

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

(503) 378-5987

Rules Coordinator

Telephone

Department of Justice, 1162 Court St. NE, Salem, OR 97301

Address

RULE CAPTION

Rule changes to comply with 2015 legislation; incarcerated obligors; confidentiality

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:

AMEND:

137-055-1140, 137-055-1160, 137-055-3240, 137-055-3300, 137-055-3490, 137-055-3660, 137-055-5035, 137-055-5080, 137-055-5110, 137-055-6220, 137-055-6240, 137-055-7040, 137-055-7060, 137-055-7100, 137-055-7120, 137-055-7140, 137-055-7180, 137-055-7190

REPEAL:

137-055-7020, 137-055-7160

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, 25.080, 25.125, 25.260, 25.287, 25.729, 180.345, ORS chapter 293 and 416.448

Other Authority:

n/a

Statutes Implemented:

25.015, 25.020, 25.080, 25.089, 25.091, 25.125, 25.167, 25.260, 25.287, 25.372-25.424, 25.729, 30.701, 127.005, 192.820-192.858, 293.525, 411.320, 416.429, 416.448 and Sections 1-80, Chapter 298, Oregon Laws 2015

RULE SUMMARY

The following rules are being amended to implement 2015 SB 604A (2008 amendments to the Uniform Interstate Family Support Act): 137-055-3240, 137-055-5035, 137-055-5080, 137-055-7040, 137-055-7060, 137-055-7100, 137-055-7120, 137-055-7140, 137-055-7180 and 137-055-7190.

OAR 137-055-7020 is being repealed, and OAR 137-055-7160 is being repealed and consolidated into 137-055-7140.

OAR 137-055-3490 is being amended to implement 2015 HB 3156. The amendments clarify that enforcement of a support order may be suspended pending certain legal actions if a credit balance will result, or when continued enforcement will create a hardship for the parent paying support when he/she now has custody of all of the children.

OAR 137-055-3660 is being amended to implement 2015 HB 3158. The amendments clarify the options when it is discovered that two or more child support judgments exist involving the same obligor and child for the same period.

OAR 137-055-6220 and 137-055-6240 are being amended to implement 2015 HB 3159 to allow the Program to establish a state debt against a third party who issued a check that is dishonored after being disbursed.

OAR 137-055-1140, 137-055-1160 and 137-055-5110 are being amended to comply with the federal Office of Child Support Enforcement Security Agreement, clarifying that all child support information is confidential and may only be disclosed as necessary for the administration

of the Program or when otherwise required by law.

OAR 137-055-3300 is being amended to allow the Program to initiate a modification for a change in circumstances upon notice and verification that an obligor qualifies as an incarcerated obligor under the rule.

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 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.

<u>12-15-2015 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	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.

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STATEMENT OF NEED AND FISCAL IMPACT
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Rule changes to comply with 2015 legislation; incarcerated obligors; confidentiality

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

In the Matter of:

137-055-1140, 137-055-1160, 137-055-3240, 137-055-3300, 137-055-3490, 137-055-3660, 137-055-5035, 137-055-5080, 137-055-5110, 137-055-6220, 137-055-6240, 137-055-7020, 137-055-7040, 137-055-7060, 137-055-7100, 137-055-7120, 137-055-7140, 137-055-7160, 137-055-7180, 137-055-7190

Statutory Authority:

25.020, 25.080, 25.125, 25.260, 25.287, 25.729, 180.345, ORS chapter 293 and 416.448

Other Authority:

n/a

Statutes Implemented:

25.015, 25.020, 25.080, 25.089, 25.091, 25.125, 25.167, 25.260, 25.287, 25.372-25.424, 25.729, 30.701, 127.005, 192.820-192.858, 293.525, 411.320, 416.429, 416.448 and Sections 1-80, Chapter 298, Oregon Laws 2015

Need for the Rule(s):

Amendments to OAR 137-050-0745 are needed to produce correct child support calculations.

Amendments to OAR 137-055-3240, 137-055-3490, 137-055-3660, 137-055-5035, 137-055-5080, 137-055-6220, 137-055-6240, 137-055-7020, 137-055-7040, 137-055-7060, 137-055-7100, 137-055-7120, 137-055-7140, 137-055-7160, 137-055-7180 and 137-055-7190 are needed to comply with 2015 legislation.

OAR 137-055-7020 and 137-055-7160 are no longer needed. The necessary information has been consolidated into other rules.

Amendments to OAR 137-055-1140, 137-055-1160 and 137-055-5110 are needed to comply with the federal Office of Child Support Enforcement Security Agreement regarding confidentiality.

Amendments to OAR 137-055-3300 are needed to allow the Program to produce appropriate orders when it's verified that an obligor is incarcerated and qualifies for a modification.

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

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?:

Not Controversial: Implements legislation and clarifies existing policy.

<u>12-15-2015 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