

137-055-3420

Periodic Review and Modification of Child Support Order Amounts

(1) "Periodic Review" means a proceeding initiated under ORS 25.287(1) to modify an existing order to comply with the child support guidelines.

(2) The administrator will initiate a periodic review if a written request is received from any party or the family is currently receiving TANF, and 35 months have passed since the date:

(a) The most recent support order took effect, or

(b) The most recent order determining that the support order should not be adjusted was signed. For purposes of calculating the 35-month time period, a suspension and temporary modification order entered pursuant to ORS 416.425(13) will not be considered.

(3) For purposes of a periodic review, a child support order is not in substantial compliance with the guidelines if it has been more than 35 months since the order took effect.

(4) The administrator must complete the modification of the existing order within 180 days of receiving a written request for a periodic review, initiating the mandatory review, or locating the non-requesting party(ies), whichever occurs later.

(5) The administrator is responsible for conducting a periodic review in this state or for requesting that another jurisdiction conduct a review pursuant to OAR 137-055-7190. As provided in ORS 110.429 and 110.432, the law of the jurisdiction reviewing the order applies in determining if a basis for modification exists.

(6) On receipt of a written request for a periodic review or when a mandatory periodic review is required, the administrator will notify the parties of the review in writing, allowing the parties 30 days to provide information that may affect the support calculation.

(7) If there is an adult child on the case, the proposed modification will be a tiered order as defined in OAR 137-055-1020.

(8) For all child support cases receiving support enforcement services under ORS 25.080, the Child Support Program (CSP) will annually notify the parties:

(a) Of their right to request a periodic review of the amount of support ordered; and

(b) That the CSP will perform a mandatory periodic review and adjustment if the family is currently receiving TANF.

Stat. Auth.: ORS 180.345 and 416.455

Stats. Implemented: ORS 25.080, 25.287, 25.321 - 25.343, 107.135 and 416.425

Effective Date: January 13, 2014