

137-055-4455

Expiration of Support Judgment Remedies

(1) Child support awards entered on or after January 1, 1994: Judgment remedies for the child support award portion of a judgment, and any lump sum money award for unpaid child support installments, expire 25 years after the entry of the judgment that first establishes the support obligation.

(2) Child support awards entered prior to January 1, 1994: Judgment remedies for any amounts accrued under a child support award prior to January 1, 1984, are expired unless a renewal of judgment was filed. Judgment remedies for any amounts not expired on January 1, 1994 expire the later of:

(a) 25 years from the date of the judgment that first establishes the support obligation;

(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.

(3) Notwithstanding any other provisions of this rule, when the child support judgment being enforced was issued by another state, the expiration of judgment under the laws of this state or of the issuing state, whichever is longer, applies.

(4) 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.

(5) 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.

(6) The judgment remedies for a money award for child or spousal support expire by operation of law without any action required of a party.

(7) Notwithstanding the provisions of this rule, the expiration and extension of a judgment lien created by any money award for child or spousal support is as provided in

OAR 137-055-4450.

(8) The Department of Justice, Division of Child Support (DCS) is the entity responsible for auditing for expiration of judgment remedies on cases receiving support enforcement services under ORS 25.080.

(9) 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.

(10) 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 (9) of this rule;

(b) Information that a party may make a written request for an administrative review within 30 days of the notice.

(11) 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;

(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

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 18.180 - 18.195

Effective: July 15, 2005