

**137-055-4520**

**Garnishment**

(1) The administrator may utilize garnishment proceedings in accordance with ORS chapter 18 for the purpose of collecting past due support.

(2)(a) When the administrator receives a collection from a garnishment proceeding, the administrator will hold the collection for 40 days if the garnishee is making a payment of other than wages or 120 days if the garnishee is making a payment of wages before disbursing any amounts due a party from the collection.

(b) This requirement is to accommodate the possibility that the administrator may have to return funds from the collection to the garnishee, the obligor, or the court, as a result of the obligor or any person who has an interest in the garnished property having made a challenge to garnishment in accordance with ORS chapter 18.

(c) The administrator will waive this requirement to hold the collection, and will apply the collection to the case for immediate distribution, in any case where the obligor provides the administrator with a signed declaration under penalty of perjury expressly waiving the right to make a challenge to garnishment and requesting that the administrator apply, distribute and, as appropriate, disburse the payment immediately.

(3) Upon notice of a challenge to garnishment from the clerk of the court, the administrator will file a response to the challenge to garnishment, attaching copies of the writ of garnishment, garnishee response, debt calculation and any supporting documentation necessary or helpful to the court in making a determination of the challenge to garnishment.

(4) When a single writ of garnishment is issued for two or more cases as provided in ORS 18.645, notice of a challenge to garnishment is received and the administrator files the response required by section (3), the administrator will include copies of all judgments for which the writ is issued and a debt calculation for each referenced judgment.

(5) When the contents of a bank account are garnished and the obligor makes a timely challenge to garnishment that claims that all or some portion of the contents of the account came from lump sum payments identified in ORS 18.345, the administrator may return to the obligor the exempt portion of such lump sum payments received from that account, as appropriate.

(6) When the garnishee is a credit union, the credit union may retain the par value of the garnished account, defined as the face value of an individual credit union share necessary to maintain a customer's membership.

(7) Notwithstanding any other provision of this rule, if the administrator determines that funds garnished from an account include Supplemental Security Income or a combination of Supplemental Security Income (SSI) and either Social Security Disability Insurance (SSDI) or Social Security Retirement (SSR) benefits and the administrator is in possession of the funds, the administrator must return any SSI or concurrent SSI and

SSDI or SSR benefits to the obligor within 5 business days. If the garnished funds were already sent to the court as the result of a challenge to garnishment, the administrator will advise the court that it is holding exempt funds that should be released to obligor.

Stat. Auth.: ORS 25.020; 180.345

Stats. Implemented: ORS 18.345, 18.645, 18.648, 25.020 & 25.080

Effective: February 1, 2021