

**137-055-3410**

**Modification or Notice and Finding of Financial Responsibility**

(1) When the administrator is providing services pursuant to ORS 25.080, the provisions of this rule apply in any case involving the same parties where an existing order:

- (a) Is silent regarding support;
- (b) Finds that the support obligation is zero;
- (c) Finds that support should be determined at a later date;
- (d) Finds that support should not be ordered;
- (e) Orders medical only, or establishes paternity only; or
- (f) Terminates support.

(2) If the provisions of subsection (1)(a) apply, the administrator will issue a notice and finding of financial responsibility which includes past support.

(3) Except as provided in section (4), if the provisions of subsections (1)(b), (c), (d) or (e) apply, the administrator will issue a modification pursuant to ORS 107.135 or 416.425.

(4) If the provisions of subsections 1(b), (c), or (d) apply, and the child(ren) is in the care and custody of the Department of Human Services, or is a youth offender or other offender in the legal or physical custody of the Oregon Youth Authority, the administrator may issue a notice and finding of financial responsibility which is contingent upon the child(ren), youth offender or other offender residing in a state financed or supported residence, shelter or other facility or institution.

(a) If the child(ren) is over age 18, the provisions of OAR 137-055-3485 will apply.

(b) If the child(ren) goes out of state care before the order is finalized, the provisions of OAR 137-055-3290 will apply.

(5) If the provisions of subsection (1)(f) apply, the administrator will issue a notice and finding of financial responsibility which may include past support. The administrator may consider the circumstances underlying the termination of support in setting the amount of past support.

(6) This rule does not apply when adding a subsequent child of the same parties to an existing order.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.080, 107.135, 416.415, 416.417, 416.422, and 416.425  
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