

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) Except as provided in (10), the administrator will initiate a periodic review if 35 months have passed since the date the most recent support order took effect; and
 - (a) The family is currently receiving TANF; or
 - (b) The requesting party submits a written request to review or modify the order (signature is not required if it can be determined who submitted the request).
- (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.
- (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)
 - (a) If the parent with more parenting time is owed support under the current support judgment but the calculation results in the parent with more parenting time owing support to the parent with less parenting time and the parent with less parenting time does not apply for services after being notified of the result of the calculation, the administrator may modify the current support obligation to zero.
 - (b) For the purpose of a hearing before the Office of Administrative Hearings, the failure of the parent with less parenting time to apply for services as provided in subsection (7)(a) of this rule creates a rebuttable presumption that the parent does not want support, which can be rebutted only by live testimony of the parent at the hearing.
- (8) If there is an adult child on the case:
 - (a) A tier as defined in OAR 137-055-1020 may be included for the adult child; or
 - (b) The order may be modified to remove support provisions for the adult child but can be modified later to include support provisions for a child attending school if the adult child qualifies for support under ORS 107.108.

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

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

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

(10) If a request under this rule is denied, a party may contest the administrator's finding as provided in ORS 183.484.

(11) If an order has been suspended under OAR 137-055-3300 because the paying parent qualifies as an incarcerated obligor, or OAR 137-055-5400 because the paying parent is receiving cash assistance, a periodic review modification will be postponed until the order is reinstated unless the case qualifies for a change in circumstances modification under OAR 137-055-3430(5).

Stat. Auth.: ORS 25.505 & 180.345

Stats. Implemented: ORS 25.080, 25.287, 25.321 to 25.343, 25.527 & 107.135

Effective Date: January 6, 2023