

137-055-4080

Immediate Income Withholding

(1) When the obligor is subject to a support order entered, modified, or registered in Oregon on or after October 1, 1989, the income of the obligor will be subject to immediate income withholding on the effective date of the order, regardless of whether support payments by the parent are in arrears, except that such income will not be subject to withholding in any case where:

(a) A court or the administrator makes a written finding and explanation that there is good cause not to require the withholding;

(A) A good cause finding must include a finding that immediate income withholding would not be in the best interests of the child; and

(B) There is proof of timely payments.

(b) The parties agree in writing to an alternative payment method as provided in OAR 137-055-4120; or

(c) Child support is accruing while the child is in the custody of the Department of Human Services or the Oregon Youth Authority as provided in ORS 416.417 and the obligor has requested an alternative payment method in writing.

(2) An exception to immediate withholding under section (1) above may only be granted if:

(a) No arrears are owed on the case;

(b) The obligor has complied with the terms of any previously allowed exception to withholding; and

(c) When money is owed to the state under the support order, the state agrees in writing to the alternative payment method.

Stat. Auth.: ORS 25.396; 25.427; 180.345

Stats. Implemented: ORS 25.378 and 25.396

Effective: January 3, 2006