk

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:**

137-055-2160, 137-055-5030, 137-055-5110

**SUSPEND:**

**Statutory Authority:**

25.020, 107.108, 180.345

**Other Authority:**

**Statutes Implemented:**

25.020, 25.080, 73.0114, 73.0401, 107.108, 183.415, 416.407

**RULE SUMMARY**

OAR 137-055-2160 is amended to authorize the Program to amend a legal action, if necessary, following a dismissal of the hearing when the requesting party fails to appear.

OAR 137-055-5030 is amended to put procedures in place to specifically allow Child Support Program staff to accept child support payments in court if the payment is received as a result of a court hearing for nonpayment of support.

OAR 137-055-5110 is amended to simplify the process for submitting documentation of compliance with the requirements in ORS 107.108 when the Child Attending School has filed a Claim of Risk. The Program will seek documentation from the Child Attending School as provided in ORS 107.108(8)(c).

Carol Riches  
Rules Coordinator Name

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Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules  
accompanies this form

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Department of Justice  
Agency and Division

137  
Administrative Rules Chapter Number

Amending legal actions, accepting payments in court, child attending school and claim of risk

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

137-055-2160, 137-055-5030, 137-055-5110

**Statutory Authority:**

25.020, 107.108, 180.345

**Other Authority:**

**Statutes Implemented:**

25.020, 25.080, 73.0114, 73.0401, 107.108, 183.415, 416.407

**Need for the Temporary Rule(s):**

Failure to act will result in serious prejudice to the public interest or the interest of the parties. In the absence of a temporary revision of OAR 137-055-2160, once a hearing is dismissed for failure to appear, staff cannot amend a legal proceeding if new information is discovered. Without a revision of OAR 137-055-5030, CSP staff cannot accept payments in court during contempt of court proceedings. And without a temporary revision to OAR 137-055-5110, a Child Attending School who files a Claim of Risk must provide regular school documentation to the Program even if it is not requested by the paying parent.

**Documents Relied Upon, and where they are available:**

n/a

**Justification of Temporary Rule(s):**

Amendments to OAR 137-055-2160 are needed to ensure that appropriate orders are entered by allowing Child Support Program staff to amend legal actions when new information is discovered and the action was previously dismissed from the Office of Administrative Hearings.

Amendments to OAR 137-055-5030 are needed to allow Child Support Program staff to comply with the court's order to accept payments in court during contempt proceedings.

Amendments to OAR 137-055-5110 are needed to simplify and standardize the process. It eliminates the extra burden we currently place on a Child Attending School while fully preserving the paying parent's right to object.

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