

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

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ARCHIVES DIVISION
SECRETARY OF STATE

Department of Justice

137

Agency and Division

Administrative Rules Chapter Number

Carol Riches

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Rules Coordinator

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Address

RULE CAPTION

Amending actions, redirecting support, accepting payments in court, child attending school

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

RULEMAKING ACTION

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

ADOPT:

137-055-3495

AMEND:

137-055-2160, 137-055-3500, 137-055-5030 and 137-055-5110

REPEAL:

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

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

25.020, 107.108, 180.345, 180.345 and 416.455

Other Authority:

n/a

Statutes Implemented:

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

RULE SUMMARY

OAR 137-055-2160 is being 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 137-055-3495 is being adopted to implement the Program's policy and procedures regarding redirection of support.

OAR 137-055-3500 is being amended to update cite references and to clarify the process when joining a party to the order.

OAR 137-055-5030 is being 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).

Please submit written comments to Lori Woltring, Policy Analyst, Division of Child Support, 1162 Court St NE Salem, Oregon 97301. Questions may be directed to that address or emailed to lori.woltring@doj.state.or.us

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association 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 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

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Amending actions, redirecting support, accepting payments in court, child attending school

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, 137-055-3495, 137-055-3500, 137-055-5030 and 137-055-5110

Statutory Authority:

25.020, 107.108, 180.345, 180.345 and 416.455

Other Authority:

n/a

Statutes Implemented:

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

Need for the Rule(s):

OAR 137-055-2160 is 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.

OAR 137-055-3495 is needed to clarify the process for an obligee to redirect support outside of a modification process, when the minor children are not in the custody of either parent.

OAR 137-055-3500 is needed update cite references and clarify service requirements.

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

OAR 137-055-5110 is 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.

Documents Relied Upon, and where they are available:

n/a

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.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

none

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

none

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

none

c. Equipment, supplies, labor and increased administration required for compliance:

none

How were small businesses involved in the development of this rule?

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

Administrative Rule Advisory Committee consulted?:No

If not, why?:

Rules Advisory Committee was not consulted because the amendments are not controversial and clarify existing policy.

<u>03-23-2015 5:00 p.m.</u>	<u>Carol Riches</u>	<u>Carol.Riches@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

Bulletin at least 14 days before the hearing.

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.

03-23-2015 5:00 p.m.	Carol Riches	Carol.Riches@state.or.us
Last Day (<i>m/d/yyyy</i>) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.