

137-055-3140**Reopening of Paternity Cases**

(1) When a party claims that a man established as the father of a child is not the biological father of the child, the administrator will open or reopen the issue of paternity when all of the provisions of subsections (a) through (e) apply:

(a) The administrator initiated the action administratively which established paternity or paternity was established by a signed voluntary acknowledgment in Oregon;

(b) Parentage tests have not been conducted;

(c) The order was entered with the circuit court one year ago or less, or the voluntary acknowledgment as described in ORS 432.287 was filed with the Center for Health Statistics one year ago or less;

(d) The party applying has completed and returned to the administrator a request for reopening and, if required, a signed application for services, prior to expiration of the one year period;

(e) The administrator has jurisdiction over the parties.

(2) An order establishing paternity will be vacated, dismissed or set aside under this rule when parentage tests exclude the male party in question as the father of all of the children subject to the order, or a party fails to comply and the issue of paternity is resolved against that party for all of the children subject to the order. The administrator will not seek a court order requiring repayment to the debtor of money paid by that debtor under the order.

(3) If a reopening initiated by the administrator results in an order of non-paternity for all children subject to a child support order, the administrator will satisfy any state debt owing on the case and file credit arrears owed to any other party.

(4) Any judgment of non-paternity under this rule will be by circuit court order.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.554 & 109.070

Effective Date: October 8, 2021