

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 period and each judgment was issued in this state, the administrator may, as appropriate:

(a) Issue a notice that, pursuant to ORS 25.095, the terms of a later-issued court judgment terminated and replaced the terms of an earlier-issued administrative order, if the later-issued court judgment was entered within the last six months or the particular factual circumstances of the case indicate that it should control;

(b) Terminate an existing administrative child support judgment, pursuant to ORS 25.505;

(c) Move to set aside a judgment pursuant to ORCP 71;

(d) Issue a proposed governing child support order under ORS 25.531 applying the presumption provided in ORS 25.091(4) and section (2) of this rule that the later-issued child support judgment should control; or

(e) Petition the court in the county where a child who is subject to the judgment resides for a governing child support judgment pursuant to ORS 25.091.

(2) When determining which support judgment is the “last-issued” for purposes of applying or rebutting the presumption in ORS 25.091(4), the issue date for any support judgment is:

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

(b) If the administrative child support judgment required judicial approval, the date the order approving the administrative child support judgment was entered into the circuit court register.

(3) A governing child support judgment entered pursuant to ORS 25.091 does not affect any liability accrued under a child support judgment before the governing child support judgment is issued.

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

(a) A reconciliation of all of the child support judgments’ payment records; 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 25.540.

(5) When reconciling child support payment records for any period when two or more child support judgments were in effect:

(a) The obligor owes, for each month, the 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 under each of the others.

(6) When the terms of an earlier-issued child support order are terminated by a later-issued court judgment, either pursuant to ORS 25.095(2) or explicitly by the terms of the later-issued court judgment, the administrator may issue notice in accordance with ORS 25.095(4) stating that unpaid arrears that accrued under the earlier-issued order become part of and are enforceable under the later-issued judgment.

Stat. Auth.: ORS 25.531 & 180.345

Stats. Implemented: ORS 25.089, 25.091, 25.095, 25.167, 25.531 & 25.540

Effective: January 1, 2022