

137-055-3490

Suspension of Enforcement

(1) For purposes of this rule, "credit balance" means that payments received on a support account exceed all amounts owed by the obligor for ongoing and past-due support.

(2) When a motion has been filed to terminate, vacate, or set aside a support order or when a motion has been filed to modify a support order because of a change in physical custody of the child, the administrator may suspend enforcement of the support order if:

(a) Collection of support would result in the support account accruing a credit balance if the motion were granted; and

(b) The obligee, and the child who qualifies as a child attending school under OAR 137-055-5110, does not object to suspending enforcement of the support order.

(3) When enforcement is to be suspended under this section, the administrator shall send written notice of the proposed suspension to the obligee, and the child attending school, and shall send a copy of the notice to the obligor;

(4) The notice shall advise the obligee, and the child attending school, that the obligee, and the child attending school, have 14 days from the date the notice is sent to object in writing to the proposed suspension of enforcement and to give the reason(s) for the objection.

(a) If the suspension is due to a motion to terminate, vacate or set aside a support order, the obligee, and the child attending school, may object only on the basis that a credit balance would not result if the motion were granted.

(b) If the suspension is due to a motion to modify the support order because of a change in physical custody, the obligee, or child attending school, may object only on the basis that:

(A) The child(ren) is/are not in the physical custody of the obligor;

(B) The child(ren) is/are in the custody of the obligor without the consent of the obligee or without a court order for legal custody; or

(C) A credit balance would not result if the motion were granted.

(D) When an obligee, or the child attending school, files a written objection under this subsection, the administrator shall not suspend enforcement. However, if the obligee or the child attending school's written objection results in the obligor accruing a credit balance, the provisions of OAR 137-055-6260 shall apply. In addition, the obligee, or the child attending school, may incur an overpayment under OAR 137-055-6220.

Stat. Auth.: ORS 25.125, ORS 180.345
Stats. Implemented: ORS 25.125
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