

## **137-055-3410**

### **Notice and Finding of Financial Responsibility or Modification**

(1) ORS 25.511(1)(a) provides that the administrator may issue a notice and finding of financial responsibility only if there is no current court order or administrative support order.

(2) If there is a current court order or administrative support order, the administrator must issue a modification, pursuant to ORS 25.287, ORS 25.527, or other applicable authority in order to set or modify the ongoing support obligation.

(3) "Current court order or administrative support order" means that an existing support order or judgment, with regard to the same parent and child:

(a) Finds that the parent's support obligation for the child is zero;

(b) Finds that the parent should not be ordered to pay support for the child;

(c) Orders the parent to pay ongoing support or to provide medical support, pursuant to ORS 25.321 to 25.323, for the child; or

(d) Has ambiguous or conflicting language such that the administrator, administrative law judge, or court is unable to reasonably determine as required by ORS 25.511(1)(a) whether there is a support order.

(4) An order or judgment that determines parentage, custody, or other matters but is silent on or declines to address child support does not prohibit the administrator from issuing a notice and finding of financial responsibility pursuant to ORS 25.511.

(5) An order or judgment that terminates "child support," "a child support order," "a child support judgment," or "a child support obligation" has the effect of terminating cash child support and medical support. If appropriate, a subsequent administrative child support order may be established using a Notice and Finding of Financial Responsibility. See ORS 25.089(1) and ORS 25.323(8).

(6) Notwithstanding sections (1) and (2) of this rule, when establishing an initial support obligation for another child of the same parties, the administrator will first establish paternity, if needed, and then seek to modify the existing order to include the other child.

(7) Notwithstanding OAR 137-050-0715(10), if the administrator receives a mandatory referral or application, the case does not meet the criteria for closure under OAR 137-055-1120, there is no existing support order, and the obligor is receiving cash assistance as defined in ORS 25.245, or qualifies as an incarcerated obligor under OAR 137-055-3300, the administrator will:

(a) Establish a non-calculated zero order;

(b) Order parents to provide health care coverage only if it is available at no cost. Cash medical support will not be ordered because the obligor's income is at or below Oregon's highest minimum wage.

(8) If a hearing is requested on a proposed order and an Administrative Law Judge (ALJ) finds facts that satisfy the conditions in section (7), the ALJ may issue a zero order. If the ALJ finds that the presumption of inability to pay has been rebutted, the ALJ may issue an order in accordance with the guidelines or may remand the matter to the Program to amend the proposed order if adequate information is not available at the hearing to perform an accurate calculation.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.080, 25.089, 25.323, 25.511, 25.517, 25.527 & 107.135

Effective: September 3, 2020