

137-055-3660

Multiple Child Support Judgments

(1) When the administrator finds that two or more child support judgments exist involving the same obligor and child for the same time period and each judgment was issued in this state, the administrator may:

(a) Issue a proposed governing child support order, as provided in ORS 416.448;

(b) Petition the court in the county where a child who is subject to the judgment resides for a governing child support judgment; or

(c) Move to set aside any one of the support judgments if the judgment was entered in error.

(2) For purposes of a governing child support proceeding, there is a presumption that the terms of the last-issued child support judgment are the controlling terms and supersede contrary terms of each earlier-issued child support judgment, except that:

(a) When the last-issued child support judgment is silent about non-medical child support, the non-medical child support terms of an earlier-issued child support judgment continue; and

(b) When the last-issued child support judgment is silent about medical support, the medical support terms of an earlier-issued child support judgment continue.

(3) The presumption may be rebutted if the last issued child support judgment:

(a) Was issued without prior notice to the issuing court, administrative law judge or administrator that another support proceeding involving the child was pending or another support judgment involving the child already existed;

(b) Was issued after an earlier child support judgment and did not enforce, modify or set aside the earlier child support judgment;

(c) Should be set aside under ORS 25.089(3)(a) and ORCP 71 because it was issued without service on the administrator as required in ORS 107.087, 107.135, 107.431, 108.110, 109.103 and 109.125, when support rights are assigned to the state and the state's interests were not adequately protected; or

(d) Should otherwise be set aside under ORS 25.089(3)(a) and ORCP 71.

(4) The administrator may issue a proposed governing child support order as provided in subsection (1)(a), only if the presumption in section (2) is applied.

(5) When determining which support judgment was the "last-issued" for purposes of determining a governing child support judgment, the issue date for any support

judgment will be:

(a) The date the support judgment was entered into the circuit court register; or

(b) If the support judgment is an administrative modification of a court judgment the date the order approving the modification was entered into the circuit court register.

(6) When the court issues a governing child support judgment or when an administrative governing child support order is approved by the court, the non-controlling terms of each earlier child support judgment regarding non-medical child support or medical support are terminated. However, the issuance of the governing child support judgment does not affect any support payment arrearage or any liability related to medical support that has accrued under a child support judgment before the governing child support judgment is issued.

(7) The administrator's proposed governing child support order or petition for governing child support judgment will include:

(a) A reconciliation of any child support arrears or credits for overpayments under all of the child support judgments; or

(b) An order or motion to reconcile any child support arrears or credits for overpayments under all of the child support judgments in a separate proceeding under ORS 25.167 or ORS 416.429.

(8) When reconciling any child support arrears or credits for overpayments under all of the child support judgments included in the governing child support proceeding for time periods prior to entry of a governing child support judgment:

(a) The obligor is expected to pay the total amount of current support due under the highest judgment; and

(b) Payment made toward any one of the judgments must be credited against the obligation owed under the others.

(9) This rule does not apply if the later-issued child support judgment was entered in circuit court before January 1, 2004, the administrator was providing services under ORS 25.080, and the administrator treated a later-in-time court judgment as superseding an earlier entered administrative order.

(10) For purposes of this rule, "Support Judgment" means an administrative order for child support that has been entered into the circuit court register under ORS 416.440 or a judgment of the court for child support.

Stat. Auth.: ORS 180.345, 416.448

Stats. Implemented: ORS 25.089, 25.091, 25.167, 416.429 and 416.448

Effective: April 1, 2014