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137-055-2160

Requests for Hearing

- (1) A request for hearing must be in writing and signed by the party, the party's authorized representative, or the administrator. The signature may be handwritten, typed or electronic.
- (2) A request for hearing may be made on a form provided by the Child Support Program (CSP).
- (3) A request for hearing must be received by the CSP office which issued the action within the time provided by law or notice in order to be considered timely.
- (4) A new or amended request for hearing is not required from the requesting party to obtain a hearing if the administrator amends the order being appealed, unless the administrator notifies the requesting party that an additional request is required.

(5) Notwithstanding OAR 137-003-0530, 137-003-0672(3), and section 4 of this rule, if OAH dismisses a hearing because the requesting party failed to appear, the CSP may issue an amended notice instead of issuing a final order by default. The amended order will be referred to OAH only if a party submits a new request for a hearing.

~~(56)~~ When a party requests a hearing after the time specified by the administrator, the administrator will handle the request pursuant to OAR 137-003-0528, except that the administrator may accept the late request only if:

- (a) The request is received before or within 60 days after entry of a final order by default;
- (b) ~~The circuit court has not approved the final order or it~~ There is no appeal of the final order pending with the circuit court, and
- (c) The cause for failure to timely request the hearing was beyond the reasonable control of the party, unless other applicable statutes or Oregon Child Support Program administrative rules provide a different time frame or standard.

~~(67)~~ Notwithstanding the provisions of section ~~(56)~~ of this rule, a request for hearing is not considered a late hearing request when:

- (a) Parentage testing has been conducted pursuant to ORS 109.252 and 416.430 which includes the man as the biological father of the child, and a request for hearing has been received from a party 30 days from the date of service of the Notice of Intent to Enter Order/Judgment establishing paternity and the notice of parentage testing results; or
- (b) A party has denied paternity and failed to appear for parentage tests, an order establishing paternity has been entered, and a request for hearing has been received from a party within 30 days from the date the order establishing paternity was mailed to the parties.

~~(78)~~ For the purpose of computing any period of time under this rule, except as otherwise provided, any response period begins to run on the following date:

- (a) If service is by certified mail, on the date the party signs a receipt for the mailing;

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(b) If service is by regular mail:

(A) Three days after the mailing date if mailed to an address in Oregon;

(B) Seven days after the mailing date if mailed to an address outside Oregon; or

(c) The date evidence shows the party received the mailing.

~~(89)~~ Except as provided in subsection ~~(910)~~(b) the dates in section ~~(78)~~ are computed based on calendar days, not business days.

~~(910)~~(a) In computing any period of time under this rule, do not count the date of mailing as the first day; and

(b) If the last day falls on a Saturday, Sunday or legal holiday, do not count that day as a calendar day.

~~(4011)~~ The provisions of sections ~~(78)~~ through ~~(910)~~ do not apply to service on a party by regular mail to complete substitute service. For substitute service, the service date is the date the document is mailed.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 183.415

Effective Date: