

**137-055-4460**

**Posting Security Bond or Other Guarantee of Payment of Overdue Support**

(1) Whenever there is a judgment for unpaid support, the administrator may ask the court to require the obligor to post security, bond, or some other guarantee to secure payment of the overdue support if the following criteria also exist:

(a) The obligor has a poor payment history; and

(b) The obligor has assets which exceed the amount of the support arrears and the arrears cannot be reached by any other means.

(2) The administrator shall include in the Motion to Show Cause, a section notifying the obligor of the intent to ask the court for security, bond, or some other guarantee of payment. This statement shall constitute advance notice to the obligor of such intent and shall provide the obligor the opportunity to contest the action.

(3) Notwithstanding the provisions of section (1) of this rule, use of this procedure shall be considered inappropriate if the administrator determines:

(a) It is unlikely that the obligor would be able to secure a bond;

(b) The obligor is unable to pay child support, pursuant to ORS 25.245; or

(c) A court of appropriate jurisdiction has ordered that the obligor be exempted from referral due to hardship circumstances. The obligor must notify the obligee and the administrator when filing a claim for hardship exemption with a court.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.230 & 25.715

Effective Date: October 1, 2003