

137-055-1160

Confidentiality – Finding of Risk and Order for Nondisclosure of Information

(1) For the purposes of this rule in addition to the definitions found in OAR 137-055-1020, the following definitions apply:

(a) “Claim of risk for nondisclosure of information” means a claim by a party to a paternity or support case made to the administrator, an administrative law judge or the court that there is reason to not contain or disclose the information specified in OAR 137-055-1140(6) because the health, safety or liberty of a party or child would unreasonably be put at risk by disclosure of such information;

(b) “Finding of risk and order for nondisclosure of information” means a finding and order by the administrator, an administrative law judge or the court, which may be made ex parte, that there is reason to not contain or disclose the information specified in OAR 137-055-1140(6) because the health, safety or liberty of a party or child would unreasonably be put at risk by disclosure of such information.

(2) A claim of risk for nondisclosure of information may be made to the administrator by a party at any time that a child support case is open. Forms for making a claim of risk for nondisclosure of information will be available from all child support offices and be made available to other community resources. At the initiation of any legal process that would result in a judgment or administrative order establishing paternity or including a provision concerning support, the administrator will provide parties an opportunity to make a claim of risk for nondisclosure of information.

(3)(a) When a party makes a written and signed claim of risk for nondisclosure of information pursuant to section (2) of this rule, the administrator will make a finding of risk and order for nondisclosure of information unless the party does not provide a contact address pursuant to section (5) of this rule;

(b) When a party is accepted into the Oregon Address Confidentiality Program, the administrator will make a finding of risk and order for nondisclosure of information. The party's contact address will be the Oregon Address Confidentiality Program substitute address designated by the Attorney General pursuant to OAR 137-079-0150.

(4) An administrative law judge will make a finding of risk and order for nondisclosure of information when a party makes a claim of risk for nondisclosure of information in a hearing unless the party does not provide a contact address pursuant to section (5) of this rule.

(5) A party who makes a claim of risk for nondisclosure of information under subsection (3)(a) or section (4) must provide a contact address pursuant to ORS 25.011. The contact address must be in the party's home state and releasable to the other parties in legal proceedings. The claim of risk for nondisclosure of information form provided to the party by the administrator must have a place in which to list a contact address. If a requesting party does not provide a contact address, a finding of risk and order for nondisclosure of information will not be made.

(6) When an order for nondisclosure of information has been made, the administrator must redact any of the identifying information specified in section (1) from all pleadings, returns of service, orders, or any other documents that would be sent to the parties or would be available as public information in a court file. Any document sent to the court that contains any of the information specified in section (1) must be transmitted separately in a manner that notifies the court of the confidential nature of the contents or as provided by UTCR 2.130.

(7) A finding of risk and order for nondisclosure of information entered pursuant to this rule will be documented on the child support case record and will remain in force until the party who requested the claim of risk retracts it or requests dismissal in writing except as provided in section (8).

(8) If the contact address of a party who requested a claim of risk becomes invalid or is no longer available, the administrator will send a written request to the party asking that the party provide an updated contact address. The written request from the administrator must advise the party that if an updated contact address is not provided within 14 days, the administrator will use the party's primary mailing or residence address as the contact address, and the new contact address may be released to the other parties.

(9) If an incarcerated party has a claim of risk, the administrator will notify the party in writing that the address of the correctional facility where the party is currently incarcerated will be used as the contact address for the duration of the party's incarceration. The administrator will notify the incarcerated party 14 days prior to updating the contact address to the correctional facility.

(10) A party who requested a claim of risk may retract the claim on a form provided by the administrator. When a signed retraction form is received by the administrator, the administrator will enter, or will ask the court to enter, a finding and order terminating the order for nondisclosure of information.

(11) Any information previously protected under an order for nondisclosure of information will be subject to disclosure when the order for nondisclosure of information is terminated. The retraction form provided by the administrator will advise the requestor that previously protected information may be released to the other parties.

(12) In cases where the administrator is not involved in the preparation of the support order or judgment establishing paternity, or when child support services under ORS 25.080 are not being provided, any claim of risk for nondisclosure of information pursuant to ORS 25.020 must be made to the court.

(13) Notwithstanding section (5) of this rule, where the court has made a finding of risk and order for nondisclosure of information and the case is receiving or subsequently receives child support services pursuant to ORS 25.080, the administrator will implement the court's finding pursuant to this rule. In such a case, the administrator will use, in order of preference, the party's contact address as contained in the court file, or the party's contact address previously provided to the administrator. If no contact address is available through either of these sources, the administrator will send a written request to the party, asking that the party provide a contact address. The written request from the administrator must advise the party that if no contact address is provided within 14 days, the administrator will use the party's primary mailing or residence address as the contact address, and the new contact address may be released to the other parties.

(14) When the child of a participant in the Oregon Address Confidentiality Program reaches the age of 18, and the child is eligible for or is receiving services as a child attending school pursuant to ORS 107.108, a claim of risk for nondisclosure of information regarding the child may be made by the administrator. If a claim is made, the child will be asked to provide a contact address, which must be certified as safe by the parent participating in the Oregon Address Confidentiality Program. If the child does not provide a contact address certified as safe by the parent participating in the Oregon Address Confidentiality Program, no child support services will be provided for the child.

(15) When the child of an obligee with a claim of risk reaches the age of 18, they are subject to the obligee's claim of risk. If the child is eligible for or receiving services as a child attending school pursuant to ORS 107.108, the child may also make a written and signed claim of risk and provide a contact address. If the child provides a different address than the obligee's contact address, the administrator will notify the obligee of the contact address provided by the child and allow the obligee 14 days to object to the contact address provided by the child because it is not safe for the obligee. If the child does not provide an acceptable contact address, the obligee's contact address will be used as the contact address for the child.

(16) Notwithstanding section (8), if the contact address of an adult child or a child attending school who is the child of an obligee with a claim of risk becomes invalid, the administrator will send a written request to the child asking that they provide an updated contact address. The written request from the administrator must advise the child that if an updated contact address is not provided within 14 days, the administrator will use the obligee's contact address as the contact address for the child, and the new contact address may be released to the other parties.

Stat. Auth.: ORS 25.020, 180.345

Stats. Implemented: ORS 25.011, 25.020, 192.820 - 192.858

Effective: March 1, 2021