

137-055-4130

Reduced Income Withholding

(1) The administrator will set an amount less than the amount prescribed by ORS 25.414 to be withheld if withholding is only for arrears and the obligor demonstrates the withholding is prejudicial to the obligor's ability to provide for:

(a) A child the obligor has a duty to support; or

(b) The obligor's basic needs.

(2) For the purposes of sections (3) and (4) of this rule, "the obligor's household" means the obligor's personal residence.

(3) In determining the obligor's basic needs and the number and basic needs of other persons living in the obligor's household, in addition to the factors outlined in ORS 25.414(5), the administrator will consider:

(a) The obligor's relationship to the person, including but not limited to whether the person is a relative or part of a domestic partnership with the obligor, as defined in ORS 106.310;

(b) Whether there is a duty for the obligor to support the person under ORS 108.040, 108.045 or 109.010; and

(c) Whether the person has available resources.

(4) In considering the basic needs of the obligor and other persons living in the obligor's household as outlined in ORS 25.414(5), the administrator may require the obligor to provide documentation, including but not limited to doctor's statements, pay stubs, tax return information, a uniform income statement form or other asset information. The administrator also may require the obligor to provide documentation showing that a person resides in the obligor's household.

(5) An agreement for a reduced amount of withholding may terminate an income withholding for the full amount allowable by law may be reinstated, unless the obligor otherwise qualifies for an exception pursuant to OAR 137-055-4080, when:

(a) According to the case record, the obligor is out of compliance with the agreement; or

(b) The time period covered by the agreement has expired.

Stat. Auth.: ORS 25.414, 180.345

Stats. Implemented: ORS 25.414

Effective: January 3, 2012