

## **137-055-4130**

### **Reduced Income Withholding**

(1) The Department of Justice may set a lesser amount to be withheld if:

(a) Withholding is only for arrears, the obligor demonstrates the withholding is prejudicial to the obligor's ability to provide for a child the obligor has a duty to support; and

(b) If arrears are owed to the obligee, the obligee agrees to a reduced withholding amount; and

(c) If arrears are owed to the child attending school under ORS 107.108 and OAR 137-055-5120 and the child attending school agrees to a reduced withholding amount; or

(d) The child(ren) is currently in paid state care or custody and the state and the obligor agree in writing to a reduced amount of withholding when there is evidence that:

(A) The order to withhold is a barrier to reunification of the family or rehabilitation of the youth; or

(B) Is prejudicial to the obligor's ability to provide for another child the obligor has a duty to support.

(2) When the child(ren) is currently in paid state care or custody, the Division of Child Support (DCS) may submit an agreement for reduced income withholding to the Department of Human Services (DHS) child welfare program or the Oregon Youth Authority (OYA) for approval or denial.

(3) Upon receiving notice of an approval or denial of an agreement, DCS will notify the obligor. If the DHS child welfare program or OYA do not respond within 30 days of receiving an agreement, the agreement will be deemed denied.

(4) If the agreement is approved, the agreement does not take effect until it has been signed by the obligor and returned to DCS.

(5) If the obligor does not agree with the agency's denial of an agreement, the obligor may file a grievance with the DHS child welfare program or OYA pursuant to OAR 413-010-0450 or 416-100-0070.

(6) A written agreement for a reduced amount of withholding may terminate and income withholding for the full amount allowable by law may be reinstated, unless the obligor otherwise qualifies for an exception pursuant to OAR 137-055-4080, when:

(a) The child(ren) leave(s) the care or custody of the state agency to which support has been assigned;

(b) According to the case record or as notified by the DHS child welfare program or OYA, the obligor is out of compliance with the agreement; or

(c) The time period covered by the agreement has expired.

Stat. Auth.: ORS 25.396; 180.345

Stats. Implemented: ORS 25.396, 25.414

Effective: January 3, 2006