

**137-055-4560**

**Consumer Credit Reporting Agencies**

(1) The Division of Child Support (DCS) may enter into agreements with consumer reporting agencies to disclose information under section (2) of this rule only to an entity that has furnished evidence satisfactory for DCS to determine that the entity is a consumer reporting agency as defined in ORS 25.650. Under these agreements, DCS will provide such agencies with the names of obligors who owe past due support and will indicate the specific amount each obligor owes. Under these agreements, DCS will provide such information:

- (a) Whether or not the agency has requested information on any specific obligor; and
- (b) On a recurring or periodic basis.

(2) Before issuing a periodic report to a consumer reporting agency with information on any obligor, the DCS will provide the parties with advance notice of the intent to report the obligor's support balance to the consumer reporting agencies. The notice will be sent to the parties' last known addresses. The notice must:

- (a) Indicate the balance to be reported to the consumer reporting agencies;
- (b) Advise that the current balance will be reported to the consumer reporting agencies on a recurring basis without sending further notice to the parties;
- (c) Advise of the obligor's right to contest the action within 30 calendar days of the date of the notice.
- (d) Explain the process for contesting and advise that objections must be in writing on the form provided with the notice;
- (e) Advise that the only reasons for contesting credit reporting are:

(A) The obligor is not the person who owes the support balance shown on the case record;

(B) The support balance indicated in the notice is incorrect; or

(C) The arrears are a result of past support created in an order under ORS 416.422 or ORS 109.155(4) or by an upward modification of an order.

(3) If the obligor does not contest the action within the allowed 30-day period, DCS will release the information to the consumer reporting agencies.

(4) If the obligor contests the balance indicated in the notice the administrator will conduct an administrative review on the case and mail the results of the review to the

parties.

(5) Once the administrative review is complete, DCS will release the information to the consumer reporting agencies except as specified in section (12) of this rule.

(6) Parties may contest the administrator's review and determination as provided in ORS 183.484.

(7) If the obligee or child attending school, contests the balance in the notice, the obligee or child attending school, may initiate an arrears establishment request pursuant to OAR 137-055-3240.

(8) If a court or agency of appropriate jurisdiction determines the balance owing is other than previously reported, DCS will update the consumer reporting agencies with the court's or agency's findings within 10 days after receiving a copy of the final order.

(9) If at any time an obligor contacts DCS in writing to state that the information that has been reported to the consumer reporting agency is incorrect, the administrator must, within 30 days of receiving notification of the dispute:

(a) Provide notice to the consumer reporting agency and the parties that the information is being disputed;

(b) Conduct an administrative review of the case; and

(c) Provide the results of the review to the parties and the consumer reporting agency.

(10) Notwithstanding section (9), the administrator will not conduct an administrative review of the reported information more than once in any calendar year, unless an obligor presents new supporting documentation, to the administrator, that information reported to the consumer reporting agency is incorrect.

(11) When consumer reporting agencies ask DCS for information regarding the balance an obligor owes on a support case, DCS may provide available information after complying with the requirements of sections (1) through (8) of this rule. DCS will not charge the requesting agency a fee for this information.

(12) DCS may refer to the consumer reporting agencies, the name and support balance of all obligors who meet the criteria of sections (1) or (11) of this rule unless:

(a) The obligor pays the support balance in full;

(b) The obligor is found to not be the person who owes the child support balance indicated by the case record; or

(c) The administrator determines that the obligor is not delinquent in the payment of

support.

(13) When DCS has made a report to a consumer reporting agency under section (1) of this rule, DCS will promptly notify the consumer reporting agency when the case record shows that the obligor no longer owes past due support.

(14) If paternity has been established and a consumer report is needed for the purpose of establishing, modifying or enforcing a child support order, the administrator may request that a consumer reporting agency provide a report. At least 10 days prior to making a request for such report, the administrator must notify, by certified mail, the obligor or obligee whose report is requested that the report will be requested.

Stat. Auth.: ORS 180.345

Other Auth: 15 USC § 1681b

Stats. Implemented: ORS 25.650

Effective: April 1, 2008